

Sections Applicable to All Out-of-Home Care

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VIII. POLICY SPECIFIC SUBSECTIONS APPLICABLE TO ANY TYPE OF OUT-OF-HOME CARE

A Abandoned Children

Code of Alabama 1975, Section 22-9A-8, requires that an infant of unknown parentage be registered with the Bureau of Vital Statistics. When the County Department assumes the custody of a child of unknown parentage, a written report must be made immediately to the local registrar, County Health Department. The information in the report should include:

- The date and place of finding or assumption of custody;
- Sex, color or race and approximate age of the child;
- Name and address of the person or institution with whom the child has been placed for care; and
- Name given to the child by the finder or custodian.

The place where the child was found or where custody was assumed shall be known as the place of birth and the date of birth shall be determined by approximation. The report shall constitute the certificate of birth.

1. Safe Haven

Code of Alabama 1975 § 26-25-1, established the Safe Haven for newborns. The premise is to provide an “incentive” to a parent (who might otherwise “abandon” an infant into an inappropriate/life-threatening situation) to hand over the infant to those medical personnel most likely to have the ability to immediately provide care without fear of abandonment charges. In addition, the law provides inducements to healthcare providers to participate in the process.

An infant (child 45 days or younger) may be voluntarily handed over to an “emergency medical services provider” (defined as a licensed hospital which operates an emergency department; fire station provided that it is staffed 24 hours a day, seven days a week, 365 days a year with at least one emergency medical services personnel) or a baby safety device by either parent, provided that the parent did not express an intent to return for the infant) by either parent. Upon taking possession of the infant, the hospital shall take the necessary steps to protect the physical health and safety of the infant. This includes, but is not limited to, immediate physical examination and evaluation followed by any treatment (s) deemed necessary.

The Act specifically excludes the following from the definition of an emergency medical service provider: “the offices, clinics, surgeries, or treatment facilities of private physicians or dentists.” Further, no licensed individual healthcare provider (physician, dentist, nurse, PA, or other healthcare professional) is deemed an emergency medical services provider.

Licensed hospitals that do NOT operate an emergency department fall outside of the definition of an “emergency medical services provider,” but they fall within the

provision granting immunity from liability for voluntarily assuming responsibility. A parent seeking to hand over an infant to facilities without emergency provision granting immunity from liability for voluntarily assuming responsibility. A parent seeking to hand over an infant to facilities without emergency departments there must be a policy to establish a plan of action in which DHR is notified and coordinates the transport of the infant to the nearest facility with an emergency department.

Upon possession of an infant pursuant to this Act, the hospital should immediately contact local DHR. The Act states that a hospital is to contact DHR “no later than the close of the first business day after the date” of possession. DHR shall then assume the “care, control, and custody” of the infant. Additionally, these children will generally be eligible for Medicaid coverage upon DHR’s assumption.

This Act should provide an alternative for parents who might otherwise place an infant in circumstances leading to the infant’s death or a medical emergency. The eventual success will depend upon a strong working relationship between individual hospitals, local DHR, and the local district attorney.

FACTS captures the number of children entering care based on Safe Haven for Newborns legislation effective August 1, 2000. The reason for admission is Safe Haven for newborn babies up to 45 days old (as determined by medical personnel) who have been “voluntarily delivered” and left at an “emergency medical services provider” or a baby safety device following the birth of the baby.

Child welfare staff must make the distinction between admission reason Abandonment and Safe Haven for Newborns. Babies who are born in a hospital and left there by a parent, without good cause or excuse, will have an admission Abandonment. Abandonment is used in all situations that do not meet Safe Haven requirements.

Note: Immediately after assuming legal custody of an infant, the department shall contact the local law enforcement agency in the municipality or county where the infant was surrendered to determine whether the infant is a missing child in this state or in another state, and the law enforcement agency shall investigate whether the infant has been reported as missing.

B. Appointment of Guardian or Conservator for Foster Child

The Alabama Uniform Guardianship and Protective Proceedings Act, Act No. 87-590, does not change the Department’s responsibility for protective services for children but provides another legal alternative to assist the Department in that protection. It is anticipated that foster children may need appointment of a conservator only when the child has property or income such as an inheritance or an insurance settlement.

The Act established a “guardian” as being responsible for the person and, in certain situations; the guardian may be responsible for limited award of money and personal property and may also be responsible for the estate and affairs of a ward, if also appointed to act as a conservator. The Act designates a “conservator” as being responsible for the estate and affairs of a ward and any litigation over his property rights.

The judge of probate of the county in which a minor resides can receive a minor's money or personal property without the appointment of a guardian or conservator if the payments do not exceed \$5000 if paid in a single payment or \$3000 a year if paid in a series of payments. Payment to the probate judge may be an adequate option where payment of life insurance proceeds are involved. However, where money settlements are an issue or where other litigation will be needed to resolve the child's interest in property, a separate appointment of a conservator is advisable. In all other situations, a guardian or conservator may need to be appointed. An employee of the department cannot serve as either a guardian or conservator.

Each probate court has been charged with the duty to establish procedures for the appointment of guardians and conservators. As each court may vary some in the procedure and as it is anticipated that only a very limited number of foster children will need the appointment of a guardian or conservator, County Departments are asked to notify SDHR Family Services, Office of Foster Care, on a case-by-case basis prior to filing a petition in probate court for such an appointment. It is anticipated that the child's need will be primarily for a conservator to manage the child's property or estate and that a guardian will seldom if ever be needed for a child placed in foster care. The Consultant will contact the Office of Legal Services for specific instructions for retaining an attorney to file a petition.

C. Board Payment Use

Counties often need to know how the board payments are to be used to meet a child's needs. Board payments vary according to the age of a child and the core rate does not include difficulty-of-care payments. The maximum monthly core board payment should be used according to the following breakdown:

- Room and Board 85 %
- Clothing 7.5%
- Medicine Chest Supplies 2 %
- Incidentals 5.5%

These percentages are used as a guide and may vary according to a child's specific needs.

Note: Incidentals include purchases for a child such as school supplies, movie tickets, etc.

D. Child Support

The Department has a legal responsibility under most circumstances to secure support from parents whose children are in the custody and/or care of the Department. Based on Federal Law (Social Security Act S. 471(a)(17) all steps must be taken when appropriate to secure support on behalf of each child receiving board payments through Title IV-E funding. Based upon Alabama law, any petition filed by the Department of Human Resources for custody of a child shall contain a request for child support (Code of

Alabama, 1975 Section 12-15-71(i). In addition that section states,

“When a child is placed in the custody of the Department of Human Resources, Department of Mental Health or the Department of Youth Services and when the parents or guardians have resources for child support, the juvenile court shall order child support in conformity with the child support guidelines as set out in Rule 32, Alabama Rules of Judicial Administration.”

Code of Alabama, 1975 Section 38-10-31 and 38-10-32 gives authority to pursue support of any child in the custody and care of the Department. To receive these services a State agency representative (including family services worker) must make an application or send a IV-E referral through the local DHR child support unit. Any child support application fee will be waived where DHR or other State agency representatives apply for child support services. The family services worker shall apply for Child Support for children in the following circumstances:

- Children in DHR custody who receive a board payment through IV-E funding;
- Children in placement on an “Agreement for Foster Care” who receive a board payment through IV-E funding;
- Children in DHR custody who receive a board payment through ACFC funding;
- Children in placement on an “Agreement for Foster Care” who receive a board payment through ACFC funding except in situations where the child’s family is making contributions toward the board payment;
- Children in DHR custody whose board payment is made from their personal income, i.e., SSA, SSI, VA etc.;

1. Establishing Good Cause Not to Pursue Child Support

Although State law requires a request for child support to be included in all agency petitions seeking custody of a child, Federal regulations provide that IV-E clients may claim good cause not to cooperate with pursuit of support. It is the responsibility of the family services worker to explore those reasons for good cause with the family and determine if a referral to the child support (IV-D) unit is appropriate in IV-E cases.

Application for child support services or IV-E referral must be made unless:

- (a) The parents are deceased.
- (b) At least one of the following circumstances exists and proceeding with child support activities would be detrimental to the child for whom support is sought:

The child was conceived as a result of incest or forcible rape.

The parent(s) is/are currently being assisted by a public or licensed private social service agency to resolve the issue of whether to keep the child or relinquish the child for adoption, and the discussions have not gone on for more than three months.

- Parental responsibilities have been permanently terminated by previous action or a relinquishment has been accepted.
 - Legal proceedings for adoption of the child are pending before a court of competent jurisdiction.
- (c) Exemption from the cooperation requirement is based on a claim of emotional harm. A finding of good cause for emotional harm may only be based upon a demonstration of an emotional impairment that seriously affects the child, parent or other caretaker's functioning. When considering exemptions based in whole or in part upon the anticipation of emotional harm to the child, the parent, or the caretaker, the following factors will be considered:
- The present emotional state of the child, parent or other caretaker subject to emotional harm;
 - The emotional health history of the child, parent or other caretaker subject to emotional harm;
 - Intensity and probable duration of the emotional impairment;
 - The degree of cooperation to be required; and
 - The extent of involvement of the child in the paternity establishment or support enforcement activity to be undertaken.
- (d) Exemption from the cooperation requirement is based on a claim of physical harm. A claim of physical harm may be based on either actual or anticipated physical abuse to the parent, other caretaker and/or child that would result if cooperation is required. A claim of physical harm may be corroborated by medical records or other documentation.

If exemption from referral to child support is deemed appropriate, the rationale behind this decision must be documented in the narrative recording. If exemption is established after the case is referred to the child support unit, the family service worker is responsible for notifying the child support unit of the exemption and the reason for its being determined as soon as that decision is made. DHR-DFC-569 "Referral of Child Support for Children in Foster Care" may be used for this purpose.

Exemption from cooperation cannot be based on evidence of fixed minimal income available to the parent. The application of child support guidelines does exclude public assistance and SSI income calculations; however, a request for support must be included on petitions when income from means tested programs comprises the parents' only source of income. The court may be asked to reserve ruling in these cases when supported by the ISP.

2. Establishing the Support Obligation in DHR Foster Care Case

It is the responsibility of the service worker to include the following in all petitions for temporary custody:

- request for child support
- request for the court to set a child support hearing if the child is found to be dependent and the Department is awarded custody
- request for medical support
- request for wage withholding

The dependency petition should contain the request for support in all cases including those already having a child support order in place. The request for child support is included in all dependency petitions regardless of existing orders.

If there is a divorce decree ordering child support at the time the dependency petition is filed but the case is not known to the child support unit, the DHR family services worker should attempt to determine the provisions for support contained within the decree and provide that information to the court as soon as it is known. Should the child come into DHR's care and custody, a new child support case must be established, making the Department payee with support ordered from both parents.

It is also the service worker's responsibility to immediately apply for IV-D child support services for the child following all 72 hour hearings in which it has been found there is need for continued care for the child. While the Department does not prefer to address the support obligation amount at the 72 hour hearing, the court may combine the 72 hour hearing with the dependency and dispositional hearings, i.e., the court may hear and dispose of the Department's petition. When all information needed to calculate child support guidelines has not been gathered at the 72-hour hearing, the department's attorney should plea orally for a continuance of the support issue until all information is known. The oral request should establish a need for additional time for discovery of evidence to be presented during the child support hearing. This oral request should also be made in all hearings on dependency/custody petitions in which summary removal of a child has not taken place. In the event the court denies the request and proceeds with hearing the child support case; the DHR family service worker must provide whatever income information is available. As some petitions may be disposed of

at the 72-hour hearing, attorneys representing the Department in dependency/custody cases should have a working knowledge of child support matters.

Generally, a dispositional hearing is scheduled on the merits of the Department's petition following the finding of continued need for care (72-hour hearing). Although the Code does not specify a time frame, many courts schedule this hearing within 30 to 90 days. Referrals to the child support unit must be received 30 days prior to the scheduled hearing which will address the child support request in order for the IV-D worker to assume responsibility of the case. All cases (including those in which summary removal has not occurred) which are not referred 30 days prior to the scheduled hearing on the child support petition will be the responsibility of the service worker. In those situations, service staff should request assistance from child support staff in understanding procedures for working guidelines according to Rule 32 Alabama Rules of Judicial Administration should that assistance be needed.

Although the potential for support may be minimal, Federal and State statutes require that support be pursued from the parent(s) of the child placed in SDHR custody if parents do not meet good cause exemptions under IV-E guidelines. When a parent's sole income is derived from SSI or TANF, the DHR attorney may advise the court that the agency does not choose to pursue the matter and ask that the court hold the request for support in abeyance until the petitioner further notifies the court. The attorney and social worker should be prepared to explain to the judge the reason for the request (i.e. no resource to support, not in best interest of the child or the effort to reunite the family, etc.).

a. Child Support in Voluntary Foster Care Placements

According to Code of Alabama, 1975 Section 38-10-31, the Department is assigned the right to support owed to or for a child if the Department is granted custody of the child and provides foster care, or if IV-E foster care payments are being made on behalf of the child. Additionally, because of Code of Alabama, 1975 Section 38-10-32, the Department may take action to assure that the parent(s) of a child in custody and "care" of the Department provide support. Therefore the Department may pursue support from parents whose children are voluntarily placed through an Agreement for Foster Care.

Custodial parent(s) making the placement through an Agreement for Foster Care should be made aware that he/she/they will be expected to contribute to meeting their child's needs, up to the amount of actual cost of care which they have the ability to pay. This amount is to be incorporated in the "Agreement for Foster Care" PSD-BFC-731. This amount is to be reassessed and included each time a new agreement is negotiated for the child's placement. (Refer to Section II, Placement of Children on Voluntary Placements)

Money contributed by parents toward meeting their child's needs while in care is to be used for the child's personal needs. Needs may be identified as health insurance coverage or incidentals.

In cases where there is a non-supporting, non-custodial parent, the parent making placement through an Agreement for Foster Care will be expected to cooperate in securing child support from the non-custodial parent except where good cause has been established in accordance with Section C, item number 1 of this policy. The family services worker should complete and sign "Application for Child Support Services" (DHR-CS 570) in order to refer the case to the child support unit.

Alabama's Uniform Parentage Act requires support payment determination be included as part of the order establishing paternity. A copy of that order should be transmitted to the family service worker once the child support unit receives it.

Medical support is an integral part of child support services and is required by Federal regulations. All petitions for child support in foster care cases must include a request for health insurance coverage for the child. Medical support must be included as part of all child support orders.

3. Child Support Referral Process

- (a) There is an electronic interface between the child support system (ALECS) and the Family Services' (FACTS) system. Therefore, when a child enters an out-of-home care placement, FACTS will generate a referral to the Child Support Unit in the county. For non-IV-E cases, the case worker must complete the Application for Child Support Services (DHR-CSD-570/DHRCSD-1491) and submit the original signed and notarized application to the child support unit.
- (b) When child support services are sought on an out-of-home case (IV-E and non-IV-E), the family services worker will send the following documents to the county child support unit:
 - 1. The current custody order, if applicable.
 - 2. Copies of all court orders and other documents relevant to an existing child support obligation.
 - 3. Copy of the birth certificate.

Federal Child Support Laws requires a signed application for all clients except those who are IV-E eligible. The Child Support Enforcement (CSE) has a three day time frame to begin processing the case. Without the signed application for

ACFC children, child support workers are not required to begin case management activities. This requirement is limited to only the application. It is the responsibility of the caseworker to enter all necessary information (parents DOB, SSN, etc.) on FACTS so that the necessary information is sent through the interface. The child support worker is responsible for the court process and documentation of the child support order in ALECS. This information will come from ALECS to FACTS when entered into ALECS by the child support worker. If the caseworker has knowledge of a previous support order or received an order of support at the emergency hearing, it is the service workers responsibility to make sure the child support worker has a copy of the order.

Child support forms are located on the DHR website, clicking on services, child support, apply for child support and then clicking the forms button.

4. Responsibilities of the Child Support Enforcement Staff

Following referral, the child support unit will be responsible for provisions of all services available, including necessary enforcement action and paternity and obligation establishment when paternity has not been previously established. The Child Support Unit is also responsible for pursuit of interest in these cases as in other cases.

If there is a preexisting child support order the child support worker is responsible for petitioning the court for a change in payee if that action is appropriate.

5. Responsibilities of the Family Services Staff

It is the responsibility of the Family Services worker to:

- a. Petition for child support (including medical support and wage withholding) in accordance with guidelines when petitioning for custody of a child unless a good cause exemption has been established. When an order already exists the court should be advised.
- b. Make referral and applications in accordance with policy, providing copies of all relevant court orders and legal documents with the child support referral.
- c. Report changes in placement, board rate, legal custody status and good cause exemption to the Child Support Unit. If there is a "good cause" not to pursue child support from one or both parents, enter this information on each parent in the "good cause" screen in FACTS. If "good cause" is entered when the child is initially entered into FACTS, a child support referral will not be made. If "good cause" is determined at a later time, enter thin into FACTS so that child support can be notified through the interface and child support activities can be terminated on the involved parent.

6. Collection of Child Support (Child welfare worker is not responsible for collecting money).

Code of Alabama, 1975 Section 12-15-71 (i) stipulates that child support be paid to the agency holding primary custody of the child. The law further requires collection through immediate income withholding. Income withholding laws direct support to be paid to the Alabama Child Support Payment Center.

7. Distribution of Child Support

Except for tax offset collections, collections are to be distributed as follows:

- a. Any amount paid on the current support obligation is retained by the State as reimbursement for the board payment made in that month.
- b. If the amount collected is more than the monthly board payment but not more than the monthly support obligation, the money should be used in the child's best interest. The money can be used to meet the child's immediate needs, set aside for child's future needs or used to purchase health insurance if the child is ineligible for Medicaid or All Kids.
- c. If the monthly support paid exceeds the monthly child support obligation, but does not exceed the total reimbursable money expended by the State for boarding care and for past TANF, the State may retain the excess over the child support obligation to reimburse itself. However, if past monies expended by the State on board or TANF are greater than the total child support obligation owed, to date, the maximum amount the State may retain for reimbursement is equal to the total amount of the support obligation owed.
- d. All money received in excess of the above should be used in the child's best interest. The money can be used in the child's best interest. The money can be used to meet the child's immediate needs, set aside for the child's future needs, or to purchase health insurance, if the child is ineligible for Medicaid or All Kids.
- e. Support collections may be applied to the future month's obligation only if all arrears owed the State, including TANF, and IV-E expended on behalf of the child are satisfied.

E. Children in Out-of-Home Care who are not United States Citizens

There are a growing number of immigrants residing in Alabama, both legal and illegal, and questions on how to serve this population are arising with increasing frequency.

Child welfare services can be provided to illegal immigrants. Federal regulations allow protective services to be provided without regard to a parent or child's citizenship.

Local funds are used to purchase goods or services for immigrants. Local funds may be used to secure services or goods for both legal and illegal immigrants in accordance with agency policy. Illegal immigrants are not eligible for means tested Federal Benefits, such as TANF, SSI or Food Stamps.

Illegal immigrants are not eligible for Medicaid. If a child in DHR custody is an illegal immigrant, medical bills must be paid from state funds.

There is no requirement to report illegal immigrants involved in child welfare cases to federal officials. However, Federal law does require that if an illegal alien applies for any federally funded, means tested benefit program (TANF, Food Stamps) we are required to notify the U.S. Citizenship and Immigration Services (Formerly the INS) and provide them with the applicant's name, address, and other identifying data.

Anyone born in the United States is an U.S. citizen, regardless of the status of the parents. The child is entitled to all the rights and benefits of any other U.S. citizen.

Under Federal law, if a child under five is found in the United States, there is a presumption that he or she is a citizen, unless there is proof the child was born in another country.

The following procedures should be followed if an immigrant child is placed in DHR custody. International law requires that the consulate or embassy of the home country be notified that one of their citizens has been placed in DHR custody. Most countries have a consulate or embassy in the U.S. The consulate can assist in obtaining a home study of parents or relatives in another country and help locate birth records and other documents. These cases do not go through ICPC. The county worker should contact directory assistance in Atlanta, New Orleans, or Washington, D.C. and request the address and telephone number of that nation's consulate and make direct contact. The U.S. State Department also maintains a web site listing all accredited foreign consulates at www.state.gov/s/cpr/rls/fco. It is important to alert the Consulate about the status of one of their citizens as soon as possible.

An illegal immigrant in DHR custody may be granted legal residency status through the Special Immigrant Juvenile Status process. Federal Regulations provide a special immigrant status for foster children. To qualify for this status, a judge must have adjudicated the child dependent and found that reunification or relative placement is not in the child's best interest. A petition (I-360) with a certified copy of the birth certificate and court orders must be filed with the Bureau of Citizenship and Immigration Services (formerly INS), Atlanta District Office. (See www.INS.gov for information and forms.)

Interpretation resources are available for families that are not familiar with English. The Department has contracted with Language Line Services, LLC, to provide telephone interpreter services to facilitate client access to department services and to assist workers in interviewing and gathering information. Language Line Services provides 24 hours a day 7 days a week for over 140 different languages. This service is not intended to replace current local resources that provide interpreter services at no charge or for a nominal fee. The language Line Service is to be used when an interpreter is needed to provide services to an individual or household and you have no available resource or in emergencies when

there is not sufficient time to arrange local resources. The department has been assigned the Client ID number 515019. This number must be used in conjunction with the program access code when calling.

Forms, pamphlets, and other written material are available to clients in a language they can read. It is crucial for families to receive ISP documents and other materials in a language they can read. Translation software has been purchased by the state. It is maintained in the Office of Communication. The software has the capability to translate a number of major languages. Unfortunately the software will not translate the local dialects spoken by some immigrants

F. Dual Foster Care and Day Care Services Limitations

If a situation warrants it, the County Department may allow an approved foster family home to also be licensed as a family day care home. The total number of children (foster children and day care children) for whom care can be provided cannot exceed six. The reason for the dual approval/license is to be documented in the provider record. Approval for such an arrangement is to be based on a thorough evaluation of the effect of this dual care on the children.

Foster parenting is not in itself an occupation or a job for which one can be reimbursed. If a person chooses to become a foster parent, it is with the understanding that the household income from other sources is sufficient to meet the family's needs. It is a violation of policy to pay a board payment and a day care payment for the same children to the foster parent to supplement the foster parent's income, even in cases where the foster parent is also a licensed day care provider.

Policy allows for a person to be self-employed as a day care provider in addition to his/her role as a foster parent. This requires the day care provider; however, to consider how he/she wishes to use the approved slots allowed in the licensing. The provider may receive only a board payment for a child in foster care and only a day care payment for child (ren) coming to the home for the purpose of day care. The provider may not receive both payments for the same child.

County departments should contact the Office of Permanency if they have questions regarding dual approval.

G. Homes Providing Foster Care for Children and Foster Care for Adults

There will be occasions where foster care will need to continue for a client who reached the age of twenty-one (21) years while in the temporary or permanent legal custody of the Department. In this situation, a foster family home maybe considered for dual approval for children and adults. The foster family home study contains much of the information usually obtained during an adult foster home study. However, the foster home study. However, the foster family home provider must complete DHR-ASD-663, Application to Provide Foster Care for Adults, and the Minimum Standards for Foster Home for Adults, must be reviewed. A DHR-ASD-665, Approval to Provide Foster Care for Adults, should be issued only after the worker's assessment and evaluation reveals that the home conforms to adult foster home standards and regulations. Should the foster home continue to be

approved as a Foster Family Home, the approval for adult foster care shall be limited to the one adult client who has reached age 21. For further information regarding adult foster care, please refer to the *Adult Services Manual*.

Any other circumstances where dual approval is being considered requires concurrence by SDHR Office of Permanency and SDHR Adult Protective Services.

H. Foster Care Trust Fund (FCTF)

Code of Alabama § 38-10-50 through § 38-10-53 enables the Department to solicit and disburse donations collected for children in the temporary or permanent of the agency. Trust Fund money may be used to meet specific needs of individual children that cannot be met by private or local funds, board payment, or ILP funds. The individual needs of the child for an item or service must be identified through the ISP process and should be the basis for the request. Such needs may relate to education, development of artistic or athletic abilities or special occasion activities/items and assistance with preparation for independent living. ILP funds should be explored prior to requesting FCTF.

Limitations

- FCTF cannot be used to purchase equipment or items valued at \$500.00 or more (i.e., musical instruments, etc.). County offices are encouraged to seek out lease arrangements for such items.
- FCTF cannot be used to pay for medical and dental services.
- FCTF cannot be used to reimburse expenses already incurred.
- FCTF will not replace local efforts by County Departments to secure funds from the community for local disbursements towards clothing, Christmas, foster parent appreciation events, etc. The County worker completing the request form shall provide documentation of efforts to obtain other funds to pay for the item/service being requested. This includes a listing of all other outside sources contacted (businesses, churches, civic groups, social service agencies, etc.).

Application Process

- Funding requests are made to SDHR –Office of Recruitment and Home Care Support on the form, “Request for Foster Care Trust Funds” (see forms section). In order for the application to be processed, any brochure, flier, estimate, or other description of the activity/item, etc. must be attached to the application as indicated on the form.
- Prior approval by the Office of Recruitment and Home Care Support for the use of FCTF is required. The service/need must be identified in the ISP. A copy of the child’s ISP incorporating the need shall be submitted as an attachment to the Request for Foster Care Trust Funds.
- Approval of a funding request is conditioned upon a sufficient balance in the Trust Fund account. Regarding request for funds for activities or trips in excess of \$500.00 requires a review panel and disposition. The review panel consist of:

- Program Manager, Office of Recruitment and Home Care Support;
- Foster Care Consultant serving as Coordinator of the FCTF; and
- Representative from State Foster Parent Association.

Generating Payment

The Office of Recruitment and Home Care Support will notify the County in writing of the disposition of their request. The Office of Recruitment and Home Care Support will also generate the disbursement request for the SDHR Finance Division. Payment to the County Department of approved request is processed by the Finance Division and takes two to three weeks. Payment is not to be made for the requested item or service until approval is obtained and a check is received from SDHR.

Deposit the State DHR warrant into the local funds checking account and record as “Public Earmarked” funds. Your local Finance Officer should set up a new subsidiary ledger account (if this account is not already set up) entitled “Foster Care Trust Fund/SDHR (with account number SW295000). All disbursements should be charged to the appropriate object codes as listed in memo dated July 26, 2000 from the Office of Audit. All expenditures must be made in accordance with Local Funds policies found in the *Administrative Policies and Procedures Manual*, Chapter 20, dated 10/01/04. A copy of the approved Request for Foster Care Trust Funds form should be attached to the disbursement authorization. A copy of the form is to be maintained in the case record.

Any unused funds must be returned to the Office of Recruitment and Home Care Support with a reference to the case for which it was approved. The money will then be returned to the Foster Care Trust Fund.

I. Reports of Abuse and Neglect on Children in Out-of-Home Care

There will be occasions when reports are received alleging abuse and neglect on children in out-of-home care and a CAN report must be completed. Child Welfare staff must refer to *Child Protective Services Policies and Procedures*, Out-of-home Protocol section and follow policy set forth in Child Protective Services Policies and Procedures.

J. Runaway/Missing/Sex Trafficking Children

1. Introduction

The Preventing Sex Trafficking and Strengthening Families Act, Public Law (P.L. 113-183, amends the title IV-E foster care program to require States to report each missing or abducted foster child to law enforcement and to the National Center for Missing & Exploited Children (NCMEC) within twenty-four hours of the child missing.

In addition to Public Law 113-183, Preventing Sex Trafficking and Strengthening Families Act, P.L. 117-348 requires agencies to report immediately to law enforcement and National Crime Information Center database and to the National Center for Missing and Exploited Children. It also authorizes and amends the

Trafficking Victims Protection Act to include additional communication and details when title IV-E agencies report missing or abducted children to law enforcement and the National Center for Missing Children and Exploited Children.

This law requires any child or youth in foster including those foster care cases of children placed in their own home, related foster care, foster homes serving as maternity homes, therapeutic foster care, provisional foster care, childcare institutions, group homes, residential homes, transitional and independent living placements, etc. who is suspected of being sex trafficked or runaway/missing to be reported to law enforcement and NCMEC.

The worker will provide biographical information and photographs to law enforcement and NCMEC including the child's physical features such as height, weight, sex, ethnicity, race, hair/eye color, piercings, tattoos, cars, and clothes worn. In addition, the child's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked and any other health risk factors, if known. The date and time the child ran or left home as well as any other helpful information that will assist in locating the runaway/missing child. Other information to provide may include possible method of travel (e.g., car, public transportation, on foot, etc.), type of missing occurrence (runaway, family abduction, non-family abduction, etc.), and any suspected destinations. Workers shall maintain, as needed, regular contact with NCMEC and local law enforcement. NCMEC also requires the completion of a MOU/waiver in order to place your youth on their list. This must be completed and sent to NCMEC along with the information listed above. An increased awareness is now being focused on the plight of runaway and missing children in the child welfare system. Child welfare has a huge role in the development of policies and procedures for identifying, documenting in agency records, and determining the appropriate services with respect to any child or youth over whom the state agency has custody/planning responsibility, to include runaways who the state has reasonable cause to believe are, or are at risk of being victims of sex trafficking.

A runaway child must be located, assessed for human trafficking, and provided services that meet the needs of the child, including addressing any trauma that may have occurred during the runaway episode or abduction.

2. Applicable Laws

Preventing Sex Trafficking and Strengthening Families Act, P.L.113-183 (H.R. 4980) Code of Alabama – §13A-6-152, Human Trafficking in the First-Degree Code of Alabama - § 13A-6-153, Human Trafficking in the Second Degree - Preventing Sex Trafficking and Strengthening Families Act, P.L. 117-348.

3. Definitions

- a. Child: "Minor" under the age of nineteen (19).

- b. Runaway Child (H.R. 4980): A child who willfully leaves the residence of a parent or guardian without the permission of the parent, caregiver, or guardian.
- c. Missing Child: A child whose whereabouts are unknown to the out-of-home care provider, the circumstances of whose absence indicated that the child did not voluntarily leave the care and control of the out-of-home care provider and the taking of the child was not authorized.
- d. Commercial Sexual Exploitation of Children (Sex Trafficking): Recruiting, harboring, transporting, providing, or obtaining of a person for the purpose of a commercial sex act when such an act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained nineteen (19) years of age. Any sexually exploited child under the age of nineteen (19) is considered a victim of sex trafficking, even if there is no force, fraud or coercion. Victims can be foreign nationals, U.S. citizens, males, females, family members, intimate partners, acquaintances, or strangers.
- e. Human Trafficking: The trade in humans, most commonly for the purpose of sexual slavery, forced labor or commercial sexual exploitation for the traffickers or others.

4. Basic Facts on Runaway/Missing/Sex Trafficking Children

A foster child is under the care and custody of DHR and responsibility therefore lies with DHR staff and resource providers to ensure their safety and well-being to the best of their ability. **For general purposes, a foster child is considered to be missing or on runaway status when their physical whereabouts are unknown.**

Children in foster care run away for a variety of reasons. The most significant reasons include but are not limited to the following:

- *a search for safety, independence, and the least restrictive placement;*
- *various conflict with the caregiver, including abuse and neglect cause youth to escape an unpleasant situation;*
- *peer pressure (i.e., encouraged by others to accompany them) ;*
and
- *desire to see family and friends.*

Children who run away or are missing from the foster care system are particularly vulnerable and at increased risk for exploitation and trauma as they must meet their own needs in ways that may be unsafe. Certain populations are especially vulnerable to human/sex trafficking. These include undocumented immigrants, youth in foster care, runaway and homeless youth, victims of abuse and neglect, refugees fleeing social or political conflict or oppression, lesbian, gay, bi-sexual, transgender and questioning (LGBTQ) and impoverished groups and individuals.

Runaway youth lack a strong supportive network and often run away to unfamiliar environments. Runaways are particularly susceptible to becoming victims of sex trafficking. Traffickers target those who have an unstable life, have been abused, neglected or exploited already. Most sex trafficking victims are young women between the ages of 14 and 17 who often run away, or children in foster care residing in foster homes, group homes, shelters, transitional and independent living homes. They are often approached by traffickers at transportation hubs, shelters or other public spaces.

It is rare for child victims of human/sex trafficking to identify themselves as being trafficked. More often than not, victims will present to DHR or law enforcement due to another form of abuse, neglect or abandonment.

5. Prevention

Steps should be taken to prevent the abduction or runaway of a foster child. Examples of steps to prevent the abduction or runaway of a foster child may include, but are not limited to the following:

- Maintain oversight of program and practice to ensure agency compliance with policies concerning case contacts, reviews and hearings.
- Maintain current photographs of foster children in the case record. Assure supervisory review and staffing of all foster care cases on a regular schedule.
- Strictly enforce requirements regarding the frequency of direct contact with foster children.
- Be alert to changes in the child's behavior, emotional and physical status, such as school problems, drug usage, depression, withdrawal and agitation.
- Recruit and support foster homes in communities from which foster children come into care.
- Utilize Individualized Service Planning Team (ISP) meetings to facilitate community service provision and collaboration to meet individual needs.
- Maintain communication with foster parents, group home staff, providers and GALs so that information is shared on a timely basis.

6. DHR And Provider Role in Reporting Runaway/Missing/Sex Trafficking Children

When a child is missing or has run away from their placement, available resource should be utilized to assist in locating the child as quickly as possible. A coordinated response by Department of Human Resources (CPS, Foster Care), Law Enforcement, Schools, Attorneys, and Courts should be used when dealing with runaway/missing children. The following guidelines are to help caseworkers incorporate best practice in working with runaway/missing children.

Efforts should be made to locate and safely return all runaway children in the custody of the department. The following guidelines should be implemented:

- The provider will verbally notify local law enforcement immediately when a child (ren) runs away/missing from his/her care.
- The provider will provide biographical information and photographs (i.e., description of the child, race, height, weight, tattoos, piercings, scars, clothing) and the time the child (ren) ran.
- Immediately after notifying local law enforcement, the provider will notify the DHR worker.
- DHR worker must follow up with local law enforcement 24 hours after being notified by the provider.
- Within 24 hours of notification that a child is missing/runaway, the Department must notify the primary caretaker before entering care.
- The Department will notify any stakeholders (the court of jurisdiction, the GAL, probation officer, counselors, pastor, school, etc.) within three days and determine if a meeting is needed.
- The Department will complete a Child Protective Services Alert (DFC-FCS-1597) on all runaways within 24 hours. This alert will be submitted to all counties in Alabama also Family Services Office of Child Welfare Consultation. In addition to the alert, the DHR worker will submit a Memorandum to all county directors via email or mail. If the worker has information that the child has run to another state, the Child Protective Services Alert will be forwarded to the state to which the child has run by State ICPC unit.
- The DHR worker should maintain bi-weekly contact with birth parents/relatives as determined in the ISP regarding the status of the child's location.
- Document in FACTS all collaboration with law enforcement, GALs, family members and other appropriate persons regarding the agency's continuing efforts to locate the child.
- Contact law enforcement, the guardian ad litem, the court, and the parents, when the child is located.
- When the child is located, the DHR worker will convene an ISP with the stakeholders within three days to formulate a suitable plan for the child (ren) ensuring the best possible outcome.

Forms referenced above are located in the Child Protective Services Policy and Procedures and the Interstate/Intercountry Services to Children Policy and Procedures.

Note: For missing children (see definition), law enforcement will determine if the case meets the criteria for activating an AMBER (America's Missing Broadcast Emergency Response) alert. Law enforcement will issue an Amber alert when it determines the following:

- Law enforcement confirms a child has been abducted,
- Law enforcement believes the circumstances surrounding the abduction to indicate that the child is in danger of serious bodily harm or death, and
- There is enough descriptive information about the child, abductor, and/or suspect's vehicle to believe an immediate broadcast alert will help.

7. Return of Runaway/Missing/Sex Trafficking Child to Care

When a runaway/missing child returns to out-of-home care, a caseworker worker **must** notify the following parties as soon as possible, but no later than 24 hours from the time the child returned to care.

- the primary caretaker before entering care and
- appropriate law enforcement official.

The GAL, the court and probation officer, if applicable, should be notified the next business day.

A caseworker, must interview the child to determine:

- the reason why the child ran away or was absent from care;
- to the extent possible and appropriate address those factors in current and subsequent placements; and
- the child's experiences while absent, including screening to determine if the child was a sex or labor trafficking victim.

If the child indicates or reports he or she was a victim of any crime, the caseworker must report the information to law enforcement immediately, but no later than 24 hours.

Note: Refer to *Child Protective Services Policy* Section Special CAN Procedures for policy on children in In-home cases and cases involving investigations.

K. Transitioning Children Into Adulthood

1. Long Range Planning for Children with Disabilities

The Department has planning responsibility for a number of severely disabled children residing in nursing homes and other residential or foster care facilities. SDHR's Family Services, in exceptional cases, approves limited payments to meet special needs such as medicines, laundry fees, etc., not covered by other resources. Payment of these expenses can be authorized as long as the child is

under the age of majority (21) and the Department has planning responsibility for him.

Once the child reaches the age of majority, however, he/she must be in residence at a facility at no cost to the Department. This means that the County department must begin planning toward this end well in advance of the child's 21st birthday. As planning proceeds, the following guidelines are to be adhered to in effecting an orderly transfer of such cases from Family Services staff to Adult Services staff:

- At the time of the child's 18th birthday, the Family Services worker shall begin planning for the child in a residential care setting where there is no cost to the Department of Human Resources.
- The Family Services worker will prepare a case summary for Adult Services or the appropriate agency and a recommendation on each case to be considered for transfer.
- Six months prior to the child's 21st birthday a joint meeting will be held between the Family Services Supervisor and worker and the Adult Services Supervisor and the worker.
- Worker to ensure joint planning. Agreement is reached on a plan, which will go into effect prior to the 21st birthday.
- The case will be transferred to the Adult Services unit when the narrative recording and forms are current and the child's 21st birthday.

2. Transfer of Family Services Cases of Children with Disabilities To Adult Services At the Age of Majority

a. Referrals to DHR's Adult Protective Services (APS) Program:

Youth appropriate for referral to DHR's APS Program are those who are believed to meet the definition of an adult in need of protective services. Referrals are generally appropriate only when there is a need for on-going foster care or there is evidence of suspected abuse/neglect/exploitation (A/N/E).

The APS Program offers foster care, day care, and homemaker services; abuse/neglect/exploitation investigation and case management services; mental health diagnosis and evaluation, mental health counseling, emergency shelter, and targeted case management services. Limited payments to nursing homes are also available. The APS worker can assist the child and family planning team with determining if the youth meets the APS Program's criteria and a referral is appropriate.

Referrals to DHR's APS Program shall be made no later than nine (9) months prior to the anticipated date of discharge. The following information and documentation, at a minimum, shall be included with an:

- APS referral:
- APS referral form (see forms section)

- Copy of the most recent ISP
- Copies of medical/psychological evaluations completed within the last two years
- Copy of the narrative recording for the last twelve months; and
- A social summary noting historical information which impacts placement or decisions related to case planning.

NOTE: A DHR-ASD-798, Report of Adult Suspected A/N/E, may be completed if needed.

APS Program staff will contact Family Services staff to schedule a case conference within thirty (30) days of the referral date to plan the administrative transfer of a youth's case to the APS program. The assigned social workers and their respective supervisors will attend the conference. If service planning and delivery issues are identified during the conference, child welfare staff shall schedule an ISP meeting to address resolution.

3. Smooth Transitions

This policy provides guidelines and procedures related to the development of systematic, comprehensive plans to facilitate smooth transitions into adulthood for all youth who will age out of the system of care.

a. Legal Basis

This policy has been developed to comply with Alabama Child Welfare practice:

Alabama Child Welfare practice shall promote smooth transitions for children to adult service systems and/or independent living when children "age out" of the system. The individualized service plans of children who are expected to "age out" of the system shall provide for such transitions.

It also addresses specific provisions of the Consolidated Omnibus Reconciliation Act of 1985 (COBRA, P. L. 99-272) and the Foster Care Independence Act of 1999 (Chaffee Act, P. L. 106-169).

b. Guidelines and Procedures

Successful achievement of a smooth transition into adulthood encompasses preparing youth to live independently and/or facilitating their transition into adult service systems. To enable youth to achieve this goal, they must be provided appropriate services and linked with resources that assist them to develop the following key components of competent adulthood:

- competence and mastery of a range of tangible and intangible skills;

- satisfying and mutually gratifying relationships with family and relevant others;
- ability to nurture their own children; responsibility for their sexuality;
- contribution to, and participation in, their community;
- making essential connections; and
- positive sense of self.

c. Transitional Planning

Appropriate transitional planning should occur for all youth by using the individualized service planning process to develop and implement a systematic, comprehensive plan to prepare youth for the transition into adulthood. The individualized service plan (ISP) serves as the guide for the steps toward transition planning and shall identify the specific steps and services designed to facilitate this transition. In coordination with the ISP, caseworkers will use a state approved transition plan that is connected to a skill framework and skill assessment. Caseworkers can begin development of the transition plan for youth with a permanency goal of APPLA as early as the age of 16 years. Utilization of this plan is mandatory for youth 17 years of age and older regardless of their permanency plan. The plan should be reviewed monthly during caseworker visits with youth and developed ongoing at the direction and involvement of the youth in accord with the ISP.

Sufficient time is needed to prepare youth for adulthood, and the needed amount of time will vary according to individual situations. Individual situations can range from those where youth will be able to develop the capacity for living independently to those where youth will need a continued support network because of on-going needs.

On-going needs may result from physical or mental illness, developmental disabilities, or other disabling conditions that continue into adulthood. Youth with ongoing needs are appropriate for transition into adult service systems when they need assistance to safely care for themselves without serious consequences to themselves or others. Resources and entitlements provided by the Individuals With Disabilities Education Act (P. L. 94-142) SHALL be accessed for these youth. The IDEA and related law/regulations require that a child who turns age twenty one (21) during a school year is entitled to receive special education services for the remainder of that school year.

Factors to consider during transitional planning include, but are not limited to, a youth's:

- permanency goal;
- current level of functioning;

- capacity to improve that level of functioning; and needed life skills, services (e.g., vocational, rehabilitative, Independent Living Program) or resources to be developed or enhanced to accomplish a smooth transition.

d. Youth Assessments

Assessments that measure skill development functional levels provide the foundation for determining the services needed to maximize adult functioning. These assessments must be conducted well before the anticipated time for aging out of the system, and for some children, waiting until age fourteen (14) may be too late to facilitate and support adequate skills development. As decisions are made about when the assessment will be conducted, careful consideration must be given to a child's age, developmental capacity, and overall needs related to attaining the permanency goal.

All youth's current level of functioning as it relates to life skills development shall be assessed as soon as the need is indicated, but no later than the fourteenth (14th) birthday.

The initial tool will be deemed a state approved assessment and shall determine: current level of skill functioning;

- are youth aware, learning or doing the skill;
- steps to strengthened skills and;
- what are the current priorities and services needed; and
- Identification of needed skill development should be an ongoing process to facilitate maximum functioning as an adult, and to become a stable, gainfully employed adult whenever possible.

DHR Adult Protective Services staff are available to serve in an advisory capacity to the child and family planning team during the assessment process, and shall be accessed as needed.

4. Individualized Service Plans (ISPs)

Goals and steps to address needs identified during the assessment process shall be included in all ISPs no later than the youth's fourteenth (14th) birthday. The ISP shall address, at a minimum, the following areas related to transitional planning:

- physical, emotional, educational, and employment/vocational needs;
- life skills acquisition;

- methods for increasing the youth's responsibility and involvement in decision-making; relationships/connections with family members and relevant others (e.g., mentors);
- opportunities for social interaction;
- opportunities for involvement in school/community activities; and
- methods and team members responsible for evaluating the ISP's effectiveness.

5. Discharge From The System of Care

Discharge from the system of care is defined as the point in time when youth are no longer in DHR care, custody/planning responsibility, or supervision. It also encompasses situations where youth graduate the system of care.

Exit from the system of care occurs on a youth's nineteenth (19th) or twenty first (21st) birthday. These ages are based on Code of Alabama provisions related to the age of majority and juvenile court jurisdiction, respectively. Youth age out of the system at 19 when they are receiving on-going protective services in their own homes without a current court order in effect. All youth, without exception, exit care on their twenty-first (21st) birthday.

Discharge from the system of care is appropriate when youth have achieved and maintained their permanency goal for a minimum of three (3) months, and the child and family planning team has determined that:

- the youth's living situation is safe and stable;
- the youth is free of identifiable risks of harm;
- the youth is prepared to handle a crisis situation should one arise;
- the youth or youth's caregiver has the knowledge, skills, abilities, and appropriate supports to function without departmental intervention; and
- the youth has adequate supports in place.

6. Discharge Planning

The purpose of discharge planning is to identify and begin implementing steps to successfully finalize a youth's discharge from the system of care based on the established permanency goal. Consideration shall be given to how the current plan will evolve into a long-term plan for a safe, stable and permanent living arrangement in the least restrictive environment. Placement in the permanent living situation shall occur within a timeframe that allows at least three (3) months of post foster care supervision from the time the child is physically placed in their planned permanent placement.

Areas to address include, but are not limited to, identification of: a safe, stable living arrangement;

- a source of income (e.g., employment, SSI) and anticipated budget to meet expenses;
- how the income and resources will be managed; and
- a caregiver responsible for on-going support and care, when needed.

Discharge planning shall begin no later than twelve (12) months prior to the anticipated date that youth will be discharged from the system of care. When it is anticipated that youth will need on-going supports and services, a DHR Adult Protective Services worker shall participate as a member of the child and family planning team as discharge planning is initiated. When a caregiver is needed for youth beyond age twenty-one (21), that individual shall also be invited and supported to participate (if not already involved) as a member of the child and family planning team.

The ISP will include, at a minimum, steps to address the following:

- identified needs (e.g., physical, emotional, educational, vocational);
- establishing and/or maintaining contact with family, friends and relevant others (e.g., mentors);
- finalization of legal arrangements to provide a responsible caregiver (e.g., guardian, conservator) when needed; and
- establishing and/or maintaining linkages to appropriate federal, state, and community resources.

7. Post Foster Care Supervision

All youth shall receive post foster care supervision services for a minimum of three (3) months after the time that the child is physically placed into their anticipated permanent living arrangement. The purpose of post foster care supervision is to monitor and evaluate the living situation into which youth have moved, and to provide supports and services to facilitate successful achievement of a permanent living arrangement. Monthly face-to-face contacts, at a minimum, shall continue to be made by child welfare staff. The child and family planning team shall continue to work in partnership to authorize and deliver needed services, monitor and evaluate implementation, and revise the ISP as needed.

Post foster care supervision services shall be terminated when:

- Discharge from the system of care is appropriate;
- Youth are transitioned to DHR's Adult Protective Services Program;
or

- Youth have reached age twenty-one (21).

Note: IL services may be extended for up to six (6) months for youth who emancipated from care within 30 days of their 21st birthday, provided the services are documented in their closing ISP.

8. The Departments Relief of Custody Requests

As discharge planning proceeds for youth who are approaching emancipation from care, a request should be made for the Department to be relieved of custody, motions and court reports for youth placed in foster care pursuant to a court order entered prior to the youth's 21st birthday. All youth should be removed from custody of DHR by their 21st birthday. For occasions when youth are emancipated well before they turn 21, a request should be made for the court case to be placed on the court's administrative docket until the youth's twenty first (21st) birthday. This will allow the juvenile court to retain jurisdiction in the event there is a need for the youth to reenter foster care, thereby providing a legal avenue for conducting the permanency hearing. This procedure is not necessary for youth who will enter adult foster care since the Probate Court holds jurisdiction.

NOTE: If the request to place the youth's case on the administrative docket is not made or is denied by the court, DHR remains responsible for complying with reentering the system following the 18th birthday.

9. Discharge Procedures

The following documents and information, at a minimum, shall be provided to all youth and/or their responsible caregivers at the ISP meeting that is held within thirty (30) days prior to case closure.

- A copy of *Rights of Parents and Children*;
- Explanation of the *Rights* in language they can understand;
- Explanation about referrals made and services available from various federal, state, and community agencies), and that services previously authorized through the ISP are no longer available following case closure;
- Written information on reentering the system of care until age twenty-one (21); and
- Name(s) and telephone number (s) for contacting DHR and the agency's after-hours emergency telephone number.

In addition, the following documents shall be provided to youth, at no cost to the youth, who are leaving foster care at the age of 18 or older. Children who have been in foster care less than six months are exempt from this requirement.

- Social Security card (original);
- United States birth certificate (original);

- Lifebook;
- Medical records;
- School records;
- Health insurance information;
- Driver's License or equivalent State-issued identification card; and
- Official documentation that proves that the child was previously in foster care.

Provision of the above-referenced documents and information shall be documented in the youth's case record by completion of the Discharge Documents and Information Verification Form (see Forms and Instructions).

10. Reentering the System Following the 18th Birthday

a. General Guidelines

This policy section describes the provision of a safety net for youth ages eighteen (18) through twenty (20) who were in out-of-home care and need assistance to reestablish and maintain safety, stability, and overall well-being. A youth may request re-entry into care provided that youth was in out of home care at age 18.

In these situations, child welfare staff shall schedule a conference to assess the youth's needs and make a decision regarding service planning and delivery. Conference participants shall include, at a minimum, the following individuals:

- The youth
- Any individual (e.g., advocate, mentor) requested by the youth;
- An Independent Living Program or Family Options worker or supervisor;
- An Adult Protective Services worker or supervisor; and
- The child welfare worker with the most knowledge about the youth's situation (i.e., the youth's most recent worker or the worker receiving the youth's request).

Consideration shall be given to whether:

- The youth meets the definition of an adult in need of protective services and a referral to DHR's Adult Protective Services Program is indicated;
- The youth can be more appropriately served by another State agency, a referral to that agency is indicated or has been made, and the youth will be or
- is being served by that agency. The youth's situation can be stabilized through the provision of post foster care supervision service; or
- The youth can only be served by reentering foster care (for children).

When child welfare services are needed, the child and family planning team shall be convened to develop an ISP to address the needs and reduce or eliminate the risk of harm. If the youth need to reenter foster care immediately and it is not possible to convene the child and family planning team prior to reentry, an ISP meeting shall be held within seventy (72) hours per *Individualized Service Plans* policy.

Youth who request assistance just prior to or following their twenty first (21st) birthday and are no longer eligible or appropriate for child welfare services, shall be referred to state and community resources that can assist with their needs. Prior foster youth who emancipated from care after their eighteenth (18th) birthday may also be referred to available resources that offer Independent Living services.

A youth's reentry into foster care may be authorized through DHR's resumption of legal custody if the case remained open on the court's administrative docket, or it may be authorized through completion of an Agreement For Foster Care (DHR-DFC-731). The following information provides guidance regarding who shall sign

the Agreement for Foster Care when youth ages eighteen (18) through twenty (20) needs to reenter foster care.

b. Authority to Place 18/19 year old

Eighteen (18) Year Olds:

Eighteen (18) year olds shall have a parent's or legal custodian's signature on the Agreement For Foster Care; or

Eighteen (18) year olds may sign their own agreement when:

- the parent/legal custodian is unavailable;
- the parent/legal custodian does not object to the placement, but refuses to sign the agreement; or
- the youth has been emancipated.

NOTE: If the parent/legal custodian refuses to sign the agreement and objects to the youth reentering care, contact SDHR Legal Division for further instruction.

Regardless of who signs the agreement, written confirmation (e.g., a letter with copy of Agreement For Foster Care attached) of an eighteen (18) year old youth's reentry into care shall be provided to the parent(s)/legal custodian unless the youth has been emancipated.

Nineteen (19) and Twenty (20) Year Olds:

Nineteen (19) and twenty (20) year olds may sign their own agreement to reenter care.

L. Visiting Resource

A visiting resource is a family/individual committed to providing care on a voluntary bases, to a child placed in out-of-home care on a short-term basis (not to exceed 15 days). The visiting resource must have a prior relationship with the child but is not approved as a foster home. A visiting resource provides a safe, consistent, enjoyable relationship with a child. Visiting resources are used when foster parents need a vacation, hospitalization, or some residential placements require children to have a visiting resource during holidays.

Department employees may be approved as a visiting resource in a county other than the county in which they are employed. DHR employees are barred from being a visiting resource for their county of employment due to interacting with the Department with which they are employed.

The County Department has the responsibility to evaluate and approve the home as an appropriate visiting resource. Prospective visiting resources are not required to complete a foster family home application or other forms associated with the foster family approval including fingerprinting. However, all prospective visiting

resources must be cleared through the Central Registry. The County Department must assess the foster child's relationship with the proposed visiting resource and the person's willingness to provide care for the child for a short time. The worker must determine that the home meets the safety standards outlined in the Minimum Standards for Foster Family Homes and that there is appropriate sleeping space for the child. All household members of the prospective visiting resource family shall be interviewed and three personal references contacted.

The County Department must establish a case file on the visiting resource, complete fact sheet, and dictate the home evaluation indicating whether the resource is approved. The form, Evaluation of Unrelated Visitation Resource for Foster Child, must also be completed. (See forms section)

A visiting resource is not to be interpreted as a temporary shelter resource for a child entering foster care nor as a temporary shelter for a child being moved from one foster care resource to another.

There are times when a foster child wishes to visit overnight with a friend. In this situation, an evaluation by the Department is not necessary. The foster parents should assess the suitability of the family as an overnight resource for the foster child as they would their own child.

There will be no change in the board payment or change in placement on FACTS during the visit with the visiting resource. Board payments are not traditionally paid for a visiting resource. The child's record must reflect the dates and assessment of the visit.

M. Credit Reports for Youth in Foster Care

Children in out of home care are vulnerable to identity theft because their personal information is often shared among various caretakers, service providers and schools. Child identity theft happens when someone uses a minor's personal information to commit fraud. A thief may steal and use a child's information to obtain a job, government benefits, medical care, utilities, car loans, or a mortgage. Often times, the misuse of a child's identity may not be discovered until the youth exits the foster care system and applies for a cell phone, student loan, apartment or other application that requires a credit report.

The Preventing Sex Trafficking and Strengthening Families Act of 2015 (PL 113-183) requires that each foster child, age 14 and older, in out of home care receive an annual consumer credit report each year until discharged from foster care. The case worker is responsible for preparing or assisting the foster teen in completing the credit report on a yearly basis. The case worker must assist in interpreting the credit report and resolving any inaccuracies (section 475(5)(I) of the Act). The worker and child should work to correct any negative items on the credit report such as information that is inaccurate or identity theft e.g. parents/primary caregiver using child's Social Security Number. If identity theft is suspected, the worker may need to place a fraud alert on the foster child's credit report, close compromised accounts, file a complaint with the Federal Trade Commission, or file a police report.

A credit report contains identifying information, lists of accounts, credit inquiries, items of public record, and positive and negative entries. It is a record of an individual's credit activities. Minor children do not usually have the legal capacity to sign a contract or apply for credit. Therefore, if credit reports exist for a child younger than 18, it may be due to error, fraud, or identity theft. Requesting a report for youth in foster care confirms that no such credit report exists and therefore no fraud or identity theft appears to be occurring using the child's DOB and Social Security Number.

The annual credit report from each of the three major credit reporting agencies under the Fair Credit Reporting Act, as required by P.L. 112-34, is free for youth in out of home care. Each of the credit reporting agencies will need verification that the youth is in foster care, a voluntary placement agreement or a court order or other document that establishes that the youth is in foster care is required. The worker should redact sensitive information on document such as reason child entered care, foster parents names and address, birth parents names and address or HIPAA sensitive information. The credit reporting agencies need as much information as possible to search their records. This information includes last known address, date of birth and nicknames. Nationwide Credit Reporting Agencies are private companies that sell the information in credit reports to creditors, insurers, employers and other businesses that use it to evaluate a person's applications for credit, insurance, employment, or renting a home. There are three nationwide credit reporting agencies – TransUnion, Equifax and Experian.

The Act requires that all IV-B and IV-E agencies, which includes the Department, must contact all three reporting agencies to obtain a credit report, if one exists, from each of the three main credit reporting agencies: TransUnion, Equifax and Experian.

Workers should utilize direct access to the three major credit reporting agencies to obtain credit reports. (Experian, TransUnion, and Experian). This sites allows one free copy of a credit report every 12 months from the three nationwide credit reporting companies. Follow directions listed on this site related to obtaining reports for youth and to address disputes or incorrect information.

1. Credit Reports for Youth Over 18

Youth in foster care who have reached age 18, the requirement to obtain a credit report is applicable. However, because these youth have reached the legal age of majority, they may also request their own free credit report. If a youth over age 18 objects to having his/her credit report requested, the county department must document efforts to comply with 475(5)(l). In this instance, the Department will not be considered out of compliance for failure to obtain a credit report due to the young adults' objection. This must be documented in the case file.

2. Documentation & FACTS

A copy of the child's credit report received from the each credit bureau shall be maintained in the case file. A tickler may be set up in FACTS to notify the worker when the next credit report is due. Findings should be entered on the Narrative screen in FACTS. Worker should document the date and select pick list value Case summary for Purpose then enter the appropriate information in the Narrative field.

Credit reports shall become a part of the ISP team meetings on a foster child age 16 and over. Credit reports should be addressed in the next ISP and yearly afterwards.

3. How to Clear a Youth in Foster Care's Credit Report

If a foster child is a victim of identity theft, the following steps should be taken on the youth's behalf to prevent further harm.

- Contact the credit reporting companies

Contact the three nationwide credit reporting companies. Explain the child is a minor and cannot legally enter into any type of contract. To prove that the child is a minor, send the credit reporting companies a copy of the child's birth certificate or other documentation of age, such as a court order and a letter asking them to remove all accounts, application inquiries and collection notices from the credit report associated with the child's name or personal information.

- Place an Initial Fraud Alert

An initial fraud alert requires potential creditors to verify a person's identity before extending credit. To place a fraud alert, contact any one of the three credit reporting companies. The company contacted will notify the other two companies. All three will place the initial fraud alert on the report they have for the child. After the initial fraud alert is placed, the credit reporting company will explain rights, including the right to receive a free credit report from each credit reporting company.

- Consider a Credit Freeze

By placing a credit freeze, potential creditors cannot get the child's credit report, which makes it unlikely an identity thief can open new accounts. The worker will need to contact each of the three credit reporting companies directly to place a freeze. The freeze must be lifted from the credit report before the minor child applies for student or auto loans, and apartment or job. Once the youth turns age 18, he/she can ask to lift the freeze.

- Call Every Company Where an Account was Fraudulently Opened or Misused

If there is knowledge of a youth's information being misused, contact the business and explain the individual is a minor. Request the company close the fraudulent account and flag the account to show it is a result of identity theft. Once the identity theft has been resolved, request the company send a letter stating that the company has closed the disputed accounts and has discharged the fraudulent debts.

- File a Report with the Federal Trade Commission (FTC)

Visit www.ftc.gov or call 1-877-438-4338 to file a report about the theft of the child's identity. Once the report is filed, print a copy, Identity Theft Affidavit. A copy may be given to the police if you file a police report.

- File a Police Report

Credit reporting companies most often times correct a child victim's credit report without a police report. Even so, it is important to consider filing a police report, because the county may need it to resolve other instance of identity theft.

- Get an Identity Theft Report

Ordinarily, providing information that the youth is a minor is sufficient to correct fraudulent debts on the youth's credit report, but the county may choose to take advantage of rights available to identity theft victims under the Fair Credit Reporting Act (FCRA). The FCRA enables identity theft victims to block erroneous charges from appearing on their credit reports and to obtain documents like applications and contracts to prove the underlying crime. For additional information, view *Remedying the Effects of Identity Theft* at <http://www.ftc.gov/bcp/edu/pubs/consumer/idtheft/id09.pdf>.