

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY AND CHILDREN'S SERVICES**

Cover Memorandum accompanying the February 10, 2006 filing of a Notice of Rule Adoption-Final by the Division of Family and Children's Services issues new County Conference policy for its policy manual.

Listed below are the four new or amended rules to the agency's policy manual that accounts for the substantive differences between the former Foster Care Review policy and that is now listed as County Conference policy.

1. Proposed Rule:

The DFCS periodic administrative review, which is known as a County Conference, shall be held on every child in agency custody every six (6) months. The review will be facilitated by a Foster Care Reviewer assigned to the case.

Current Rule:

In order to carry out the requirements of the laws, each child in the custody of the Mississippi Department of Human Services must have a review at least every six months. Every child in the Department's custody is included in this review process, including children in adoptive placement prior to legal finalization of that process. The Department has designated such case reviews as Foster Care Reviews. A Foster Care Review must be held within the first six months after a child's initial placement in custody, and within each six month period thereafter. The Foster Care Reviews may be conducted by a Foster Care Reviewer (Foster Care Review Conference) or by the Foster Care Review Board.

Proposed Rule:

None

Current Rule:

If the board is performing review, dispositional or permanency hearings per court order, the agency is bound to follow the board's recommendations as it would a court order. If the board is **NOT** performing review, dispositional or permanency hearings, the board's authority is advisory only.

2. Proposed Rule:

No practice information included.

Current Rule:

Example of Time Frame; Review, Dispositional and Permanency Hearings; Exceptions to Invitations; Invitation to Potential Review Meeting Participants; Efforts to locate Absent Parents; Participation by Foster Children and “No Contact” Orders; Foster Child Leaving the Meeting; Preparing the Foster Child; Participation by the Foster Parents; Participation by Foster Child’s Guardian Ad Litem and/or Attorney; Participation by the Foster Child’s Grandparents; Participation by County DHS Staff Persons; Other Persons; Statement Regarding Confidential Information; Overview of Review Types and Procedure; Conference Procedure; Review Board Procedure; Review Report; Filing the Review Report with the Court; Sample Letter to the Clerk of the Court; Sample Six Month Review Court Order; Role of the Foster Care Reviewer; and Responsibilities of Department Staff in the Review Process.

3. Proposed Rule:

The purpose of the County Conference is to make the required Periodic Administrative Determinations on the case, based on the following:

- Is the current placement safe? The safety of the child/ren shall be of paramount concern.
- Is the current placement the most appropriate and least restrictive for the child’s individual needs? The child/ren should be placed in the least restrictive, most family-like placement appropriate to his/her needs and in close proximity to the parent’s home where such is in the child’s best interest.
- Has the Agency complied with the service provisions of the child/ren’s Individual Service Plan (ISP)? An Individual Service Plan on each child is required that addresses the placement and services both provided and needed.
- Is the agency’s permanent plan appropriate and is there a documented likely date of achievement? The achievement of genuine permanency for each child within two years is the goal with reunification, relative placement {either through durable legal guardianship or adoption} and adoption as the option.
- Has the Agency complied with the service provisions of the parental ISP/s? For the plan of reunification, the Agency will work with the family through parental Individual Service Plans.
- Has there been parental progress toward alleviating or mitigating causes necessitating the child/ren’s placement in agency custody? For the courts to maintain the permanent plan of reunification with parents, the parents must be making substantial progress.

- Is there continuing need for the Agency to maintain custody of the child/ren or is one of the permanent plans now achieved sufficient for transferred custody?

Current Rule:

The intent of both laws is to promote permanency planning for children by returning the children to their own home, placing them with relatives, or freeing them for adoptive placement.

The federally mandated purpose of the foster care review process is to address:

1. the appropriateness of the permanent plan;
2. the continuing need for placement, appropriateness of placement setting and level of restrictiveness (including why an out-of-state placement is most appropriate in best interest of child
3. the extent of compliance with the case plan for the child;
4. the extent of progress made toward alleviating or mitigating the causes necessitating the placement of the child in foster care; and
5. an estimated date by which a permanent plan can be achieved and the child may be returned and safely maintained, or placed for adoption or legal guardianship (durable legal custody).

The state law additionally mandates that the foster care review will address:

1. The extent of the care and support provided by the parents or parent.
2. The extent of communication with the child by parents, parent or guardian.
3. The methods of achieving the goal, and the plan establishing a permanent home for the child, that is:
 - a. The plan to return the child to its natural parent or parents or Relative Placement
 - b. The plan to refer the child to the appropriate court for termination of parental rights and placement
 - c. A permanent relative's home, adoptive home, or foster/adopt home.
4. Social services offered and/ or utilized to facilitate plans for establishing a permanent home for the child
5. Relevant testimony and recommendations from the foster parent of the child, the grandparents of the child, the guardian ad litem of the child, representatives of any private care agency which has cared for the child, the social worker assigned to the case, and any other relevant testimony pertaining to the case.

4. Proposed Rule:

Compliance—A case plan (child and parental) is in compliance if:

- The case plan is current according to agency policy (for children’s ISPs- within 30 calendar days of custody for Initial ISPs and every 180 days thereafter; for adult ISPs, within 30 calendar days after case assignment, a first review within five months of case assignment and every six (6) months thereafter.)
- For children’s ISPs, there is a permanent plan that the agency is actively working toward achieving and the plan is appropriate to meet the individual child’s needs.
- For children’s ISPs, services are being provided to alleviate
- any needs that the agency IDENTIFIED ON THE ISP. (For example, the child has a heart murmur and the agency has said on the ISP that the child will receive regular medical treatment/ monitoring for this condition. There must be evidence this is occurring for this to be in compliance.
- Foster Care Reviewers should continue to point out on the 4253 (Periodic Administrative Determination) if certain information is missing from the ISP and report it on the checklist.

Items 11 and 12 on the Periodic Administrative Determination (form 4253) will be determined based on **AGENCY** (DFCS) compliance with the child’s ISP and the adult ISP.

Item 13 on the Periodic Administrative Determination (form 4263) will be determined on the **PARENT’S** progress on their ISP.

Current Rule:

In order to carry out the requirements of the laws, each child in the custody of the Mississippi Department of Human Services must have a review at least every six months. Every child in the Department’s custody is included in this review process, including children in adoptive placement prior to legal finalization of that process. The Department has designated such case reviews as Foster Care Reviews. A Foster Care Review must be held within the first six months after a child’s initial placement in custody, and within each six month period thereafter.

The Foster Care Reviews may be conducted by a Foster Care Reviewer (Foster Care Review Conference) or by the Foster Care Review Board.

In addition, a court review, which may be called a review, dispositional or permanency hearing must be held within twelve (12) months of initial placement, and annually thereafter. Some judges have designated the state Foster Care Review Board to hold the dispositional hearings for children in their jurisdiction. In order to meet federal criteria in this regard, the judge must issue an order to this effect, and a copy must be filed in the case of each child in custody within the specific judge's jurisdiction. State law does not provide for judges to allow a body other than the court to perform review

Rita C. Graham, Social Worker Advanced/Policy Lead
February 10, 2006

COUNTY CONFERENCES

The DFCS periodic administrative review, which is known as a County Conference, shall be held on every child in agency custody every six (6) months. The review will be facilitated by a Foster Care Reviewer assigned to the case. The purpose of the County Conference is to make the required Periodic Administration Determinations on the case, based on the following:

- Is the current placement safe? The safety of the child/ren shall be of paramount concern.
- Is the current placement the most appropriate and least restrictive for the child's individual needs? The child/ren should be placed in the least restrictive, most family-like placement appropriate to his/her needs and in close proximity to the parent's home where such is in the child's best interest.
- Has the Agency complied with the service provisions of the child/ren's Individual Service Plan (ISP)? An Individual Service Plan on each child is required that addresses the placement and services both provided and needed.
- Is the agency's permanent plan appropriate and is there a documented likely date of achievement? The achievement of genuine permanency for each child within two years is the goal with reunification, relative placement {either through durable legal guardianship or adoption} and adoption as the option.
- Has the Agency complied with the service provisions of the parental ISP/s? For the plan of reunification, the Agency will work with the family through parental Individual Service Plans.
- Has there been parental progress toward alleviating or mitigating causes necessitating the child/ren's placement in agency custody? For the courts to maintain the permanent plan of reunification with parents, the parents must be making substantial progress.
- Is there continuing need for the Agency to maintain custody of the child/ren or is one of the permanent plans now achieved sufficient for transferred custody?

Compliance—A case plan (child and parental) is in compliance if:

- The case plan is current according to agency policy (for children's ISPs- within 30 calendar days of custody for Initial ISPs and every 180 days thereafter; for adult ISPs, within 30 calendar days after case assignment, a first review within five months of case assignment and every six (6) months thereafter.)
- For children's ISPs, there is a permanent plan that the agency is actively working toward achieving and the plan is appropriate to meet the individual child's needs.
- For children's ISPs, services are being provided to alleviate any needs that the agency IDENTIFIED ON THE ISP. (For example, the child has a heart murmur and the agency has said on the ISP that the child will receive regular medical treatment/monitoring for this condition. There must be evidence this is occurring for this to be in compliance.
- Foster Care Reviewers should continue to point out on the 4253 (Periodic Administrative Determination) if certain information is missing from the ISP and report it on the checklist.

Items 11 and 12 on the Periodic Administrative Determination (form 4253) will be determined based on **AGENCY** (DFCS) compliance with the child's ISP and the adult ISP.

Item 13 on the Periodic Administrative Determination (form 4263) will be determined on the **PARENT'S** progress on their ISP.

Written Notices/Invitations shall be sent to participants by the child's caseworker at least 10 calendar days prior to the County Conference. Participants shall include the following:

- The parents
- The foster child/ren
- The guardian ad litem and/or child/ren's attorney
- The foster/adoptive parents or relative placement

- The grandparents
- County or Agency of Service staff
- Other family members
- Community service providers who are involved in the case and/or service provisions to the family

LEGAL BASE

Federal: Public Law 96-272
 Public Law 105-89
 45 CFR 303.21
 45 CFR 303.70
 45 CFR 1355.475 (5)(A)

State: Mississippi Code of 1972, Annotated Section 43-21-603