

Par.1. **Material Transmitted and Purpose** – Transmitted with this Manual Letter are changes to Service Chapter 624-05, Foster Care Services - Permanency Planning manual. Note that new language has been underlined and old language which is deleted has been struck through. These changes supersede PI-09-19 and PI-10-20.

Replaced SPOC and CCWIPS with FRAME.

Initial Permanency Planning Committee/Foster care Child & Family Team Meetings 624-05-15-20-10

The permanency planning committee/team meeting, co-chaired by the regional supervisor, and the county director or designee, must meet within 30 days of the child's placement into foster care. Information regarding the committee, its purpose, function, membership, process, initial meeting, legal authority, and responsibility are specified in Section 05-05 of this chapter. The Permanency Planning Committee Initial Report and Progress Reports are to be completed in ~~Comprehensive Child Welfare Information and Payment System (CCWIPS)~~. Refer also to Section in this manual on "Case Plan," as well as the ~~Single Plan of Care (SPOC)~~ documentation requirements in the ~~Wraparound Case Management Manual NDDHS 641~~ **FRAME**.

The signed signature sheet from the Permanency Planning Committee Initial Report, the Permanency Planning Periodic Review (~~CCWIPS~~ **FRAME** generated), ~~or the Single Plan of Care (SPOC)~~ must be maintained as a hard copy in the child's foster care case file. Any ~~SPOC~~ **FRAME** documents generated must also be maintained as a hard copy in the child's foster care case file.

Added judicial reasonable efforts language related to sibling placements.
Permanency Hearing 624-05-15-20-20

The hearing shall determine the court-approved permanency plan for the child that determines, if applicable, when:

1. The child will be returned to the parent;

2. The child will be placed with a relative;
3. The child will be placed with a legal guardian;
4. To place siblings in the same foster care, relative, guardianship, or adoptive placement, if appropriate;
5. In the case of siblings removed from their home and not jointly placed, to provide frequent visitation or ongoing interaction, if appropriate;
- 4- 6. The legal custodian (or State) will petition for termination of parental rights;
- 5- 7. The child will be placed for adoption; or
- 6- 8. The child will be placed in another planned permanent living arrangement. This applies in cases where the legal custodian has documented to the court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption with a fit and willing relative or with a legal guardian.

Corrected NDCC citation related to "Legal Custodian."

Termination of Parental Rights or Legal Guardian Appointment
624-05-15-30

Legal Custodian:

N.D.C.C. ~~27-18-30~~ 27-20-38 (8/1/99). Rights and duties of legal custodian. A custodian to whom legal custody has been given by the court under this chapter has the right to the physical custody of the child and the right to determine the nature of the care, placement and treatment of the child, including ordinary medical care as well as medical or surgical treatment for a serious physical condition or illness which in the opinion of a licensed physician requires prompt treatment, except for any limits the court may impose. The custodian also has the right and duty to provide for the care, protection, training, and education, and the physical, mental, and moral welfare of the child, subject to the conditions and limitations of

the order and to the remaining rights and duties of the child's parents or guardian.

Added language.

Exit from Foster Care (ASFA) 624-05-15-35-10

~~For ASFA purposes,~~ a **A** child is considered to leave foster care when any of the following is true:

1. The court enters an order:
 - a. Denying a petition to grant care, custody, and control of the child to the agency or to the Division of Juvenile Services,
 - b. Terminating such a custody order, or
 - c. Appointing a legal guardian; or
2. The court order under which the child entered foster care ends by operation of law; or
3. The child is placed in a parental home by the court or legal custodian other than the Division of Juvenile Services and the legal custodian lacks authority to remove the child without further order of the court; or
4. The child is placed in a parental home by the ~~Division of Juvenile Services.~~ legal custodian with the intent for the child to remain home. (This is not a trial home visit.)

~~For ASFA purposes,~~ a **A** child is not considered to be in foster care on any night during which the child is:

1. On a trial home visit; or
2. Receiving services at the Youth Correctional Center pursuant to an adjudication of delinquency; or
3. Absent without leave from the place in which the child was receiving foster care.

Added information related to Health Care Directives (PI-10-20)
Case Plan 624-05-15-50

A transition plan that is personalized at the direction of the child must be developed during the 90-day period immediately prior to the date on which the child will reach the age of 18. The transition plan will include specific options such as:

1. Housing
2. Health insurance
3. Education
4. Local opportunities for mentors and continuing support services
5. Work force supports and employment services
6. Information related to Health Care Directives

For assistance in generating the child's foster care case plan on FRAME, please refer to the FRAME user manual.

Health Care Directives

All foster youth who will be discharged from foster care at the age of 18 must be informed about the importance of designating another individual to make health care treatment decisions on their behalf if they become unable to do so, and they do not want or do not have a relative who could make these decisions. A "health care directive" is a document that enables youth to make decisions now about medical care in the future. Forms and directions related to health care directives can be found at www.legis.nd.gov/cencode/t23c065.pdf. A brochure, "Health Care Directives, A Guide to Assist Youth Aging Out of Foster Care," DN 35, is available to give to youth when developing the youth's transition plan.

Case Reviews

The requirements for the periodic case reviews are spelled out in Title IV-E of the Social Security Act, Sec. 475(5), summarized here.

A **correction** to spelling "cause."

Relative Search 624-05-15-50-22

A search for an absent parent does not have to be conducted in situations where the Child Support (good ~~cause~~ **cause**) claim has been determined. (Claim is based on a fear of serious physical or emotional harm, either to the child or to the custodian, which in turn could be expected to reduce his or her capacity to care for the child.) A copy of the county social service board's final decision that 'good cause' does exist and the basis for the findings must be included with the relative search documentation. The county social service board is required to review, not less than every 6 months, cases in which 'good cause' was previously found to exist. If it is found that circumstances have changed so that 'good cause' no longer exists, a search for the absent parent must be made immediately. Search efforts must be documented on the Absent Parent/Relative Search Record Form (SFN 772) Permanency Planning Committee Initial Report (SFN 902), or Permanency Planning Committee Progress report (SFN 903). It is recommended, for consistency, that the case file should contain a separate tab entitled "Absent Parent/Relative Search record," and that the form is placed behind this tab.

Incorporated PI-09-19, "Monthly Case Worker Visitation."

Case Management Services During Placement 624-05-15-50-30

The supervision of foster care placements requires periodic home visits, including interviews of the child. The requirements concerning frequency of visits by case workers supervising the placement of a child in foster care are as follows:

- In all cases, the visits/contacts must be sufficiently frequent to ensure the child's safety and well being.

During each monthly visit, the youth's **safety, well-being, and permanence** should be assessed and addressed by the worker. An entry should be made into the youth's case activity log outlining progress or concerns related to the three main areas noted above. This face-to-face visitation and whether or not the visitation took place in the youth's residence should also be entered into the FRAME system.

Key Elements of Visitation: Each visit should be tailored to address current issues that the youth is experiencing. The following are some examples of subjects that could be covered in each of the three noted areas that must be addressed during every visit. This list is given only as a brief outline and is in no way meant to exhaust the topics that could/should be covered during the visitation:

Safety Examples:

- Does the youth feel safe in the placement? Why or why not?
- Does the youth have resources whom they can contact if they are not feeling safe? Does the youth know how to contact them, i.e., case worker, parent, trusted adult?
- Is the living environment free from hazard and is it habitable?

Permanence Examples:

- Does the youth know the goals of their treatment plan/placement?
- Can youth describe permanency goals and how to accomplish them?
- Is there contact via telephone, e-mail, Polycom, letters, visitations, etc., with family and other important people in their life?

Well-Being Examples:

- Has there been illness or injury since the last contact?
- Is the youth receiving adequate nutrition, sleep, space, privacy, therapy, recreational time, and educational services/activities?
- Has there been a change in emotional state since last contact?
- Have there been any changes in medications since last contact?

Visit frequency must be discussed within the review process. Frequency and conditions must be defined in the child's case plan. **The following are North Dakota's minimal standards for visitation:**

New information.

How to Implement This Goal 624-05-15-115-15-10

A plan should be developed to initiate general recruitment for an adoptive family at the first Foster Care Child & Family Team meeting following a termination of parental rights. General recruitment is not necessary if the child's current placement resource has committed to adopting the child. Current caregivers should be given sufficient support to make their decision to adopt the child which will transition a child to permanence within a timely manner. It is not appropriate to delay a child's adoption while waiting indefinitely for a placement resource's decision.

Par. 2. **Effective Date** – January 1, 2011