DIVISION OF CHILDREN AND FAMILY SERVICES
ADMINISTRATIVE MEMO #8-2009 (Revised)

To:	**Children and Family Services Specialists, Supervisors, and Administrators; Income Maintenance Workers and Supervisors; and Service Area Administrators**
From:	**Edward H. Matney, Policy Section Administrator** Edward H. Matney **Division of Children and Family Services**
Approved by:	**Todd L. Reckling, Director** Todd L. Reckling **Division of Children and Family Services** **Department of Health and Human Services**
Date:	**December 18, 2009 (Originally Issued September 15, 2009)**
RE:	**Fostering Connections Act of 2008-Sibling Placement, Notice to Relatives, Educational Placement, Independent Living, and Education Training Vouchers**
Effective:	**Immediately**
Duration:	**Until revised or Regulations are issued**
Contact:	**Margaret Bitz, Administrator, Adoption and Foster Care, Children and Family Services, Policy Section at (402)471-9457 or at margaret.bitz@nebraska.gov** **Shirley Pickens-White, Program Specialist, Children and Family Services, Policy Section at (402)471-9196 or at shirley.pickens white@nebraska.gov**

Purpose: The purpose of this memo is to inform staff of federal requirements, based on the Fostering Connections to Success and Increasing Adoptions Act of 2008, and to require implementation.

Background: On October 7, 2008, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351, Fostering Connections Act) was signed into law. For additional information about the Act, see Manual Bulletin-Title 390-00-12. The following paragraphs clarify actions required on the part of DHHS.

SIBLING PLACEMENT

- Current policy: 390 NAC addresses sibling placement in a number of places (for example, 6-002.02, 6-002.04, 6-004.02, 6-002.08A). In combination, these regulations require placement of siblings together unless the placement would be detrimental to one or more of them, and that written visitation plans are to be developed between siblings.
- Actions required under Fostering Connections:
  In addition to existing regulations, the following actions are required:
  - When siblings are removed from their home, reasonable efforts must be made to place them in the same out of home placement, including placement for purposes of foster care, adoption, or guardianship, unless it is contrary to the safety or well-being of any of the siblings to do so.

- If placement together is not possible, reasonable efforts must be made to facilitate visitation or ongoing contacts between siblings placed apart, unless doing so is contrary to the safety or well-being of any of the siblings.
- Efforts made to place together or to facilitate visitation or contacts, and/or the basis for a decision that doing so would be contrary to the safety or well-being of any of the siblings, must be documented in narrative on N-FOCUS.

EDUCATIONAL PLACEMENT FOR CHILDREN IN OUT OF HOME CARE

- Current policy:
  - 390 NAC 7-000 requires the Department to provide continuity for a child in his or her school placement;
  - 390 NAC 7-001.02A requires the Department to provide relevant information regarding a child to various providers, including the child's school;
  - 390 NAC 11-002.02A specifies notification requirements;
  - Out of Home Placement and Payment Guidebook addresses school in several places, including:
    - Placement in a setting that provides continuity in child's school (p. 1);
    - Placement in a setting that maintains the child's ties to school (p. 7);
    - Requirement that if a child is to be placed in a school district other than the one s/he is attending, school officials should be involved before placement (p. 16); and
    - Communication with school districts to provide notice and enable sharing of information (p. 21-22).
- Actions required under Fostering Connections: In addition to existing regulations and policies regarding school placement, the following actions are now required:
  - When a child is placed in out of home care, the Department will assure that:
    - Any child who has attained the minimum age for compulsory school attendance under State or Tribal law is a full-time elementary or secondary school student or has completed secondary school. "Elementary school student" means that the child is enrolled (or in the process of enrolling) in a an elementary or secondary school, as allowable under 390 NAC 11-002.02D, or is in an independent study elementary or secondary program administered by the local school or school district (which can include a GED Program), or is incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan/court report.
    - The child's educational needs are met, including coordinating with local education agencies to ensure that the child remains in the school where s/he was enrolled at the time of placement, unless remaining in that school is not in the child's best interest. If remaining in the same school is not in the child's best interest, the CFS Specialist must assure immediate enrollment in a new school with all educational records of the child provided to that new school.
  - These decisions and efforts must be documented in the narrative on N-FOCUS.

INDEPENDENT LIVING SERVICES/EDUCATION AND TRAINING VOUCHERS

- Current policy:
  - Independent Living Guidebook specifies that youth who are aging out of foster care, received guardianship status after the age of 16 or were adopted at age 16 or older or are in out-of-home placement or were formerly in out-of-home care at the time of their discharge from the State and are now 17 to 23 years of age are eligible for the Education Training Voucher Program.

- Independent Living Guidebook requires that all youth age 16 and older have an Independent Living Plan, based on an individual assessment of their needs and strengths. This plan must include services, supports and programs outlined as goals and objectives to meet the youth needs in preparing for adulthood. This Independent Living Plan is then viewed and approved by the court in writing every 6 months during youth case reviews.
- 390 NAC 5-004.02A requires that a case plan be developed within 60 days of the date of placement. In the plan for a ward who is 16 years of age or older, a written proposal describing programs and services designed to assist the ward in acquiring independent living skills is included.

- Actions required under Fostering Connections: In addition to existing regulations and policies regarding independent living services, the following actions are now required:
  - When a youth age 16 or older exits from care due to adoption or relative guardianship, the Department may provide independent living services and an Education Training Voucher (ETV). Beginning with adoptions or guardianships being finalized on or after October 1, 2009, CFS staff must inform the youth and adoptive parent or relative guardians regarding eligibility for this program and provide written information on the application process.
  - During the 90-day period immediately prior to the date on which the youth turns age 19, staff must assist and support the youth in developing a transition plan that is personalized at the direction of the youth, including specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the youth may elect.

NOTICE TO RELATIVES WHEN A CHILD IS REMOVED FROM HOME

- Current policy: 390 NAC, our Guidebooks, and Administrative Memo #1-08 Nebraska Safety Intervention System all address location of relatives; contacts with relatives for a variety of purposes, including the possibility of placement should a child be unable to remain at home; and prioritizing placement with relatives above "stranger" placements.
- Actions required under Fostering Connections: In addition to existing regulations and policies regarding relatives, the following actions are now required:
  - Within 30 days of the child's removal from home, the Department must exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child regarding the child's removal from home. At a minimum, efforts must be made regarding all adult maternal and paternal grandparents, adult siblings, aunts and uncles, and cousins, and any other adult relatives suggested by the parents, subject to exceptions due to family violence. When the child is Native American, the tribe's definition of "relative" must be followed.
  - Diligent Efforts: "Diligent Efforts" include, at a minimum, asking the parent or guardian and the child, when appropriate, for information; following up on "leads" provided by collateral contacts or family members; and, if a parent's whereabouts are unknown, making a referral to the Federal Parent Locator Service. When the child falls under the Indian Child Welfare Act, diligent efforts must include providing notification to the tribe.
  - Notification must:
    - Specify that the child has been or is being removed from the parent or parents of the child;
    - Explain the options the relative has to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;
    - Describe the requirements to become a foster family home and the additional services and supports that are available for the children placed

in such a home (for example, foster care maintenance payments, child care when applicable, Medicaid, regular visits and ongoing support from a service coordinator and/or case manager); and
    - Describe how the relative may subsequently enter into an adoption assistance or kinship guardianship assistance agreement with the Department, if adoption or guardianship become the permanency objective for the child.
- The notification must be done in writing whenever possible, and sent by certified mail, return receipt requested. A suggested format for the letter is attached to this memo, as APPENDIX A, on Page 5. If an address cannot be obtained, notification by telephone or in-person is acceptable.
- These efforts and the results of these efforts must be documented in the narrative section on N-FOCUS. If notice was sent, a copy of the letter must be placed in the child's file.

APPENDIX A

The following "Notice to Relatives" must be used as the format for notifying relatives of a child's removal.

NOTICE TO RELATIVES

Date

Name of Relative
Address of Relative

Dear.....
You have been identified as a relative of **(name of child)**. This letter is being sent to notify you that the child has been removed (or is being removed) from the home of the parent(s), (**name of parent or parents**), and placed in legal custody of the Nebraska Department of Health and Human Services, and into out of home care.

We are sending this letter to ask if you are interested in participating in the care and placement of (**name of child**). By Federal and State Statute, the Department is required to consider placement of a child with a suitable adult family member before considering placement with someone else. This requirement is based on the fact that most children who cannot live with a parent fare far better if they can live with another relative. If you are interested in placement, a representative of the Department will complete a home study with you, including a fingerprint-based national criminal history check, a state criminal history check, a check of the Sex Offender Registry, and a check of the Adult and Child Central Registries. The home study will be done without any cost to you. If this child is placed with you, the Department can assist with a monthly maintenance payment and Medicaid coverage, and possibly with child care if you are employed outside of the home. Also, the Department will provide ongoing support to you by a worker who will have regular contact with you. At this time, the Department would expect your help in working with the parents and child toward the child's return home. However, if return home cannot occur within a reasonable length of time, and adoption or guardianship were to become the plan, it is likely that the Department could enter into an agreement with you to provide financial assistance on an ongoing basis.

We also know that even if family members are unable to have a child live with them, they can be a powerful force both in helping the parent correct problems so that the child can come home, and in being a consistent person in the child's life. Therefore, we also want to know if you are interested in participating as a support to (**name of child**)'s family even if placement is not possible.

If you are interested either in placement of (**name of child**) or in participating in some other way, it is necessary that you contact me by (**date**). If you do not respond by that date, the Department will consider you to be uninterested, and it is unlikely that you will be considered for placement in the future.

I can be reached at (**phone number**) or (**address**). I look forward to hearing from you.

Sincerely,