



STATE OF GEORGIA
Division of Family and Children Services

Nathan Deal
Governor

Bobby D. Cagle
Director

September 21, 2015

Child Welfare Services Manual Transmittal No. 2015-05

To: County Departments of Family and Children Services
DFCS Regional Directors
DFCS State Office Staff


From: Bobby D. Cagle, Director
Georgia Division of Family and Children Services

Re: Child Welfare Policy Manual: Preventing Sex Trafficking and Strengthening Families Act
(Public Law 113-183)

Purpose

The purpose of this Child Welfare Services Manual Transmittal (CWSMT) is to release the following new and updated policies that comply with Title IV-E of the Social Security Act as amended by Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act.

Discussion

The Preventing Sex Trafficking and Strengthening Families Act signed into law on September 29, 2014, enacted key federal legislation which amended several provisions of the child welfare program. Some of these provisions which required state legislative changes were included in state Senate Bill 138 and signed into state law by Governor Deal. The new provisions of the state and federal law are far reaching and incorporate important policy and practice implications for the Division of Family and Children Services (DFCS). The changes outlined are intended to improve the outcomes for children and families involved in the child welfare system, enhance the experiences of children in the foster care system and provide opportunities for children who exit the foster care system at age 18 or beyond to transition to successful adulthood. Some of these provisions include, but are not limited to the following:

1. Identifying and providing services for youth who are at risk of becoming or are victims of sex trafficking;
2. The ability of caregivers of children in foster care to make reasonable and prudent parenting decisions to facilitate normal experiences for children in their care;
3. Providing certain rights to youth in foster care;
4. Updated case planning requirements;

5. Updated requirements pertaining to the selection of another planned permanent living arrangement (APPLA);
6. Additional diligent search requirements to include the parents of the sibling of a child when that parent has custody of the child's sibling;
7. Updated definition of siblings;
8. Assistance for youth in care aged 14 and older in obtaining credit reports;
9. Providing certain documents to youth exiting foster care to facilitate their ability to better transition to successful adulthood.

The following policies have been developed or updated to incorporate these changes:

Chapter 1: Administration

Policy 1.13 Sex Trafficking Overview was developed to provide the agency's administrative requirements related to the identification and provision of services to children who are at risk of becoming or who are victims of sex trafficking.

Chapter 2: Information Management

Policy 2.06 Confidentiality/Safeguarding of Information was updated to facilitate the appropriate disclosure of information to authorities regarding children identified as being a victim of sex trafficking as well as those identified as missing or abducted.

Chapter 3: Legal

Policy 3.1 The Juvenile Court Process updates the diligent search requirements to include notifying all parents of a sibling of the child when that parent has legal custody of the child's sibling.

Policy 3.2 Legal: Case Review/Permanency Plan Hearings incorporates provisions that, for any child with a permanency plan of APPLA, at Permanency Planning hearings the court will:

1. Ask the child about their desired permanency outcome;
2. Make a judicial determination explaining why, at the date of the hearing, APPLA is the best permanency plan for the child and the compelling reason(s) why it continues to not be in the best interest of the child to return home, be placed for adoption, be placed with a legal guardian or be placed with a fit and willing relative; and,
3. Require DFCS to present additional documentation in the case plan for children with a goal of APPLA.

Chapter 10: Foster Care Services

Policy 10.1 Foster Care: Placement of a Child incorporates new requirements and procedures for obtaining a certified copy of a child's birth certificate and Social Security card upon entry into foster care, to facilitate the provision of these documents to any child age 18 and older exiting foster care unless they have been in foster care for less than six (6) months. This policy also includes updated diligent search requirements to include notifying all parents of a sibling of the child when that parent has legal custody of the sibling.

Policy 10.14 Social and Cultural Enrichment incorporates provisions to ensure that children in foster care have ongoing opportunities to participate in activities that are appropriate to their

age and stage of development. Children in foster care are encouraged to participate in activities that promote personal and social growth, self-esteem and independence. Participation in age appropriate activities helps children to develop their social, emotional and intellectual skills. Children should be encouraged to participate in extracurricular activities (e.g. sports, band, choir, 4-H and other school clubs, field trips, etc.), cultural activities (e.g. museum exhibits, dance recitals, plays, etc.) and social activities (e.g. YMCA, Boys and Girls Club, martial arts, bowling, movies, etc.). Caregivers shall apply the reasonable and prudent parenting standard (see Policy 14.26 Resource Development: Reasonable and Prudent Parenting Standard) when determining whether to allow a child in foster care to participate in particular extracurricular, enrichment, cultural, and social activities. Each child caring institution (CCI) must identify an individual to be the "caregiver" responsible for making such decisions for each child in their care.

Policy 10.20 Foster Care: Preserving Sibling Connections updates the Title IV-E definition of a sibling as an individual with whom a child shares one or both parents in common by blood, adoption, or marriage, even if the marriage was terminated by death or dissolution. Such an individual shall still be considered a sibling of the child following termination of parental rights (TPR) until a finalized adoption occurs. Such an individual shall also still be considered a sibling of the child following the death of their common parent(s).

NOTE: As Georgia's Juvenile Code definition for sibling was already in compliance with this definition, no changes to state law were required.

Policy 10.22 Foster Care: Permanency Planning incorporates a new requirement that APPLA as a permanency plan shall **not** be selected for a child under the age of 16. For children already in foster care as of July 1, 2015 under the age of 16 with a current permanency plan of APPLA, the permanency plan must be changed at the next permanency hearing.

Policy 10.23 Foster Care: Case Planning incorporates new case planning requirements that include the following:

1. For children 14 and older, the written (case) plan shall:
 - a. Include a document that describes the child's education, health, visitation and court participation rights, the right to receive a credit report annually, the right to stay safe and avoid exploitation and a signed acknowledgement that the child was provided these rights and they were explained to the child in an age appropriate manner;
 - b. Be developed in consultation with the child, and at the option of the child, two (2) members of the permanency planning team who are selected by the child and who are not the SSCM or foster parent. One individual selected by the child may be designated to be the child's advisor and, as necessary, advocate with respect to the application of the reasonable and prudent parent standard to the child.
Exception: DFCS may reject an individual selected if there is good cause to believe the individual would not act in the best interests of the child.
2. For any child with APPLA as a permanency plan (child must be age 16 or older), the SSCM shall document in the case plan to be presented at each review and permanency plan hearing:
 - a. The intensive, ongoing and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative

(including adult siblings), a legal guardian or an adoptive parent, including through efforts that use search technology (such as social media) to find biological family members;

- b. The steps DFCS is taking to ensure the child's foster family home or child caring institution is following the reasonable and prudent parent standard;
- c. The steps DFCS is taking to ensure the child has regular, ongoing opportunities to engage in age and developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities available to the child to participate in such activities).

NOTE: Georgia SHINES enhancements are needed to incorporate the additional case planning requirements. Therefore, the written Case Plan Addendum already required as a result of previous legislative changes has been amended to include the additional requirements.

Policy 10.24 Missing Children includes requirements for identifying and providing services for missing children who are at great risk of victimization and exploitation, as they usually do not perceive the inherent risks or consider themselves as potential victims. Because of the potential dangers, each child's Case Manager is to consider a runaway episode a major event that requires intensive intervention, including immediately reporting the youth as missing to law enforcement. The juvenile court must be notified within two business days that the youth is missing and include efforts made to locate the child. The term runaway is used by DFCS to refer to youth (under 18 years of age) in DFCS custody, whose whereabouts are unknown to their caregiver, and there is a reasonable suspicion that the child/youth has absconded from the placement and preliminary efforts to locate the child/youth have yielded no results. The term also applies to youth 18 years of age and older who are receiving Extended Youth Support Services (EYSS) whose whereabouts are unknown. In all instances, diligent efforts must be made by the caregiver and DFCS to locate the youth. DFCS shall determine the primary factors that contributed to a child running away or otherwise being absent from care, and to the extent possible and appropriate, respond to those factors in current and subsequent placements.

Chapter 13: Independent Living Program

Policy 13.03 Written Transitional Living Plan includes the provision that ensures the right of youth in foster care age 14 and older to receive a document that describes the rights of the youth with respect to education, health, visitation, court participation, the right of youth to receive an annual credit report, the right to stay safe and avoid exploitation, and the right to be provided with documents specified in section 475(5)(I) of the Title IV-E Social Security Act. In addition, this provision requires that the WTLP include an acknowledgement signed by the youth that confirms the youth has been provided with a copy of such documentation and that the rights contained in the document have been explained to the youth in an age-appropriate manner.

Policy 13.04 Transition from Foster Care includes a provision that requires that each child leaving foster care at 18 years of age or older receive the following documents:

1. An official or certified copy of his/her United States birth certificate;
2. A social security card issued by the Commissioner of the Social Security Administration;

3. Health insurance information;
4. A copy of his/her medical records; and
5. A driver's license or identification card issued in accordance with the requirements of section 202 of the REAL ID Act of 2005.

Policy 13.06 Credit Reports for Youth in Foster Care includes the provision that each child in foster care, beginning at age 14 (changed from age 16), receives a free copy of their consumer credit report from each of the three (3) nationwide credit report agencies, each year they remain in foster care until age 18. In addition, the child shall receive assistance (including when feasible, from any court appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.

Policy 13.07 Youth Rights and Responsibilities replaces the previous chapter 13.7 entitled 'Graduated Independence' and its related requirements which is now obsolete. This new policy enumerates the rights of youth with respect to education, health, visitation, court participation, the right to be provided with a consumer report, and the right to stay safe and avoid exploitation. Rights identified are sanctioned by federal and/or state law and shall be incorporated into the Written Transitional Living Plan (WTLP) for all applicable youth. The policy also details personal responsibilities that each youth should observe toward themselves and others. A formal grievance procedure has also been established in the event youth believe their rights have been violated.

Policy 13.08 Driver Education, Licensure and Personal Identification includes the requirement for DFCS to ensure that a driver's license OR identification card issued by the Department of Driver Services is received by youth upon exiting foster care at age 18. In addition, it provides for youth in care ages 14-17 to be assisted in obtaining an ID when identification is required to support other transition activity (e.g. employment). If a youth does not have a Driver's License/Identification card by the age of 17, DFCS shall assist the youth in obtaining an ID card from the Division of Driver Services.

Chapter 14: Resource Development

Policy 14.01 Safety and Quality Standards outlines safety and quality standards (SQS) to ensure children are placed in safe home environments and receive the high quality of care they deserve. Caregivers and DFCS work together as a team with a common goal of helping children achieve permanency. The SQS now permit caregivers to apply the reasonable and prudent parenting standard when making decisions involving the participation of the child in age or developmentally appropriate activities. This applies whether a child is placed in a DFCS foster home, a child placing agency (CPA) foster home or in a child caring institution (CCI).

Policy 14.08 Pre-Service Training requires that prospective foster and adoptive parents are adequately prepared with the appropriate knowledge and skills to provide for the needs of children placed under their care. This policy has been updated to include that such preparation shall continue after placement of a child and now include knowledge and skills relating to the reasonable and prudent parenting standard.

Policy 14.13 Family Re-evaluation includes that the assessment of an approved home is an ongoing process between DFCS/CPA and caregivers. A home re-evaluation may be completed at any time during an approved home's one year approval period, but is usually completed just prior to the expiration of the current approval period. The re-evaluation will now include an assessment of the caregivers' knowledge and skills relating to applying the reasonable and prudent parenting standard to parenting decisions.

Policy 14.16 Working with Caregivers includes DFCS' support of caregivers in applying the reasonable and prudent parenting standard when making decisions in assessing and approving activities prior to youth participation. The policy also requires that caregivers notify DFCS or CPA prior to the occurrence of a child in DFCS custody participating in overnight activities exceeding two nights and that caregivers receive approval from DFCS prior to allowing a child in DFCS custody to travel outside of the State of Georgia. In addition, it requires caregivers to be routinely provided an updated listing of contact numbers for SSCMs and county leadership and that there should never be a situation involving a child in DFCS custody in which the caregivers are unable to contact anyone at the County DFCS.

Policy 14.18 Supervision of Children includes provisions regarding foster caregivers applying the reasonable and prudent parenting standard when making decisions regarding children in their care. The policy has also been updated to include that respite care is paid at the child's current per diem rate, **not to exceed 10 days per fiscal year** (taken individually or consecutively).

Policy 14.26 Reasonable and Prudent Parenting Standard was developed to provide the requirements for the reasonable and prudent parenting standard (RPPS) in recognition that caregivers are responsible for making routine, day-to-day decisions regarding the ongoing care and maintenance of children placed in their home. In this context, 'caregiver' means a foster parent or relative with whom a child in foster care has been placed or a designated official for a child caring institution (CCI) in which a child in foster care has been placed. Caregivers shall apply the reasonable and prudent parenting standard when determining whether to allow a child in foster care to participate in particular extracurricular, enrichment, cultural, and social activities (e.g. sports, field trips, overnight activities up to two consecutive nights, etc.). This includes assessing and approving the plan of supervision for youth engaging in activities while not under the direct supervision or oversight of the caregiver. The term 'reasonable and prudent parenting standard' means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. Caregivers shall keep records of a child's participation in activities and share them with the children's Social Services Case Manager (SSCM)/CPA staff during regular contacts.

When applying the RPPS, the goal is to promote normalcy for children in foster care to the fullest extent possible. DFCS will provide caregivers with training on how to use and apply the RPPS. As long as a caregiver or other entity under contract with DFCS acts in accordance with this standard when approving a child's participation in an age or developmentally appropriate activity, immunity from civil liability exists. Nevertheless, caregiver's decisions regarding

normalcy activities cannot be contrary to a pre-existing court order. In addition, there are exceptions to a caregiver's decision-making autonomy that are outlined in the policy.

Implementation

These policy updates are effective upon the release of this manual transmittal and will soon be available on the Online Directives Information System (ODIS). Note that DFCS, CPA and CCI caregivers must receive training on the reasonable and prudent parenting standard before applying them. Information regarding such training opportunities is forthcoming.

Regional and County Leadership shall provide opportunities for staff to review and discuss the updated policies to ensure they are implemented into your practices. Please refer to Administration Policy: 1.3 Access, Distribution and Review of Child Welfare Policies for the applicable requirements and procedures.

Questions regarding this policy release may be directed to the Field Program Specialist in your region. Regional staff may submit questions to PPPDUnit@dhs.ga.gov.

New/Updated Policies

- 1.13 Sex Trafficking Overview (*new*)
- 2.6 Confidentiality/Safeguarding Information
- 3.1 The Juvenile Court Process
- 3.2 Legal: Case Review/Permanency Plan Hearings
- 10.01 Placement of a Child
- 10.14 Social and Cultural Enrichment
- 10.20 Preserving Sibling Connections
- 10.22 Permanency Planning
- 10.23 Case Planning
- 10.24 Missing Children
- 13.03 Written Transitional Living Plan
- 13.04 Transition from Foster Care
- 13.07 Youth Rights and Responsibilities (*new*)
- 13.08 Driver Education, Licensure and Personal Identification
- 14.01 Safety and Quality Standards
- 14.08 Pre-Service Training
- 14.13 Family Re-evaluation
- 14.16 Working with Caregivers
- 14.18 Supervision of Children
- 14.26 Reasonable and Prudent Parenting Standard (*new*)