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CHILD SEXUAL ABUSE AGREEMENT FOR ALASKA

1.0 INTRODUCTION

1.1 PURPOSE

The Office of Children's Services (OCS) is mandated to provide child welfare services to the citizens of the State of Alaska. Some services are provided directly by OCS employees while other services are purchased through grants and contracts with private providers. In either case, the Division has responsibility for a continuum of child welfare services.

The mission of Alaska's Child Protection Services agency is to protect children by preventing and remedying repeated abuse, neglect, and the exploitation of children.

The Division strives to accomplish its mission by focusing on four broad goals of *Child Safety, Permanency for Children, Cultural Continuity for Children, and Child and Family Well-Being.*

Child Safety

The child welfare system must protect children. All child welfare protective activities and intervention must be toward the goal of protecting the child from harm. In the provision of services the safety of the child is always the first consideration in performing risk assessments, developing case plans, and identifying services for children and families. Safety of the child is paramount in all decisions effecting children.

Outcome:

1. Children referred to the Department will remain free from substantiated abuse/neglect for 12 months.
2. Children in out of home care will not have a substantiated report of abuse/neglect.

Permanency for Children

Child welfare services must promote permanence for all children. All children have a right to a permanent and safe home environment. The most desirable plan for a child is to work with the family to remedy the conditions that led to the child's safety concern. The Division has a firm commitment to the concept of permanency planning and will strive to maintain the child in his/her own home whenever possible, and when it is not possible, the division will work steadfastly to promote an alternate permanent home for the child. When appropriate, concurrent planning will be implemented to expedite permanency for the child.

Outcome:

1. Children removed from their home will be returned within one year or placed in another permanent home within one year.
2. Children removed from their home will experience no more than two placements or two removals prior to placement in their permanent home
3. Children for whom there has been a substantiated report of harm and who are left in

their parental home shall not have a report of harm within three months of completion of the investigation.

4. Children who have been removed from their parental home shall be placed with a relative or ethnically/culturally related family as a possible alternative permanent care provider within 90 days of removal.

Cultural Continuity for Children and Families

Child welfare services must be culturally competent. Cultural competence is the capacity to relate with persons from diverse cultures in a sensitive, respectful, and productive way. Sensitivity to a child and family's culture is important throughout the child and family's experience with the Division. As the state agency responsible for making decisions on behalf of children and families from different cultural backgrounds, the Division has a firm commitment to cultural competence. The Division's practice is guided by the Indian Child Welfare Act of 1978, the Multi-Ethnic Placement Act, and the NASW Code of Ethics. Preference is also given to culturally relevant services, where available.

Outcome: Children in custody and placed out-of-home will continue to participate in their family, cultural and spiritual traditions, customs and connections

Child and Family Well-Being

Child welfare services must be child-focused and family centered. It is always in the child's best interests to remain with his or her own family, if the family can be helped to provide an environment that provides basic care and nurturance, and is safe from abuse and neglect. When children have experienced maltreatment in whatever form or duration, they will require remedial or treatment services. The Division is committed to creating and maintaining strong linkages to the variety of service providers who are partners in remedying the effects of abuse and neglect on a child and changing the conditions in the family that led to the Division's involvement with the family.

Outcome:

1. Children in custody will have their medical, dental, mental health, and educational needs met.
2. Children in custody and placement will experience a placement that is least restrictive and culturally appropriate.
3. Children separated from their parents will have the opportunity to visit and maintain contact with their family if such contact is appropriate to the goals of the case plan.

Performance measures:

1. Percentage of closed cases for children served in their own home in which a recurrence of substantiated abuse and neglect occurs 6, 12, and 24 months following case closure.
2. Percentage of closed cases for children placed in alternative permanent homes in which a recurrence of substantiated abuse and neglect occurs 6, 12, and 24 months following case closure.

3. Percentage of permanent adoptive and guardianship homes that are disrupted 6, 12, and 24 months after placement.
4. Percentage of children placed in temporary care who experience substantiated abuse or neglect.
5. Average length of time spent in out of home care for children who have been abused or neglected.
6. Average time required to place children in a safe, permanent home after determining that they can not return to their own home.
7. Average number of out of home placements before a permanent home is found for a child.

This manual is designed to provide the information needed by all levels of staff in the OCS for the delivery of service to children in need of protective services. Policy and procedures for foster and residential care licensing are found in the Licensing manual.

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1.2 AGENCY AUTHORITY, HISTORY AND STRUCTURE

In 1959, the territory of Alaska became a state and the Department of Health and Social Services was established through AS 47.05.010 as one of the principal Departments in the Executive Branch referenced in the Constitution of the State of Alaska. At that time the Division of Social Services was designated to be the state agency to administer social and financial assistance service programs to the eligible population in the State.

In 1975 the Division of Public Assistance was established to administer state and federal financial and medical assistance programs. The Division of Family and Youth Services began to operate as a generic social service agency with Child Welfare services as a strong component.

In 1981, Youth Corrections Services was transferred from the then Division of Corrections to the Division of Family and Youth Services. The agency's current title of Division of Family and Youth Services was introduced at that time in recognition of the merger.

Effective July 1, 1999 the Division of Family and Youth Services was split into two divisions. The youth corrections portion of the division became the new Division of Juvenile Justice and the child protection portion of the division remained as the Division of Family and Youth Services.

Titles 47 and 25.23 of the Alaska statutes provide the Division with its legal mandate to serve Alaskans in need of services. Division regulations can be found in Alaska Administrative Code Title 7, Health and Social Services. Federal and state laws and regulations provide the structure and compilation of the titles or statutes and regulations which affect the delivery of service by the Division.

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1.3 AGENCY STRUCTURE

The Office of Children's Services is one of the seven divisions of the Department of Health and Social Services.

The mission of the Department of Health and Social Services is to promote and protect the well-being of every Alaskan by investing in families and communities.

The Department's motto is "Believing in the Power of Families and Communities."

Following is a short description of each division.

Office of Children's Services (OCS) is responsible for protecting children from abuse and neglect. OCS has 30 field offices statewide, organized into four geographic management areas. The Northern Region, headquartered in Fairbanks, serves the Interior, Bethel, North Slope, Northwest Arctic Borough, and Norton Sound areas. The Southcentral Region serves the Southcentral Region outside Anchorage, including the Kenai Peninsula, Kodiak Island, Mat-Su, Prince William Sound, Bristol Bay, and Aleutian areas. The Southeast Region, headquartered in Juneau, serves communities from Yakutat to Hyder. The Anchorage Region serves the Anchorage metropolitan area.

- Child Protection Services encompass the following: receiving and assessing allegations of abuse and neglect; assessing the risk to a child and evaluating the family's ability to accept and use help; providing service planning and coordinating resources for the family; initiating court involvement for removal of children and the provision of mandatory protective services to parents; assuring that children are receiving a minimum standard of care before closing a case; educating the public regarding what is reportable; and developing and coordinating community resources and services.
- Foster Care Program: The Division licenses foster homes that provide both emergency and long term care to youth who cannot stay in their own homes. Except for emergency placements, the Court must enter an order authorizing the Division to place a youth in a foster home.
- Adoption and Guardianship Program provides permanent homes, through adoption and guardianship, for children in the custody of the Department who cannot return to their biological parents. Adoptions and guardianships can be subsidized for special needs children.
- Residential Care Program: The Division provides residential care services for children in custody who need placement in a therapeutic environment. A residential care program may be a short-term emergency shelter or a long term residential group treatment program. Residential care services are purchased from private providers through a competitive grant process.
- Family Support Grant Program: The Division provides a variety of community-based

prevention, intervention, and treatment services to children, youth, and families through grant awards to local community groups and agencies. Grants are awarded on a competitive basis for a one or two year period, depending on the specific requirements of the individual grant.

- Community Care Licensing reduces predictable risk of harm to vulnerable populations by regulating and licensing facilities that provide direct care and services to children. Included are child foster homes, child residential care facilities, childcare centers and homes, and child placement agencies.

Division of Juvenile Justice (DJJ) is responsible for assisting in rehabilitating youth and assuring safety of the community when youth commit delinquent acts. DJJ has 13 field offices and 5 youth facilities divided into three geographical management areas: the Northern Regional Office in Fairbanks is responsible for Bethel, Nome, Kotzebue, Barrow, and surrounding towns and villages; the Southcentral Regional Office in Anchorage is responsible for the Mat-Su Valley, Kenai Peninsula, Valdez, Kodiak, the Aleutian Islands, and surrounding areas; and the Southeastern Regional Office in Juneau is responsible for Haines, Sitka, Petersburg, Ketchikan, and surrounding communities.

- DJJ follows a restorative justice model to hold offenders accountable for their behavior through a variety of graduated sanctions ranging from community diversion to secure confinement, victim and community restoration and offender competency development.
- **Field Probation:** Juvenile probation officers provide preventative and rehabilitative services by: conducting intake investigations of youth who are alleged to have committed delinquent acts; completing court and detention screening; implementing diversion plans; and providing formal probation services for youth adjudicated as delinquents.
- **Youth Correctional Facilities:** The Division operates five nationally accredited correctional facilities. The McLaughlin Youth Center in Anchorage, the Fairbanks Youth Facility, and the Bethel Youth Facility provide long term treatment services to adjudicated youth, as well as short-term detention. The Johnson Youth Center in Juneau provides only short term detention, but will be opening a long term treatment unit in 1999. The Nome Youth Facility provides only 48-hour emergency detention, but will be offering expanded services in the near future. New facilities are currently planned for Mat-Su, Ketchikan, and Kenai/Soldotna.

Division of Administrative Services provides administrative services for the Department and consists of the sections for Budget, Data Integration, Facilities and Planning, Finance, Grants Administration, Human Resources, Information Systems, and Procurement.

Division of Alcoholism and Drug Abuse In partnership with local communities, the Division supports approaches to substance abuse prevention and treatment that arise out of community initiatives to address local problems. Substance abuse programs which are available in every region

of the state include an array of information, education, prevention, outpatient counseling, residential treatment, and emergency care and relapse prevention services. Many of the programs are funded by grants provided by the Division.

Division of Medical Assistance administers the Medicaid program which is an entitlement program created by the federal government to provide payment for medical services and long term care for low-income citizens. The Medicaid program in Alaska has been enhanced by the addition of Healthy Baby which targets improving pregnancy outcomes and the overall health of children, Healthy Kids which is aimed at ensuring that all Medicaid-eligible children receive complete health screenings and immunizations, and Home and Community Based Care which provides Medicaid eligible people who qualify for long-term services in a medical facilities with the option of receiving enhanced services at home. The Division also administers the Chronic and Acute Medical Assistance (CAMA) program which provides limited hospital, physician, and pharmacy services for indigent adults with no other medical coverage. Additional responsibilities include licensing and certification of health facilities.

Division of Mental Health and Developmental Disabilities consists of the section of Mental Health and the section of Developmental Disabilities. The Division operates the Alaska Psychiatric Institute (API), the only state-owned and operated psychiatric hospital in Alaska, and also provides funding for community mental health agencies, limited fee-for-service funding on behalf of indigent patients for inpatient psychiatric evaluation and treatment services, and operates the Alaska Youth Initiative (AYI) program in partnership with Office of Children's Services and Department of Education. The goals of AYI are to prevent children from being placed in facilities out-of-state and to reduce institutionalization of children with severe emotional disturbances. The Division also provides Developmentally Disabled Individualized services, including in-home support, shared care, foster care, adult assisted living and group homes.

Division of Public Assistance administers the Alaska Temporary Assistance Program which provides families with needy children with economic assistance and support services needed to achieve self-sufficiency. Support services include Welfare-to-Work services and child care services. The Food Stamp Program and the Adult Public Assistance, Energy Assistance, and General Relief Assistance programs are also administered by the Division.

Division of Public Health provides direct services statewide through the Public Health Nursing program and provides funding for a number of programs, including the Women, Infants, and Children (WIC) program which provides food and nutrition education services; the Infant Learning Program which provides services to young children at risk of developing or already experiencing developmental disabilities and their families; Healthy Families Alaska, a child abuse and neglect prevention program; and Family Planning and Pregnancy Support services for low income women and teens. The Division also provides certification for Emergency Medical Technicians (EMT), EMT instructors, and air and land ambulance services, and directs overall planning, education, and coordination for comprehensive statewide emergency medical services and trauma case systems, rural and primary health care services, and health prevention efforts statewide, and provides grants

and consultation for community health aide training and community based health promotion programs. The Bureau of Vital Statistics, State Medical Examiner's office, Section of Epidemiology and State Public Health Laboratories are also part of the Division.

1.4 AGENCY FUNDING RESOURCES

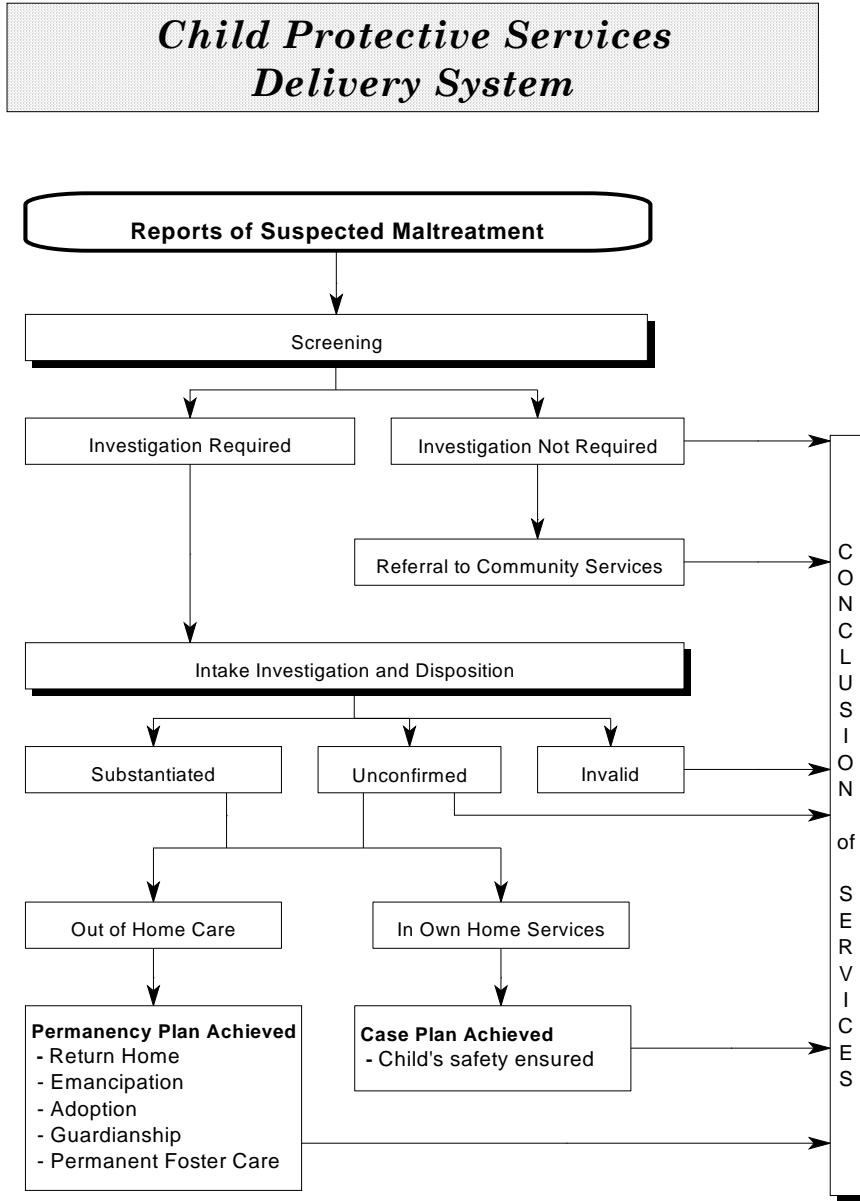
The agency is primarily funded by state funds allocated by the State Legislature on an annual basis through the following process:

The Director, together with the regional Children's Services Managers, and the State Office staff, prepares a budget document which includes information about service goals and needs as well as the justifications for the amount of funds being requested. The budget is developed in compliance with state statutes, regulations, and procedures primarily established by the Office of Management and Budget (OMB). The budget developed by the Director is presented for review by the DHSS's Division of Budget and Finance and then submitted to the Commissioner of the DHSS for approval. Once the Commissioner approves the budget, it is submitted to the OMB for review and approval prior to submission to the Governor. The Governor approves the budget requests for all state agencies and submits the state budget to the Legislature. The House of Representatives and the Senate must vote to approve the budget separately and then negotiate any differences in their approvals through a joint conference committee. The budget is then returned to the Governor for veto review and final implementation. This process starts in September of each year and is not completed until early summer of the following year when the legislative annual session ends and the governor has signed the appropriations bill.

The Division also applies for and receives federal funds through grants and formula funding programs which are provided through the Social Security Act, Titles IV-B and IV-E and Title XX.

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1.5 CHILD PROTECTIVE SERVICE DELIVERY SYSTEM



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1.6 CODE OF ETHICS FOR THE STAFF OF THE OFFICE OF CHILDREN'S SERVICES

The Division is a public agency established to provide public services which have been determined to be necessary through the representative governmental process. It is the responsibility of each employee to perform their assigned tasks, in the delivery of service to the client, with appropriate and professional conduct. Any personal interaction with the public, other agencies, clients, or any other person that comes in contact with an employee as a part of their assigned job duties, must occur with the employee displaying proper respect toward the individual. Alaska's population is composed of a diversity of lifestyles, ethnic and cultural backgrounds. It is expected that those differences will be respected and every individual will be treated with dignity. State employees must adhere to the State Code of Ethics.

Because of the perceived and real power of the agency, it is essential that employees not misuse their authority.

The National Association of Social Workers code of ethics is the Division's adopted conduct code for the staff members directly involved in providing services to clients. The code sets forth the values, principles, and standards of the social work profession.

See the NASW Code of Ethics, and the State of Alaska Code of Ethics for more detail.

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1.7 THE INDIAN CHILD WELFARE ACT (ICWA)

AUTHORITY: P. L. 95-608 Indian Child Welfare Act of 1978

PURPOSE AND INTENT OF ICWA: Congress enacted the Indian Child Welfare Act (ICWA) in 1978 after finding that state and private child welfare agencies were removing Indian children from their homes at rates that were as much as eight times that for other children. Congress determined that agencies often removed Indian children because they lacked understanding of, and/or respect for, native cultural differences. Congress further found that once Indian children were removed from their homes, the child welfare agencies and the judicial system systematically refused to include the child's tribe and extended family in the child welfare decision-making process. As a result, the ICWA imposes federal rules on state child welfare practices, and acknowledges the vital role that the child's cultural heritage and tribal community must play in child welfare decision-making for Indian children.

The purpose and intent of the ICWA is to protect the best interests of Indian children, by preserving Indian families and preventing, whenever possible, the removal of Indian children from their families. The Act concludes that the best interests of Indian children are realized by promoting the stability and security of Indian families and tribes, and recognizes that this cannot be accomplished without fully including the child's Indian tribe in all decision-making regarding the future welfare of tribal children.

The Act further requires that in those instances where separation of an Indian child from her family is necessary, the child must be placed in a home that reflects the unique values of the Indian child's culture. To accomplish this goal, the Act establishes placement preferences to which this Agency will adhere.

Whenever an Indian child is the subject of intervention by this agency, it is the policy of this division to notify the child's tribe of the division's intended actions, and to include the child's tribe in decision-making regarding the placement of the child and the establishment of a reunification plan for the family. The division will not oppose a federally-recognized Indian tribe's request/notice to intervene in a child custody proceeding involving an Indian child who is a member of, or is eligible for membership in, that tribe. It will be the policy of this division to make every effort to include the child's tribe in planning for the child and the family, and to accommodate, wherever possible, a tribe's request to participate telephonically in court proceedings and case planning meetings.

POLICY: The Department of Health & Social Services intends to comply with the full intent of the ICWA in every case involving an Alaska Native or American Indian child. The division will take the following actions to accomplish this goal:

- a. Develop legal and cultural training regarding proper implementation of the ICWA, which will be provided for every staff member and supervisor.
- b. Arrange for appropriate interpreters as needed, to ensure all contacts and proceedings are fully understood by the Alaska Native and/or American Indian parents and Indian custodians.
- c. Make every effort to consult and communicate with the Alaska Native and/or American Indian child's tribe/tribal designee, parent or Indian custodian on a regular basis and encourage the involvement of the child's tribe. This effort includes phone calls and personal contact by a OCS employee, as well as telephone, written or facsimile notification of all OCS reviews and written notification of all court proceedings, in compliance with the ICWA and state law.
- d. Document all efforts to comply with ICWA by the division worker.
- e. Collaborate with tribes to review and maintain the ICWA State-Tribal Agreement¹ to provide state and tribal representatives with a set of written procedures for implementation of ICWA to ensure that the tenets of the ICWA are respected and followed.
- f. Maintain a current directory of all Alaska tribes and provide it to all workers and offices.
- g. Review ICWA issues for compliance at every case planning conference, including:
 1. compliance with the active efforts requirements of the ICWA prior to removal of an Alaska Native/American Indian child from his/her home;
 2. compliance with placement preferences;
 3. the active efforts requirements of the ICWA after removing an Alaska Native/American child from his/her home;
 4. assistance with access to provision of appropriate remedial services for the Alaska Native or American Indian family at issue;
 5. permanency planning progress;
 6. provision of notices as required by the ICWA, state law and judicial procedure, state-tribal agreements, and internal policies and regulations of the division.
 7. consultation/communication with the tribe/tribal designee;

¹ The following Tribes have signed the ICWA State-Tribal Agreement include: Craig, Ekwok, Haines, Hydaburg, Iliamna Village Council, Juneau, Kasaan, Kenaitze, Ketchikan, Klawock, Klukwan (Chilkat Indian Village), Kotzebue, Native Village of Circle, New Stuyahok, Ninilchik Traditional Council, Pelican, Petersburg, Port Graham, Qualingin Tribe on Unalaska, Saxman, Scammon Bay, Sitka Community Association, Tanana, Tenakee Springs, Tooksook Bay, Wrangell, Yakutat.

8. when possible, reliance upon an expert from the child's tribal community who has extensive knowledge of the tribe's cultural standards regarding parenting practices, or someone who the community recognizes as familiar with tribes parenting practices, in judicial proceedings.
 9. documentation of all of the above efforts.
- h. Identify at least one ICWA expert/specialist per region who will be available to provide consultation and assistance to other OCS staff. The role of the Regional ICWA Specialist may include but is not limited to:
1. Facilitating and/or participating in Alaska Native or American Indian child/ren Case Conferences, which will occur no later than 90 days into custody and placement, 6 months, and 9 months (see sections 3.1.2 Family and Children Early Conference, 3.1.3 Child and Family 6 Months Conference, and 3.1.4 Permanency Planning Conference);
 2. Working positively with tribes located within the State of Alaska, and with tribes located outside Alaska on a case by case basis only;
 3. Providing:
 - A. Ongoing ICWA training to regional and field OCS staff;
 - B. Consultation and assistance with training to staff regarding ICWA compliance,
 - C. Training in the cultural concepts of family and tribal identity that form the basis of the Act.
 4. Out-of-preference reviews: see section 3.1.6 Out-of-Preference Review.
 5. Acting as contact person for workers from other regions or out-of-state who are trying to establish contact with a village to conduct a relative search. This includes identifying the contact person for them and in many cases assisting with the contact of referring the caller to the closest OCS field office to assist with a personal contact.
 6. Developing and maintaining contacts with villages within their identified region. This may be done with or in conjunction with field office staff.
 7. Assuring statewide consistency in ICWA practice and in the role of ICWA specialists by participating as a OCS ICWA Team member in statewide teleconferences with the Statewide ICWA Program Coordinator and by attending all statewide Tribal/State Collaboration Group meetings.
 8. Collecting and submitting regional ICWA compliance data to the Statewide ICWA Program Coordinator in order to develop an ICWA Compliance database from which to

evaluate local, regional, and statewide ICWA compliance and other ICWA related issues.

i. ICWA Related Definitions

1. BIA Enrollment Database:

- A. The Bureau of Indian Affairs maintains lists of Alaska Natives based on their enrollment or being a descendent of a person enrolled in one of the 13 regional (Alaska Native Claims Settlement Act) corporations. The Bureau of Indian Affairs also maintains a separate data base of tribal members, but because many Alaska tribes have not had long established rolls, it does not have comprehensive information on tribal membership in Alaska.
- B. The BIA also issues Certificates of Indian Blood to Alaska Natives and American Indians in order to determine their eligibility for various types of services such as education scholarships and medical services.

2. Enrollment: This term applies to a certain method of keeping track of a tribe's or organization's membership. Enrollment is an administrative function by which an Indian tribe, defines what individuals make up that community. Each group has its own specific membership requirements which must be met in order to be a member of that group. Tribes have sole control over their membership criteria which may be set out in their constitution or by ordinance or simply be based on their customary practices. Tribes do not need to maintain an "enrollment" although an increasing demand for evidence of membership in order to qualify for certain federal benefits is leading many tribes to develop an enrollment plan.

3. ICWA Eligibility:

- A. For a child to be covered by the Indian Child Welfare Act, the child must be a member of a tribe OR be the biological child of a member of a tribe & eligible for membership in a tribe. Being eligible for Tribal enrollment or membership is very important under ICWA. This allows case workers to treat a Child Welfare Case as an "ICWA Case" under the ICWA if there is an intention to enroll a child in that tribe.
- B. There is no requirement that the child and the parent be members of the same tribe - as far as the ICWA is concerned. While most tribes will have a requirement of lineage of some sort, there are going to be exceptions to that rule, and there will be instances where a child is a member of one tribe and cannot be a member of the parent's tribe. Some tribes may allow dual enrollment, in which case, legal notification for ICWA must be sent to all potential tribes where the child may be eligible for membership.

4. ICWA Workers: Tribes and tribal Organizations receive some federal funding to assist with implementation of the Indian Child Welfare Act in regards to their

member children. Not all Tribal "ICWA" workers are federally-funded. Tribes also have personnel designated as the "ICWA" social worker, simply to denote that the individual works on cases prior to intervention and/or outside of the tribal jurisdiction, or outside of the reservation. Some tribes, therefore, are able to employ two types of caseworkers or social workers; those who work exclusively on child welfare cases that are within the jurisdiction of the tribe, and those who work exclusively on cases that are within the jurisdiction of a state agency or court.

5. Indian Health Service Health Coverage:

A. The Indian Health Service (IHS) provides health services for all Alaska Natives/American Indians who are either enrolled to a federally recognized Indian tribe or who are a descendent of an enrolled tribal member.

B. Prior to the 1960's, the federal government allowed only full blooded American Indians/Alaska Natives to receive services from the IHS. This changed in 1964-65 and Alaska Natives/American Indians with at least ¼ blood quantum certification became eligible for Indian Health Services. Now, because both the courts and the federal government recognize that Indian tribes have the right to determine their own membership rules, this was struck down in the courts, in what is referred to as the Martinez Case (Pueblo, NM). The outcome of this case stated that ONLY a tribe could define its own membership. Tribes eligible for IHS are those listed as a federally recognized tribe.

6. Indian Tribe: For purposes of the Indian Child Welfare Act, "Indian tribe" is defined as including any recognized tribe, band, nation or other recognized group or community of Indians recognized by the federal government as eligible to receive federal services by virtue of their status as Indians or (Alaska Natives) or any village listed in the Alaska Native Claims Settlement Act. There are over 550 federally recognized Indian tribes, 225 of which are located within the State of Alaska.

7. Tribal Organizations: Some Tribes have developed non-profit regional organizations or associations within the same geographic area as their Regional Corporations to provide education, vocation, and human service benefits for individuals having tribal membership with one of the tribes in their region.

8. Villages: Villages are small communities comprised of groups of Native families within the State of Alaska. Most of the village residents share traditional values, language, beliefs, culture and customs. Many (although not all) Alaska Native villages are also federally recognized tribes for the purposes of the Indian Child Welfare Act.

j. Non-ICWA Related Definitions

1. Regional Native Corporations: _
 - A. Twelve Regional Native 'for profit' Corporations were created under the Alaska Native Land Claims Settlement Act of 1971. The majority of the land and monetary proceeds of the settlement were divided among the regional corporations.
 - B. Corporate membership was determined by each person's place, village, residency or where they had personal or family ties. A 13th region was established for Alaska Native individuals not residing within the state of Alaska during the allowed enrollment period.
 - C. History:
 - i. Regional enrollment was limited to Alaska Indian, Eskimo or Aleut individuals alive on December 18, 1971, meeting ¼ tribal blood quantum requirements. Once the enrollment period closed, no new enrollments were allowed.
 - ii. One hundred shares of stock were issued to each enrolled shareholder by their Regional Native Corporation.
 - iii. Children born after 1971 and other relatives generally may inherit shares and receive dividend payments but are not entitled to new stock in the corporation.
 - iv. After Congress amended ANCSA to permit it, some RNCs have changed their by-laws to permit issuance of new shares of stock to those born after the 1971 cut-off date.
 - v. Some Regional Native Corporations have developed a mechanism for shareholders to 'gift' shares to their children and or other Native relatives. When this occurs, those persons become shareholders with full voting rights and privileges.
2. Share Inheritance: The inheritance of shares is handled via corporate documentation completed by shareholders indicating their wishes for share distribution for voting and dividend purposes or by next of kin in the event that the shareholder had not completed the necessary forms.
3. Tribes: _
 - A. This term has many different meanings - i.e., political, linguistic, anthropological - and is often used loosely. The United States did not enter into treaties with tribes in Alaska and did nothing else to systematically identify tribes here until 1993. At that time the Bureau of Indian Affairs published a list of federally recognized tribes in Alaska which consisted primarily of those villages listed in the Alaska Native Claims Settlement Act (ANCSA) as being entitled to participate in the benefits of the settlement.
 - B. Historically there has been a tendency to designate broad groupings of Alaska Natives, included Eskimo, Aleut, Athabascan, Tlingit, Haida and Tsimpshian people. Alaska Native people describe themselves in different terms, such as

Inupiat or Yupik rather than Eskimo.

4. Village Corporations: In addition to the 12 Regional Native Corporations, all federally recognized villages in Alaska as of December 1971 could also incorporate to receive benefits under the Act. These are called both Village and Urban Corporations to distinguish them from Regional Corporations and are "for-profit" corporations. Goldbelt, in Juneau, is one of the urban corporations and did not have federally recognized status as a tribe. Village Corporations follow the same guidelines for enrollment and inheritance as do the Regional Corporations.

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1.8 HOW TO USE THE MANUAL

The Child Protective Services Manual is designed to provide the information needed by workers, supervisors and managerial staff for service delivery to CPS clients. The manual includes policies, procedures and guidelines for service delivery of the programs and support activities. NOTE: For purposes of brevity, in this manual the reference to "Native" or "Indian" child applies to all Alaska Native/American Indian children (all children covered by the Indian Child Welfare Act).

The manual chapters follow the progressive levels of service available to families involved with the OCS. These are Intake, Permanency Planning, Court Proceedings, ICPC, and a general section for administrative policy and procedure.

The decimal numbering system is similar to that used in statutes and regulations. Each chapter is divided into sections and subsections, each of which is a breakdown of the chapter number. The first digit indicates the chapter. For example, Chapter 2.0 is Intake. The second digit indicates the section. For example the intake chapter contains a number of sections, such as 2.1 "Screening Referrals". The third digit refers to the subsection. For example, within 2.1 "Screening Referrals", are subsections such as 2.1.3 "Prioritizing Referrals".

Further breakdowns in a chapter, section or subsection are designated in the following ways, in the order given:

- First - a., b., c., etc.
- Second - 1., 2., 3., etc.
- Third - A., B., C., etc.
- Fourth - i., ii., iii., etc.

On the top right of each page is the name of the program with the name of the chapter underneath, and with the section number appearing under the chapter name. At the bottom left hand corner of each page appears the date of the initial issue of this manual. At the bottom right is the date for replacements in the manual and is the date "superseding" the date of last issue. In addition to the numbering system, each page is numbered at the bottom of the page.

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2.0 INTAKE

2.1 SCREENING REPORTS

AUTHORITY: AS 47.10 Children in Need of Aid, AS 47.17 Child Protection, AS 47.35. Licensing of Children's Facilities, 7 AAC 54, Art. 1 Confidentiality of Client Records, P. L. 98-457(B)(122), 45 CFR 1340.14(i)

PURPOSE: To accurately screen all Protective Services reports and determine appropriateness for investigation.

POLICY: The Office of Children's Services receives reports regarding children suspected of being victims of physical injury, sexual abuse, sexual exploitation, neglect, or mental injury. The worker shall assess the child's need for protection from abuse or neglect as defined by statute. A worker shall take a report even when the reporter requires anonymity. Federal regulations prohibit disclosure of the identity of a reporter if disclosure of the information would be likely to endanger the life and safety of the reporter.

The following definitions constitute the basis in law for the decision to accept a report for investigation:

Child abuse or neglect means the physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the age of 18 by a person under circumstances that indicate that the child's health or welfare is harmed or threatened thereby.

Maltreatment means an act or omission that results in circumstances in which there is reasonable cause to suspect that a child may be a child in need of aid, as described in AS 47.10.011, except that, for purposes of this chapter, the act or omission need not have been committed by the child's parent, custodian, or guardian;

Mental injury means an injury to the emotional well-being, or intellectual or psychological capacity of a child, as evidenced by an observable and substantial impairment in the child's ability to function.

Neglect means the failure by a person responsible for the child's welfare to provide necessary food, care, clothing, shelter, or medical attention for a child.

Medical neglect of handicapped infants in a medical care facility includes instances of withholding of medically indicated treatment from disabled infants with life threatening conditions,

except in those cases where reasonable medical judgment indicates that one of the following instances apply: The infant is chronically and irreversibly comatose; or the provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life threatening conditions, or otherwise be futile in terms of the survival of the infant; or the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's (or physicians') reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions.

Sexual exploitation includes allowing, permitting, or encouraging a child to engage in prostitution prohibited by AS 11.66.100 - 11.66.150, by a person responsible for the child's welfare and allowing, permitting, encouraging, or engaging in activity prohibited by AS 11.41.455(a), by a person responsible for the child's welfare.

Person responsible for the child's welfare means the child's parent, guardian, foster parent, a person responsible for the child's care at the time of the alleged child abuse or neglect, or a person responsible for the child's welfare in a public or private residential agency or institution.

PROCEDURE:

- a. Information and Referral (I/R): All calls requesting only information or referral shall be entered into ORCA.
- b. Protective Services Reports
 1. A worker will complete a Protective Services (PS) Report with as much detail as the reporter can supply, including:
 - A. child's name, age, birth date, sex, race, and current address;
 - B. present location of the child;
 - C. names, addresses, phone numbers of parents and siblings;
 - D. mother's birth name;
 - E. names, addresses, phone numbers of other significant relatives;
 - F. nature and extent of the problem;
 - G. date of incident and type of incident or situation that precipitated the PS report;
 - H. present condition of the child;
 - I. name, address, phone number of person responsible for the abuse;
 - J. action taken by reporter or others;
 - K. whether reporter witnessed abuse/neglect, dates of occurrence;
 - L. name, address and phone of other persons who may have knowledge of the

- incident or situation (collateral contacts);
 - M. whether the child's immediate safety is in question;
 - N. whether there are other minor children in the home whose immediate safety may be in question;
 - O. whether the reporter has informed the family of the report; and
 - P. where the alleged harm occurred: within or outside of the family structure, in a facility licensed by the division, in a medical facility etc;
 - Q. child's tribe and village if native (may be more than one tribe, list all) and tribe and village, if any, for both parents. (NOTE: in this context, "village" is where the family was raised, and a child's tribe is where the child is either a member, or is eligible for membership in that tribe and is the biological child of an individual who is a member of a tribe. The parent(s)' tribe and the child's tribe are not necessarily the same tribe).
2. When the worker has obtained as much of the above information as possible from the reporter, the worker will:
- A. Explain to the reporter:
 - i. the importance of knowing as much as possible about the report, including the reporter's identity, to assist in allowing an effective investigation to occur;
 - ii. that they have a right to remain anonymous. We will investigate their report regardless of whether they provide their name and contact information, but that that we are better able to investigate reports if we can recontact the reporter if necessary to gain additional information during an investigation;
 - iii. if a PS Report is received by an office other than the one that serves the community where the child/family resides, the receiving office will enter the report into ORCA and forward the report to the appropriate office;
 - iv. that the report must be forwarded to law enforcement to determine if criminal investigation is necessary if section 2.1(e) applies;
 - v. that if the case goes to court, the reporter may have to testify; and
 - vi. that the reporter is immune from any civil or criminal liability for any report made in good faith.
 - B. If the reporter chooses to provide their name, the worker will record the name, phone number, address, and relationship to victim on the PS Report form.
 - C. All incidents, threats, etc. towards reporters shall be immediately forwarded to the Director's office.
- c. Screening Reports: The worker will recommend if the PS report should be screened in for investigation or screened out. The report is screened in if the reported allegations fall under

AS 47.10 or AS 47.17. The report is screened out if the alleged allegations do not fall under AS 47.10 or AS 47.17; for example if the alleged victim is an adult, since it would be an adult protective services issue; or if the report involves a custody battle where one parent is denying the other parent visitation, and no CPS issues appear to be involved.

1. For all reports that meet the criteria for investigation, the worker will assess the immediacy of the child's need for protection from maltreatment and ascertain the current status of the child, the potential for immediate and/or future danger, and the location of the child or parents, and forward the report to the supervisor.

The worker may use the following table as a reference guide to determine whether the report should be assigned for investigation. The table includes examples of screening reasons.

- A. If the worker determines that all allegations of harm are consistent with those in column 1 of the table ("Reasons"), the report will be considered for screen-out, and the worker may refer the caller to one or more of the resources in column 3.
- B. If conditions consistent with the exceptions in column 4 ("OCS investigates if") are reported, the report will be assigned.

SCREENING EXAMPLES

Reasons	Assumptions	May Refer to:	OCS investigates if:
Cultural practices (coining, cupping, etc.)	Respect cultural differences; is educational issue.	Public Health Nurses, minority community leaders, medical professionals.	Procedures cause tissue damage, injury, disfigurement, sexual abuse, or serious mental injury.
"Age-appropriate" sexual activities.	Sexual curiosity is part of normal child development.	Parents, mental health agencies, parenting education/ training.	Accompanied by exploitation, violence, threats, coercion, 3 years of age difference between children, or behavior not age-appropriate.
Lice, scabies, fleas, etc.	Health issues, communicable disease.	Public Health Nurses, school nurses.	Medical endangerment; other neglect indicators.
Physical discipline with no injury.	Corporal discipline by parents is not prohibited by Alaska statutes.	Voluntary parenting classes.	Age or condition of child places at risk. Parent did something capable of harming the child. Blows to head or trunk of body to child.
Inappropriate parent/child verbal interaction.	Not against the law to yell at your children.	Referral to parenting classes.	Includes threats, cruel degrading language, or has observable, substantial effect on child, i.e., emotional or mental injury or other abuse/neglect.
Dirty house/no	Child's welfare must not be	Family, community	Health risks or safety hazards exist.

Reasons	Assumptions	May Refer to:	OCS investigates if:
utilities.	at community standard for risk of harm.	agencies, landlords.	
Lack of supervision for child age 12 or older.	Child able to care for self.	Latchkey programs, parents, employers.	Condition of child places at risk; child is fearful of being alone; child is responsible for other children in circumstances beyond child's ability.
Lack of immunizations.	Not part of child abuse laws. School attendance and day center requirements.	Schools, Public Health Department.	There are other neglect issues.
Missed medical appointments/not following recommended treatment.	Child's health is not at substantial risk of harm from neglect.	Public Health Nurses, school nurses, community clinics.	Neglect may result in painful, potentially physically or mentally disabling, or life threatening situation.
Homeless.	Poverty is not a reason to intervene. Parent is providing minimally for child.	Shelters.	Unaccompanied young child and child who requests assistance. When children have demonstrated physical harm from living situation. Child is witnessing criminal activity or violence due to homelessness.
Custody issues.	Some parents will use "the system" in an attempt to gain custody.	Attorneys, mediation counselors, family court, private counseling agencies.	A credible allegation of abuse or neglect is received.
Left with a caregiver beyond arranged time.	Caregiver agrees to keep child and parent has arranged for care.	Caregiver.	Caregiver cannot or will not keep child or cannot be located. Child is not safe in caregiver's home. Multiple referrals.
Poor school attendance/tardiness	Not a neglect issue.	School district, caregiver.	Situation is educational neglect or other neglect indicators exist.
Alleged incident currently under investigation.	Already being investigated.	Worker assigned.	Allegation is different.
Alleged incident already investigated.	Already investigated.	Family, mental health agencies.	Subsequent events alleged. More information is reported about the incident.
Out of home sexual abuse.	Child is safe in own home from perpetrator.	Police/mental health.	Caregiver is not protective/supportive.

- The screener should attempt to obtain as much information as possible to determine whether reported information shall be screened in for investigation or screened out, including making collateral contacts (e.g. calling the elementary schools if only name and approximate age is known by the reporter).

3. The screener will check Prober/ORCA for any previous contact or previous PS reports and document in ORCA.
4. The screener will check Prober/ORCA for information about the child's tribal affiliation and document in ORCA.
5. Upon receipt of the PS report the supervisor will review, screen, prioritize, and assign the report for investigation (see section 2.1.1 Prioritizing Referrals).
6. The decision about whether a report will be assigned is subject to the supervisor's review and approval (see section 2.1.3 Supervisory Reviews).
7. Following are the screening outcomes for PS reports and their definitions:

A. Screened In:

- i. Assigned to OCS staff for investigation.
- ii. Referred to Differential Response program for assessment. This option should only be used in areas where there are Differential Response programs. Cases referred for Differential Response will be "Low Risk" Priority 3 cases (defined below), and will remain open. The results of the Differential Response intervention will be documented in the case.

"Low Risk" is defined as:

- (a) No prior substantiated investigation within a six month period
- (b) Neglect or physical abuse cases that have no known or suspected methamphetamine lab activity
- (c) An APSIN check (completed prior to referral to a Differential Response program) verifies the following:
 - No prior domestic violence convictions in the last six months
 - No violent criminal convictions involving weapons
 - No sexual offense convictions
 - No felony convictions for substance abuse in the last six months

If the APSIN check contains any one of the above items, the report shall be retained by OCS and must be assigned as an investigation to an OCS worker or, with supervisor review and consultation with the DR program manager, may be referred to the Differential Response Program.

B. Screened Out:

- i. Insufficient Information: A report that cannot be assigned due to insufficient information to locate the child.
- ii. Multiple Referrals on the Same Incident: When the same incident is reported multiple times, only the initial PS Report should be screened in.
- iii. No Alleged Maltreatment: No child protection issues exist that warrant OCS intervention and services.

Includes information and referral when there are no CPS issues, but caller requests information, for example about counseling or drug/alcohol treatment, and the worker provides needed information and referral.

- iv. Law Enforcement Jurisdiction Only: A worker will immediately forward a copy of the PS Report to the nearest law enforcement agency if under AS 47.17.020(e) the conclusion is made that the harm was caused by a person who is not responsible for the child's welfare and there is no information to indicate that the parent is not being protective.
- v. Created in Error
- vi. Referred to Military: A report made to the OCS that does not meet the criteria for investigation, which is referred to the military for follow-up.

d. Forward Report to the Department of Law

OCS will forward a copy of the PS Report alleging physical or sexual abuse to the Department of Law within 72 hours of receipt of the report regardless of whether it is intra-family or out-of-home abuse. A worker will include the status of the investigation at the time the PS Report is submitted to the Department of Law.

e. Forward Report to Law Enforcement

OCS will immediately forward a copy of the PS Report to the nearest law enforcement agency if under AS 47.17.020(e) the conclusion is made that the harm was caused by a person who is not responsible for the child's welfare; the worker is unable to determine who caused the harm to the child or whether the person who is believed to have caused the harm has responsibility for the child's welfare; or the report involves possible criminal conduct for a sex crime or abuse or neglect that results in the need for medical treatment of the child.

f. Requests for Information and Referral

OCS does not have the resources to provide general services often requested such as family counseling or consultation with parents on how to handle rebellious teens. The worker will explain OCS services and refer callers with non child protection concerns to other community resources. The worker will complete the Information and Referral screen in ORCA.

OCS may be approached by parties seeking to make informal arrangements for the care of a child by a relative, friend, or neighbor. Such callers should be informed that a "power of attorney" or "delegation of parental authority" may meet their needs and be advised to seek an attorney.

g. Conflicts of Interest

If an OCS employee responsible for providing direct service to a child and/or child's family perceives a possible conflict of interest *prior* to being assigned or conducting any work on that case, the employee will report the conflict to their supervisor and/or staff manager. The supervisor and/or staff manager will determine whether or not a conflict exists that is sufficient enough to reassign the case to a different staff.

If an OCS employee responsible for providing direct service to a child and/or child's family becomes aware of a possible conflict of interest *after* being assigned or beginning work on a case, the employee will immediately notify their supervisor and/or staff manager. Work on the case will be suspended, as appropriate and with authorization from the supervisor/staff manager, until the supervisor/staff manager can determine whether or not a conflict exists that is sufficient enough to reassign the case to a different staff.

h. Protective Services Reports Involving OCS Staff

When a PS report on an OCS employee is received, the CSM of the region receiving the report will be immediately notified. The CSM will in turn notify the Field Administrator and the Director.

i. Investigations Involving OCS Staff

1. The Field Administrator and the CSM will determine the course of protective services investigations involving OCS employees.
 - A. The investigation will not be assigned to an employee who works in the same field office as the employee who is the subject of the investigation. (When

resources permit, an employee outside of the subject's region will conduct the investigation).

- B. Investigations on employees shall be completed within 30 days.
 - C. The PS report, and all other information necessary to conduct and complete an investigation, will be entered into ORCA per standard procedures.
 - D. The employee conducting the investigation and the CSM of the investigating region shall communicate the investigation findings to the CSM in the subject's region.
2. During the course of an active child protective services investigation, the CSM of the employee who is the subject of the investigation may place that employee on authorized absence from duty with or without pay, or assign the employee to alternate duties, as circumstances warrant.

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2.1.1 PRIORITIZING REFERRALS

AUTHORITY: AS 47.17 Child Protection, P. L. 93-242

POLICY: Reports of Harm will be prioritized according to the immediate or potential risk of harm to the child. The assigned priority determines the division's response time.

Each case accepted for investigation will be assigned a priority rating of "Priority 1", "Priority 2" or "Priority 3", contingent on the severity of the reported risk of harm to the child.

The priority rating assigned determines the response time to the Report of Harm.

- a. "Priority 1" must be responded to within 24 hours of the time the report is received by the division. Priority 1 reports are defined as reports which present the greatest degree of risk to the child and requires an emergency response; including reports that the child:
 1. is believed to be in immediate danger;
 2. is believed to be unattended and is of an age, or possesses special needs which would indicate the child would be subject to imminent danger of physical harm if left unsupervised;
 3. has suffered potential serious physical injury as a result of abuse or neglect;
 4. is believed to be in immediate need of medical attention and is being denied such treatment or follow through for treatment;
 5. who is the subject of the report has died as a result of suspicious causes and has siblings who remain in the home;
 6. has disclosed sexual abuse and there is current risk/accessibility.
- b. "Priority 2" must be responded to within 72 hours of the time the report is received by the division. Priority two reports are defined as reports which indicate that while the situation is serious, information available does not indicate the child is in immediate danger.
- c. "Priority 3" must be responded to within seven (7) calendar days of the time the report is received by the division. Priority three reports are defined as reports which indicate that a delay in assessing the situation will not result in significant additional harm to the child

The priority rating may be revised if additional information is received prior to the investigation

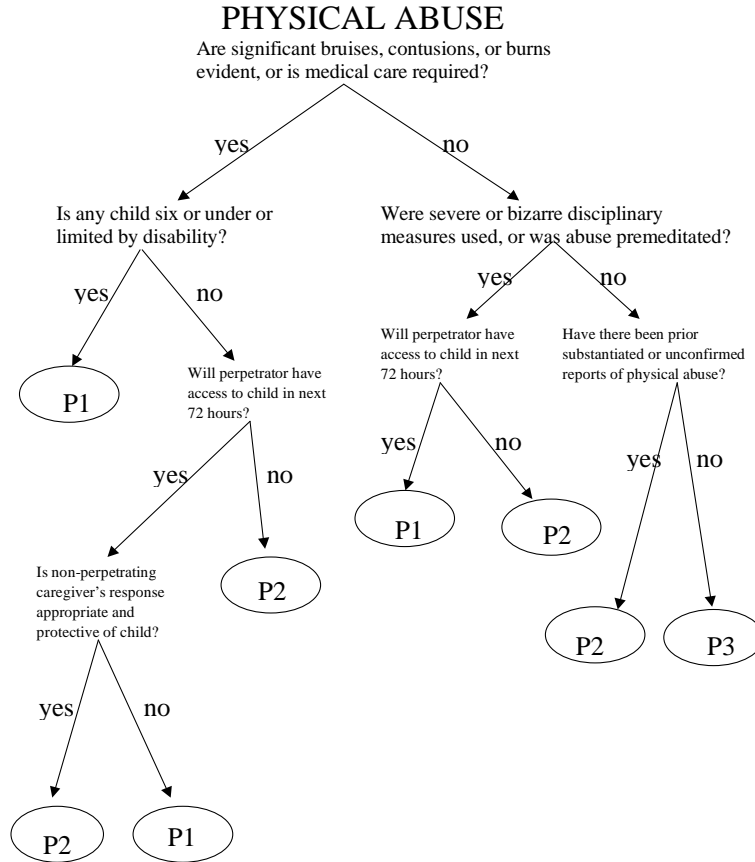
that demonstrates that the situation is either more or less serious than the initial report indicated.

PROCEDURE:

- a. Reports of Harm will be researched to determine if there have been prior reports on the family. The research should be completed before the investigation begins, but no investigation will be delayed due to failure or inability to research.
 1. Access the name of the child, parents, and siblings in the OCS electronic database. Cross check the client # and the family #.
 2. Document any prior contact (print the information if using computer file). If there has been prior contact, pull the case record. If the record is located in another office, contact the office and request the record be forwarded. Also request the other office to briefly review the case record and provide information verbally in order to provide immediate information to assist in the investigation.
 3. For any report which may be investigated for abuse or neglect, a criminal background check may be done through APSIN and the Sex Offender Registry. To request an APSIN computer check, complete an APSIN Request Form (06-9712) and submit it to the APSIN Unit. See section 6.8.4 Criminal Record Check.

- b. Determining a Priority Rating
 1. The following decision trees will be used to determine a priority rating on every report of harm. The decision trees structure this analysis to determine a response priority level. Use the following instructions and definitions.
 - A. Determine the type of maltreatment alleged and refer to the corresponding decision tree. If more than one type of maltreatment is alleged, begin with the most serious allegation.
 - B. Begin at the top of the tree and answer each question yes or no. To determine the most appropriate response, consider all information provided by the caller. If the response remains unclear, ask additional probing questions until the response becomes clear or the caller has exhausted their information. If the response remains unclear, respond in the way that is most protective of the child.
 - C. Follow the pathway through the selected response to the next question. Proceed until reaching a termination point (Priority 1 [P1], P2, or P3).
 - D. If there are multiple allegations, complete a decision tree for each allegation

and respond according to the quickest response time indicated. Once a response time of P1 is reached, no additional trees need be completed.



2. Definitions for Physical Abuse

A. Are significant bruises, contusions, or burns evident, or is medical care required?

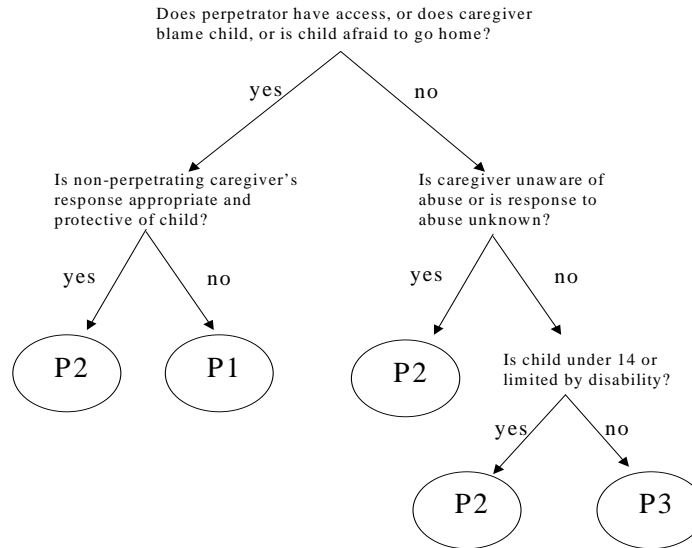
- i. Medical care includes any intervention performed by a health care professional to treat an injury. (Do not include forensic medical evaluations solely done for the purpose of documenting injury, or evaluation to determine IF there is an

- injury.)
- ii. Include significant bruises, contusions or burns that did not require medical care. Significance is gauged by considering location (i.e., injuries to soft tissue, face, abdomen, buttock are considered more significant than injuries over bony prominence such as elbows, knees, shins), scope (i.e., injuries over multiple body surfaces, or covering larger areas are considered more significant than a small, isolated bruise), recency of injury (i.e., new injuries are considered more significant than old scars). A pattern of injuries apparently inflicted over a period of time should be considered significant.
- B. Is child six or under or limited by disability?**
- i. If the injured child has not reached their seventh birthday, or is as vulnerable as a child six or under due to known cognitive or physical disability, answer yes.
 - ii. All others answer no.
- C. Will perpetrator have access to child in next 72 hours?**
- i. If perpetrator is identified, is it likely that the perpetrator will be in physical proximity with the child within 72 hours? Also include verbal/written, or third party access if the perpetrator has used such indirect contact in attempt to influence the child's statements or threaten the child in any way.
 - ii. If the perpetrator is unknown, access must be assumed. Answer yes.
- D. Is non-perpetrating caregiver's response appropriate and protective of the child?** (A non-perpetrating caregiver is one who did not directly participate in the alleged maltreatment of the child)
- i. An appropriate and protective response may be characterized by acknowledging that the perpetrator's actions were inappropriate, awareness of, and concern for the impact of maltreatment on the child, and acceptance of the child's report of abuse. A protective response may be evidenced by setting limits on the alleged perpetrator's contact with the child, involvement with discipline, etc.
 - ii. Consider the emotional and physical ability of the non-perpetrating caregiver to carry out intended protective measures.
- E. Were severe or bizarre disciplinary measures used or was abuse premeditated?**
- i. Did perpetrator act in ways that present high potential for serious harm (i.e., throwing a heavy object toward child's head, punching in abdomen)? Did perpetrator act in ways that suggest extremely distorted and dangerous concepts of child discipline (i.e., locking in cage, surpassing child's physical or emotional capacity to endure, exposing to severe elements)?

OR

- ii. Is there evidence that perpetrator planned in advance to physically harm child?
Answer no if caregiver planned in advance to take the action but did not intend the action to cause physical injury.
- F. Will perpetrator have access to child in next 72 hours?**
- i. If perpetrator is identified, is it likely that the perpetrator will be in physical proximity with the child within 72 hours? Also include verbal/written, or third party access if there is reason to believe the perpetrator will attempt to influence the child's statements or threaten the child in any way.
 - ii. If the perpetrator is unknown, access must be assumed. Answer yes.
- G. Have there been prior substantiated or unconfirmed reports of physical abuse?**
- i. Include any prior in-person investigation for physical abuse that was substantiated or unconfirmed (investigations determined to be invalid are excluded). Also include prior referrals for physical abuse assigned for investigation even if face-to-face contact never occurred.
 - ii. If it cannot be determined that a prior investigation included physical abuse allegations, include it as a physical abuse allegation for the purpose of answering this question.

SEXUAL ABUSE



3. Definitions for Sexual Abuse

A. Does perpetrator have access, or does caregiver blame child, or is child afraid to go home?

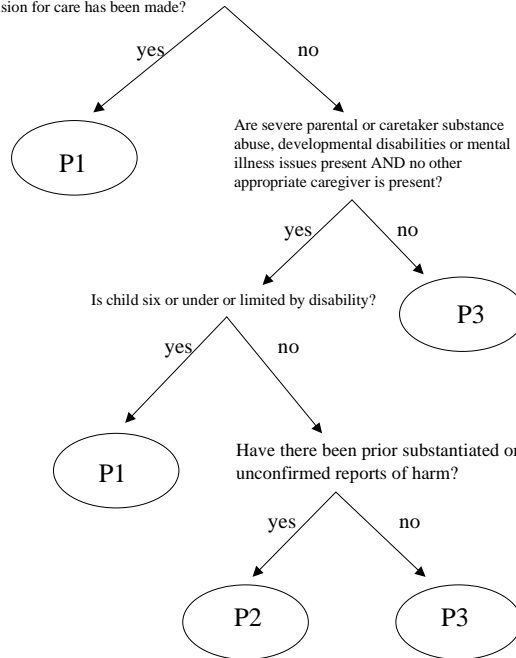
- i. If perpetrator is identified, is it likely that the perpetrator will be in physical proximity with the child within 72 hours? Also include verbal/written, or third party access if the perpetrator has used such indirect contact to influence the child's statements or threaten the child in any way.
- ii. If the perpetrator is not identified, also answer yes.
- iii. Is there reliable information that a caregiver refuses to believe the sexual abuse could have occurred or acknowledges sexual contact involving the child but states (verbally or nonverbally) that the child was partly or completely responsible?
- iv. Does child express fear (verbally or nonverbally) of remaining or returning home?

- B. Is non-perpetrator caregiver's response appropriate and protective of child? (A non-perpetrating caregiver is one who did not directly participate in the alleged maltreatment of the child)**
- i. An appropriate and protective response may be characterized by acknowledging that the perpetrator's actions were inappropriate, awareness of, and concern for the impact of maltreatment on the child, and acceptance of the child's report of abuse. A protective response may be evidenced by obtaining medical evaluation if indicated, and discontinuing contact between alleged perpetrator and child.
 - ii. Consider the emotional and physical ability of the non-perpetrating caregiver to carry out intended protective measures.
 - iii. Any attempt by the caregiver to influence the child's statement one-way or the other is considered an inappropriate response.
- C. Is caregiver unaware of abuse or is response to abuse unknown?**
Answer yes if:
- i. Report is from a third party and the non-perpetrating caregiver has not yet been informed of the allegation.
 - ii. The non-perpetrating caregiver may have learned of the alleged abuse, but the caller has no information concerning the caregiver's reaction.
- D. Is child under age 14 or limited by disability?**
- i. If the child has not reached their fourteenth birthday, or is as vulnerable as a child under age fourteen due to known cognitive or physical disability, answer yes.
 - ii. All others answer no.

NEGLECT

(Includes medical neglect, abandonment)

Is the living situation immediately dangerous; is any child currently left unsupervised who is six or under or too disabled to care for self; does child appear seriously ill or injured and in need of immediate medical care; is caretaker not available and no provision for care has been made?



4. Definitions for Neglect (Includes medical neglect, educational neglect, and abandonment.)

- A. **Is the living situation immediately dangerous; is any child currently left unsupervised who is six or under or too disabled to care for self; does child appear seriously ill or injured and in need of immediate medical care; is caregiver not available and no provision for care has been made?**

Answer yes if:

- i. Based on the child's age and developmental status, the child's physical living conditions are hazardous and immediately threatening. Examples include but are not limited to:
 - Exposure to animals known to be a danger;

- Unsafe heating or cooking equipment;
- Substances or objects accessible to the child that may endanger the health and/or safety of the child;
- Lack of water or utilities (heat, plumbing, electricity) and no alternate or safe provisions are made;
- Exposed electrical wires;
- Excessive garbage or rotted or spoiled food, which threatens health;
- Serious illness or significant injury has occurred due to living conditions and these conditions still exist (e.g., lead poisoning, rat bites);
- Evidence of human or animal waste throughout living quarters;
- Guns and other weapons are not locked;
- Complete or near complete absence of food.

OR:

- ii. Child is age six or under or is as vulnerable as a child age six or under due to known cognitive or physical disability, AND:
 - Child is currently alone or is scheduled to be alone within the next 72 hours.
 - Caregiver does not attend to child to the extent that need for care goes unnoticed or unmet (e.g., caregiver[s] is present but child can play with dangerous objects, or be exposed to other serious hazards).
 - Child is being supervised by an alternate caregiver who is unable to meet child's immediate needs for care and supervision.

OR:

- iii. Child's unmet medical need may result in serious harm, serious aggravation of symptoms, increased risk of long-term or permanent injury or impairment, or death if not treated within 72 hours. Examples include but are not limited to:
 - Apparent bone injury that has not been set;
 - Apparent third degree burn or extensive second-degree burn that has not been medically evaluated;
 - Untreated dehydration;
 - Breathing difficulties;
 - Severe abdominal pain;
 - Loss of consciousness or altered mental status;
 - Failure to thrive;
 - Untreated exposure to the elements, frostbite..

OR:

- iv. Caregiver:
 - Left the child without affording means of identifying the child and the child's parent or guardian;
 - Is absent from the home for a period of time that creates a substantial risk of serious harm to a child left in the home;
 - Left the child with another person without provision for the child's support and the other person is no longer able or willing to provide care.

B. Are severe parental or caregiver substance abuse, developmental disabilities, or mental illness issues present AND no other appropriate caregiver is present?

Answer yes if **caregiver**:

- i. Is currently impaired by alcohol or other drugs, to the extent that they are not providing for the child's needs for care and safety, and this has resulted, or is likely to result, in injury, illness, or harm to the child.
- ii. Is cognitively impaired to the extent that they lack basic understanding of child's needs for care and supervision, and this lack of understanding has resulted or is likely to result in injury, illness, or harm to the child.
- iii. Is mentally ill to the extent that they are unable to meet child's needs for care and supervision, and this has resulted, or is likely to result, in injury, illness, or harm to the child. Examples include but are not limited to:
 - Loss of touch with reality;
 - Paranoid thoughts, especially those in which child may be seen as evil;
 - Severe depression that interferes with ability to function at even most basic levels;
 - Suicidal (includes all direct or indirect threats, attempts, or behavioral indicators of suicidal ideation).

AND

- iv. No other adult is present who is able to provide for the child's protection and care.

C. Is any child age six or under limited by disability?

- i. If any child has not reached their seventh birthday, or is as vulnerable as a child six or under due to known cognitive or physical disability, answer yes.
- ii. All others answer no.

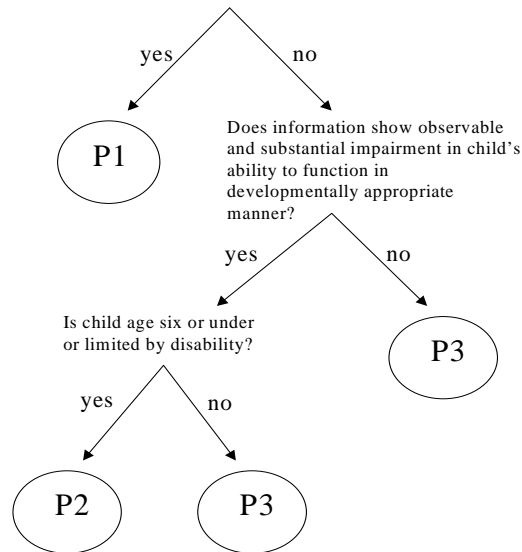
D. Have there been prior substantiated or unconfirmed reports of harm?

- i. Include any prior in-person investigation for harm that was unconfirmed or substantiated (investigations found invalid are excluded).
- iii. Also include prior reports of harm assigned for investigation even if face-to-face contact never occurred.
- iii. Reports of harm include neglect, physical abuse, sexual abuse or mental injury.

MENTAL INJURY

(Includes exposure to domestic violence)

Is parent's behavior toward child extreme, severe, or bizarre; or does child's behavior put self at risk and caregiver does not respond appropriately?



5. Definitions for MENTAL INJURY (includes exposure to domestic violence)

A. Is parent's behavior toward child severe, extreme or bizarre; or does child's behavior put self at risk, and caregiver does not respond appropriately?

Examples of severe, extreme or bizarre behavior include:

- i. Caregiver threatens to harm self in child's presence;
- ii. Unusual forms of discipline (e.g., child standing in corner on one leg, forcing child to wear inappropriate clothing such as a ten-year-old being forced to wear diapers; this should NOT include incidents of inappropriate clothing due to poverty or current fashion);
- iii. Murder or torture of people or pets in front of child;

- iv. Child's extreme rejection from family (e.g., abnormally long time-outs based on child's age and developmental level; family acts as if child doesn't exist);
- v. Child singled out for detrimental treatment;
- vi. Parent is constantly belittling child or has unrealistic expectations of child.

OR:

- vii. Child is suicidal, self-mutilating, or engaging in other behavior that has caused, or is likely to cause, serious physical injury or death, AND caregiver is unable or unwilling to provide monitoring, support, mental health services, or hospitalization necessary to protect child.

B. Does information show observable and substantial impairment in child's ability to function in developmentally appropriate manner?

Examples include:

- i. chronic somatic complaints;
- ii. enuresis/encopresis not due to medical condition;
- iii. long-term withdrawal/depression/isolation from family or school activities;
- iv. severe aggressive behavior;
- v. cruelty toward animals;
- vi. fire setting.

C. Is any child age six or under or limited by disability?

- i. If any child has not reached their seventh birthday, or is as vulnerable as a child six or under due to known cognitive or physical disability, answer yes.
- ii. All others answer no.

c. Overrides:

- 1. After completing all necessary decision trees, consider whether or not an override should be applied.

A. A policy override to P1 is applied whenever:

- i. Family is about to flee or has a history of fleeing. (*Family is preparing to leave the jurisdiction to avoid investigation, or has fled in the past.*)
- ii. Forensic investigation would be compromised if investigation were delayed. (*Physical evidence may be lost or altered; attempts are being made to alter statements, conceal evidence, or coordinate false statements.*)
- iii. Law enforcement is requesting immediate response

B. A policy override will decrease response by one level whenever:

- i. Child is in alternate safe environment (*Child is no longer living where alleged abuse/neglect occurred, or is temporarily away and will not return for (72 hours if overriding to level 2; 7 days if overriding to level*

- 3)).
 - ii. A substantial period of time has passed since the incident occurred. (*The incident happened long ago and there is reason to believe no additional incidents have occurred since then*).
- C. A discretionary override may be applied if after completion of all necessary decision trees and application of policy overrides, worker and supervisor determine that there are unique conditions not captured by the tool that warrant a different response priority. A discretionary override may increase or decrease the response time by one level.
2. Priority designations are subject to the supervisor's review and approval (see section 2.1.3 Supervisory Reviews).

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2.1.2 PROTECTIVE SERVICES ALERTS

AUTHORITY:

AS 47.10.093 Disclosure of Agency Records
AS 47.17.040 Central Registry, Confidentiality
7 AAC 54.150 Disclosure of Child Protection Information to Other States

PURPOSE: To establish procedures to ensure that OCS researches Protective Services Alerts (PSA) received from other states.

BACKGROUND INFORMATION:

State Law and Regulations: Alaska statutes and regulations allow disclosure to an out-of-state child protection agency of child protection information that has a direct bearing on an investigation or judicial proceeding in which the protection of a child from child abuse or neglect or the custody of a child is at issue._

POLICY: The OCS Interstate Compact (ICPC) office or an OCS field office that receives a PSA from another state will respond to the alert within three days of receiving the alert.

PROCEDURE:

A. Responsibilities of the ICPC Office:

1. Within three days of receipt of a PSA from another state, the ICPC office will conduct a name search in ORCA to determine whether OCS has an entry or case involving any of the persons listed on the alert.
2. If any names are found
 - a. In an open case, the ICPC office will:
 - Create a Services Intake in ORCA and link the case; and
 - Report the alert to the assigned worker by e-mail; and
 - Provide a copy of the PSA to the worker; and
 - Notify the state that published the alert.
 - b. In a closed case or if no names are found in ORCA, the ICPC office will request that a State Office Eligibility Technician conduct a search of the Division of Public Assistance Eligibility Information System (EIS). If names are found, the ICPC office will:
 - Create a Services Intake in ORCA and assign to an intake worker in the appropriate field office; and
 - Provide a copy of the PSA to the intake worker; and
 - Notify the state that published the alert.

- B. A worker who receives a PSA on an open case from the ICPC office will notify the other state of the status of the OCS case. When applicable, the worker will coordinate with the other state as needed.
- C. If an OCS field office or OCS regional office receives a PSA directly from another state, that office will conduct a name search in ORCA and create a services intake in ORCA regardless if names are found or a case is opened or closed.

DEFINITIONS:

Child Protection Information: information contained in child protection files.

Child Protection Files: a system that stores electronically or on paper information gathered by the department in carrying out its duties under AS 47.10.005 - AS 47.10.142, AS 47.14.100 – AS 47.14.110, or AS 47.17.010 – 47.14.290.

2.1.3 SUPERVISORY REVIEWS

AUTHORITY: AS 47.10 Children in Need of Aid

POLICY: All Reports of Harm which are assigned for investigation will be reviewed by a supervisor.

PROCEDURE:

- a. When there is a supervisor on site, the supervisor will:
 1. review priority designations;
 2. monitor investigative case load distribution;
 3. ensure appropriate and timely follow-up;
 4. sign off on the priority designation on the Report of Harm.
- b. Offices with no on-site supervisor will send copies of intake reports to the supervisor for review and approval of action taken.

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2.1.4 REPEAT MALTREATMENT

AUTHORITY: AS 47.17 Child Protection

PURPOSE: To reduce repeat maltreatment.

POLICY: All Protective Service reports received that have had a substantiated finding within the past six months must be critically reviewed.

PROCEDURE:

- a. Process for Critical Review of New Protective Services Reports
 1. When taking a PS Report, the intake worker will review case history and document on the PS report all past investigations and their findings.
 2. If the intake supervisor making the screening decision determines that the new report will be screened out, the supervisor will clearly document the reasons for the screen out decision on the PS Report page in ORCA.
 3. If the report is screened in for investigation, the worker assigned to the investigation will:
 - A. review the current report information, taking note of whether the victims, perpetrators, and allegations are new or different than the previous substantiated investigation/s; and
 - B. review the previous safety and risk assessment, and the care and safety plan, when applicable; and
 - C. consider any issues associated with the past substantiation and, if needed, plan a strategy for the current investigation with the supervisor; and
 - D. document the results of the review in ORCA; and
 - E. when the safety appraisal indicates harm factors are present, develop a care and safety plan; and
 - F. notify the supervisor that harm factors were determined so that the supervisor

can review the safety appraisal and care and safety plan to determine its appropriateness. Special attention will be given to whether the care and safety plan items match the harm factors and work to alleviate and/or control the harm factors.

4. At the conclusion of an investigation, the case will be staffed with the supervisor before the final determination is made to assure that findings are appropriate. The worker and supervisor will discuss any identified harm factors from previous investigations and the associated care and safety plan, including the interventions to address the harm factors. The supervisor will assure that appropriate measures were taken to alleviate and/or control the harm factors. The FRAN will be reviewed and depending on the risk level, discussion should center on whether a case should be opened for services according to the SDM matrix. Needed referrals for services will also be reviewed and determined at that time. The supervisor will record the contents of the staffing in ORCA.

2.2 ASSIGNMENT OF OCS INVESTIGATION/REFERRAL TO DIFFERENTIAL RESPONSE PROGRAM

AUTHORITY: AS 47.10 Children in Need of Aid, AS 47.17 Child Protection

PURPOSE: To accurately assign PS reports and determine appropriate investigation or assessment.

POLICY:

- a. Reports which have been determined appropriate for OCS intervention and given a priority rating will be assigned for investigation.
- b. In areas where there is a Differential Response program, Priority 3 Low Risk protective services reports that meet the criteria in section 2.1(b)(7)(A)(ii) will be referred to that program.

PROCEDURE:

- a. Assignment of OCS Investigation
 1. Initiate the investigation within the required time frame according to the assigned priority level.
 - A. Out of Area Report: When a report concerns a child residing in a geographical area covered by another office in state, the PS Report will be assigned to the intake supervisor in the receiving jurisdiction.
 - B. Out of State Report: All reports about a child residing out of state must be forwarded by phone, fax, or electronic mail to the appropriate office in the other state within 24 hours. The formal documentation of the report should be e-mailed or faxed within 3 working days.
- b. Referral to Differential Response (DR) program
 1. OCS will refer cases that meet the referral criteria to a DR program, if such a program is available. Prior to making the referral, an APSIN check will be completed as part of verifying that the referral criteria are met.

2. DR programs will respond, through face to face contact, to referred protective services reports within seven calendar (7) days. The seven-day timeline begins when the report is assigned to the DR program and **not** when the report is received by OCS.
 3. If the DR program staff are unable to locate the family in 7 days, the report requires OCS supervisor approval to extend the duration of contact. The differential response staff must provide documentation to OCS staff of efforts/attempts to contact the family. OCS staff will decide if the DR program should continue to attempt to contact the family or if the case should be assigned for investigation.
 4. If there is a new protective services report on an open DR case, then OCS contacts the DR program to discuss the case. OCS will determine if the case will be assigned for investigation.
 5. OCS will enter the closing summary information provided by the DR program into an ORCA activity note and close the case.
- c. DR program staff will:
1. complete a safety appraisal on the family. If the DR program staff determine that safety is a concern the case will be referred back to OCS immediately. DR programs will **not** complete safety plans.
 2. complete the Protective Capacities and Needs Form with the family at the beginning of a case to get a baseline. The Protective Capacities and Priority Needs form will be used when developing the case plan with the family. The Reappraisal will be used to evaluate the effectiveness of the case plan.
 3. develop case plans with the family using an OCS approved case plan format.
 4. after 90 days of service, either close the case or close with referrals. An extension may be granted only after OCS supervisory approval.
 5. provide a closing summary to OCS within 10 working days of closing the case.
 6. refer the case back to OCS if a family refuses DR services.

2.2.1 PRIORITY LEVEL RESPONSE TIMES AND DEFINITION OF INITIATION

AUTHORITY: AS 47.10 Children in Need of Aid, AS 47.17 Child Protection

PURPOSE: Ensure child safety by establishing standards for face to face contact with the alleged victim based on priority level assignment of protective service reports, defining initiation, and establishing standards for approval of delay of face to face contact.

POLICY: CPS investigation must be initiated within the required response time, i.e.: 24 hours, 72 hours, 7 days, of the receipt of the report. Initiation is achieved by conducting a face-to-face contact with the child for the purpose of assessing their safety. If contact with the child is impossible, contact with the family, or source of the report who can provide information about whether or not the child is safe, or another person who can provide information about whether or not the child may be safe may substitute as initiation of the investigation.

If the report indicates that an emergency response is required, law enforcement will be contacted immediately.

A worker may not delay initiation of an investigation within the required response time without supervisor approval. Child safety must be determined before delay is approved.

If conditions make face to face contact within assigned response times impossible, reports designated Priority One will receive first consideration, Priority Two second consideration, and Priority Three third consideration.

PROCEDURE:

a. Required Response Times

1. If the protective service report is assigned a priority one, investigation will be initiated within 24 hours of the receipt of the report. Face to face contact with the alleged victim must occur within 24 hours of receiving the protective service report. Whenever possible, face to face contact will occur prior to the maximum time allowed.
2. If the protective service report is assigned a priority two, investigation will be initiated within 72 hours of the receipt of the report. Face to face contact with the alleged victim must occur within 72 hours of the receipt of the report. Whenever possible, face to face contact will occur prior to the maximum time allowed.

3. If the protective service report is assigned a priority three, investigation should begin within 7 calendar days of the receipt of the report. Face to face contact with the alleged victim must occur within 7 calendar days of the receipt of the report. Whenever possible, face to face contact will occur prior to the maximum time allowed.

b. Delaying Investigation

1. If a worker is unable to make face to face contact with the alleged victim within the required response time, the worker must, within the required response time, request law enforcement, or in their absence, a public health representative or other appropriate individual, to conduct the initial observation to determine child safety. This requires documented supervisor approval, and the worker must request documentation that the visit was made. The worker must also document follow-up to the request. The worker must make face to face contact with the alleged victim as soon as the condition that created the delay is remedied regardless of whether the child has been observed by a third party.
2. When the assessment of risk to the worker indicates a demonstrable risk of violence requiring the presence of law enforcement or other backup, the worker should seek supervisory approval to delay investigation until such protection is arranged. The supervisor should approve such requests.
3. Approval for Delaying Investigation:
 - A. The worker will notify the supervisor before the assigned time frame, requesting approval for a delay of the face to face contact and a new date for the face to face contact.
 - B. The supervisor may extend the response time or reassign the case for immediate contact. The supervisor will document the extension request and action in a case note (ROC).
 - C. The reasons for extensions will be noted on the protective services report.
4. If approval is denied, face to face contact must occur within the original assigned time frame.
5. Requests to extend response times for reports in licensed facilities must be approved by the Children's Services Manager.

- c. When local law enforcement declines involvement or will not respond within OCS required time frames to reports of sexual abuse or serious physical abuse:

1. Consult with the supervisor and determine if the investigation should proceed without law enforcement; notify law enforcement of the decision.
2. Notify law enforcement of any information obtained in the investigation that may change their position on involvement.
3. Notify law enforcement of the investigation outcome.
4. All contact with law enforcement must be documented.

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2.2.3 ESTABLISHMENT OF MULTI-DISCIPLINARY CHILD PROTECTION TEAMS

AUTHORITY: AS 47.14.300, Multidisciplinary Child Protection Teams, AS 47.10.093(b)(4), Disclosure of agency records.

POLICY: The establishment of the multidisciplinary teams is the responsibility of the division. The team is developed as a resource for a coordinated investigation of certain reports of child abuse or neglect. Those cases which could benefit from such coordination could include: referrals which indicate the likelihood of a criminal investigation and/or potential criminal prosecution; cases where medical expertise is needed; cases involving mental injury where a mental health consultation would be beneficial; cases where a tribal entity will be involved in the investigation phase and coordination is required. Additionally local teams may determine other resources which would prove beneficial in their communities.

PROCEDURE:

- a. The supervisor or manager responsible for supervision of a field office is responsible for stimulating the formation of the local team to include:
 1. contacting potential participants as outlined in AS 47.14.300 (HB 375) and including, as needed: mental and physical health practitioners; child development specialists; educators; peace officers; victim counselors; experts in the assessment and treatment of substance abuse; representatives of the district attorney's office and the attorney general's office; experts in the tribal customs in the area served by the team or persons familiar with the Indian Child Welfare Act; guardians ad litem; and staff members of a child advocacy center if one is located in the relevant area;
 2. facilitating the establishment of the group process and protocols for ongoing team functions to include: meeting dates and times, notification of members, protocols for the sharing of information and coordinated interviews, referral for medical and other forensic evaluation, and maintaining a tracking system to document coordinated investigations and outcomes;
 3. providing the framework for the team using the Child Protection Statute section on multidisciplinary teams and the MDT Resource Manual;
 4. identifying coordination to minimize trauma to child victims avoiding repetitious and possibly conflicting investigations;
 5. cooperating in preserving the quality of evidence discovered for civil litigation and

criminal prosecution;

6. providing ongoing consultation to field staff and community partners to perpetuate the continued successful function of the team;
7. providing community training to delineate the function and purpose of the team;
8. establishing a referral process which includes an established protocol for emergency referrals;
9. recognizing that recommendations of the team will be considered in recognition of the statutory limitations of each discipline.
10. maintaining a current list identifying team participants and a copy of local protocols.

2.2.5 CONDUCTING AN INVESTIGATION; ASSESSING FOR CHILD SAFETY

AUTHORITY: AS 47.10.020 Investigation and Petition, AS 47.17.025 Duties of Public Authorities, AS 47.17.027 Duties of School Officials, AS 47.17.033 Investigations, P. L. 98-457(B)(122)

PURPOSE: To collect sufficient information regarding the incident to complete an investigation and to collect sufficient information to form an assessment of the family that will then inform decisions as to the appropriate safety intervention.

DEFINITIONS

Collateral Contact: a person who may have significant information about the alleged incident, past incidences, or general family functioning (i.e. but not limited to teachers, neighbors, service providers, tribal staff). Contacting Collaterals is one of the most critical components of the information collection process.

Cultural Competency: acceptance and respect for differences of the way people live, parent, and provide for their families. "Acceptance and respect for difference, continuing self-assessment regarding culture, attention to the dynamics of difference, ongoing development of cultural knowledge and resources and flexibility within service models to work towards better meeting the needs of minority populations (Cross, Bazron, Dennis, & Isaacs, 1989).

Impending Danger: Refers to a family circumstance where a child is living in a state of danger, a position of continual danger. Danger may not exist at a particular moment or be an immediate concern (like in present danger), but a state of danger exists.

Initiation: Initiation is achieved by conducting a face-to-face contact with the alleged victim for the purpose of assessing their safety.

Not Substantiated: refers to a finding where, based on the available facts, a worker is unable to determine if a child suffered harm as a result of abuse or neglect, or where there are no facts to support the allegation that a child suffered abuse or neglect.

Present Danger: Immediate, significant and clearly observable severe harm or threat of severe harm is occurring to a child in the present requiring an immediate protective action.

Protective Action: A protective action occurs the same day that it is determined the child is unsafe and provides a child with responsible adult supervision and care. Typically a protective action will include a straightforward immediately achievable arrangement such as: arranging and

confirming that the parent or caregiver who is the alleged perpetrator will leave and remain away from the home; arranging for a parent or caregiver who is not the alleged perpetrator to leave home with the child; using people and resources available to the family to immediately protect the child; or placing the child in a relative placement, foster care, or appropriate temporary shelter facility.

Protective Capacities: Personal and parenting behavioral, cognitive and emotional characteristics that specifically and directly can be associated with being protective of one's young.

1. Behavioral Protective Capacity is specific action, activity, performance that is consistent with and results in protective vigilance.
2. Cognitive Protective Capacity is specific intellect, knowledge, understanding and perception that result in protective vigilance.
3. Emotional Protective Capacity is specific feelings, attitudes, identification with a child and motivation that results in protective vigilance.

Safe: Children are considered safe when there are no present danger or impending danger threats, or the caregivers' protective capacities control existing threats.

Safety Threat: refers to specific conditions, behavior, emotion, perceptions, attitudes, intent, actions or situations within a family that represent the potential for severe harm to a child.

Safety Analysis: an examination of safety intervention information; safety threats (concerned with impending danger threats) as identified by the safety assessment; and parent/caregiver protective capacities. The purpose of a safety analysis is to determine if a child is unsafe and to determine the necessary level of intrusion and level of effort required to assure child safety.

Safety Assessment: this term refers to an actual documentation tool entitled, "Safety Assessment" whereby the worker indicates if there are safety threats present or not. This term also refers to a philosophy of intervention and a process to which we go about our work and the information collection process during the investigation.

Safety Plan: refers to a written arrangement between parents/caregivers and OCS that establishes how safety threats (impending danger threats) will be managed. The safety plan is implemented and active as long as impending danger threats exist and caregiver protective capacities are insufficient to assure a child is protected.

Substantiated: refers to a finding where the available facts indicate a child suffered harm as a result of abuse or neglect as defined by AS 47.17.290.

Unsafe: Children are considered unsafe when they are vulnerable to present or impending danger and caregivers are unable or unwilling to provide protection or lack the protective capacities to

ensure the child will be safe.

Vulnerable Child: a child who is unable to protect him/herself because of age or other reasons and includes a child who is dependent on others for protection. Vulnerability is judged according to age; physical and emotional development; ability to communicate needs; mobility; size and robustness and dependence and susceptibility.

POLICY:

- a. All investigations shall be conducted by a worker who has been trained to conduct child abuse and neglect investigations and trained in assessing safety.
- b. An investigation involves making contact within the assigned response time lines in order to:
 - Gather safety-related information (6 Questions)
 - Determine present and impending danger (15 threats)
 - Determine child vulnerability
 - Determine if the parent or caregiver can or cannot and/or will or will not protect
 - Determine whether to substantiate or not substantiate child abuse or neglect.
 - Determine risk level
- c. The investigation must be completed within 30 days of assignment.
- d. All documentation must be entered into ORCA 15 days from the completion of the investigation.
- e. Supervisors must approve the investigation or recall/return to the worker within 7 days of receiving the investigation in ORCA.

PROCEDURES: The required investigation and safety assessment activities are outlined below. The activities are described in a logical order in these procedures, but the actual order in which they occur is controlled by the specific circumstances in a given case.

- a. Review Records: The assigned worker will:
 1. Thoroughly review the Protective Services Report:
 - A. Who were prior alleged perpetrators?
 - B. Prior allegations and outcomes?
 - C. Prior collaterals and/or family members identified
 - D. Tribal affiliation

2. Thoroughly review any paper and electronic records maintained by OCS for historical information on the family and the child:
 - A. Prior court records
 - B. Prior evaluations (substance abuse/mental health)
 - C. Safety Plans
 3. Make diligent efforts to contact another state's child welfare agency to obtain records, if any, when the worker has information that the family has lived in another state:
 - A. CPS history or interventions
 4. Request and review APSIN information on adults listed in the Protective Services Report:
 - A. Any charges that could indicate safety concerns for worker
 - B. Any charges that correlate to allegations
- b. Collaboration with Others: The worker shall work with representatives of other agencies and/or tribes to gather necessary information, to develop sufficient protective actions or continuing safety plans, to analyze safety threats, and to complete the investigation and safety assessment.
1. Collaboration with Tribes: If the child is Alaska Native/American Indian, and the tribe is known or can be determined, the worker will:
 - A. Notify the tribe of the report and invite the tribe to participate in the investigation.
 - B. Notify the village contact person prior to arriving in the village should the investigation take place in a village.
 - C. Coordinate with representatives of the child's tribe to ensure a culturally sensitive investigation/assessment.
 2. Collaboration with the Military: If the child is a member of an active-duty military family, the worker will:
 - A. Notify the local military personnel designated by state and regional protocol agreements.
 - B. Coordinate the investigation with the designated military personnel.
 - C. Consult with the supervisor and review letters of agreement to determine

protocol and specific responsibilities for the investigation when the family lives off base or post.

3. Collaboration with Law Enforcement: The local law enforcement agency will be notified verbally or by fax if one or more of the following exists:
 - A. Allegation of physical abuse
 - B. Allegation of sexual abuse
 - C. Allegation of physical or sexual abuse involving an out-of-home care provider
 - D. Allegation of abuse or neglect where the alleged victims needed immediate medical care
 - E. Allegation of abuse or neglect where there's a suspected meth lab and/or drug distribution house.

4. Collaboration with Law Enforcement for Sexual Abuse Investigations
 - A. When the allegation is sexual abuse or severe physical abuse, the worker will make a referral to the CAC serving the area. For out-lying communities, the referral will be made according to the multidisciplinary team protocol. If a child discloses sexual abuse during an investigation of physical abuse or neglect, the worker will coordinate an interview at the CAC.
 - i. The worker will fax information from the protective services report to the CAC and request the CAC to arrange and coordinate with OCS and law enforcement for an interview with the child. Any information about reporter's identity will be redacted prior.
 - ii. If there is a non-offending caretaker, they will be requested to accompany the worker and the child to the CAC or will be requested to give permission for the child to be taken to the CAC.
 - iii. If the non-offending caretaker refuses to allow the child to be transported, or there's no non-offending caretaker, the worker will determine if there is probable cause by consulting with their AAG to assume emergency custody in order to transport the child to the CAC in order to be interviewed.
 - iv. Coordination of the interview and any necessary follow up medical examination(s) and services will be completed according to the Multidisciplinary Team protocols.
 - B. In accordance with Alaska Statute, all sexual abuse interviews will be videotaped unless videotaping will result in trauma to the child.

- C. Wherever possible, sexual abuse investigations will take place at a Children's Advocacy Center.
- D. A worker will not interview a child more than once unless new information is obtained, and the new information constitutes the need for an additional interview done as described above.
- E. If additional interviews are determined necessary then the same worker will conduct follow up interviews with the child to the extent possible.
- F. Every effort will be made to coordinate the interview with the necessary members of the investigation team to minimize trauma to the child, (OCS worker and law enforcement officer at the minimum).

5. Collaboration with Department of Law for Alleged Medical Neglect of an Infant in a Medical Facility

- A. When the infant who is subject of the report is in OCS custody, the worker will also:
 - i. Notify the child's parents, unless rights have been terminated.
 - ii. Notify the assistant attorney general and request that notice be given to the court of the treating physician's decision to withhold treatment.
- B. Regardless of the status of custody of the infant, if the Director determines that:
 - i. treatment is being improperly withheld;
 - (a) Request medical documentation supporting the finding.
 - (b) File a Petition for Adjudication of Child in Need of Aid if parental rights are terminated (if the Child is not already in the custody of the state), seeking an order to provide necessary medical care.
 - ii. The treatment being withheld is appropriate, complete all appropriate documentation and close the case.

c. Contact Collateral Sources

- 1. The worker shall contact all collateral sources (people that may have significant information about the alleged incident, past incidences, or general family functioning, including adult and child functioning) that can clarify or supplement the information in the referral and in records already reviewed.

2. Collaterals may include but are not limited to:
 - A. Extended family members,
 - B. Child care providers,
 - C. Next door neighbors,
 - D. Doctors,
 - E. Teachers, school principals, school nurse,
 - F. Community health aides,
 - G. VPSO, ICWA workers, TFYS workers
 3. The worker will gather information from collateral sources throughout the investigation.
- d. Consult with a Supervisor
1. The worker will consult with a supervisor regarding the nature of the allegations and safety related information contained within the report and confirm the planned approach before beginning the investigation.
 2. The worker and supervisor discussion will include:
 - A. Information in the ps report
 - B. Notification to others (i.e. Tribe, Law Enforcement)
 - C. Investigation coordination with others (tribe, CAC, law enforcement)
 - D. Approaches to ensure worker safety
 - E. Approaches to ensure successful contact and interviews with family, (i.e. timelines, cultural considerations, victim ages, etc.)
- e. Worker Safety
1. When the safety of the worker conducting the investigation is of concern, a request for an escort should be made to the local law enforcement agency.
 2. If law enforcement is unable to assist, the worker and supervisor should consult with the OCS attorney to file a writ of assistance if indicated.
- f. Initial Contact
1. The worker will meet face-to-face with, and interview, the alleged victim, his or her siblings, and other children living in the home.
 - A. The worker will clearly identify themselves, clearly explain the purpose of the interview and show identification if requested.
 - B. The purpose of the face-to-face interview is to determine:

- whether or not the child has been abused or neglected;
 - child vulnerability;
 - child's immediate safety;
 - child functioning and family functioning;
 - assess for impending danger
- C. The worker will make diligent efforts to contact the child at home, school, childcare, or any other place where the worker believes the child may be found.
- D. After a worker interviews a child, the worker will make every reasonable effort to immediately notify the child's parents, guardian, or custodian that the interview occurred unless the worker believes that notifying the parents, guardian, or custodian would endanger the child or compromise the CPS or criminal investigation.
- E. Notification may be temporarily delayed with written supervisory approval that is placed in an investigation contact note in ORCA.
- F. If a worker, having reasonable cause to suspect that a child has suffered physical harm as a result of child abuse or neglect, takes photographs of the areas of trauma visible on the child without the permission of the child's parents, guardian, or custodian, the worker will notify the child's parents, guardian, or custodian of the action as soon as possible.
- G. All children will be interviewed separately and away from the alleged perpetrator and/or any other adult that could comprise the investigation process.
- H. If the parent or guardian refuses access to the child, the parent or guardian will be informed that law enforcement assistance or a court order could be obtained to gain access to the child.
- i. If information indicates the child is in present danger the worker will:
 - (a) Immediately request law enforcement assistance to enter the home and gain access to the child.
 - (b) If law enforcement assistance is unavailable or refused, immediately contact the Department of Law in order to gain a writ of assistance authorizing immediate access.
 - ii. If the child is not believed to be in present danger, the worker will contact the AGs office to consult about the case.

- I. If the parents are unavailable and the report indicates the child is alone in the house and in immediate danger, follow step (f)(1)(H)(i) above.
 - J. If it is not possible for the worker to make a face-to-face contact within the timeframes, the worker will document why contact was not made.
 - K. The worker will make continued diligent efforts to make contact with the alleged victim until safety can be established.
 - L. The supervisor must approve any delays in making face-to-face contact with the alleged victim, his or her siblings, and other children living in the home.
2. The worker will meet face-to-face with, and interview, the non-offending parent or caregiver.
 - A. The purpose of this face-to-face contact and interview is
 - to find out what the non-offending parent or caregiver knows about the alleged child abuse or neglect;
 - gather information related to the safety of the child;
 - gather information to determine protective capacities ;
 - gather information to determine if the parent or caregiver can or cannot and will or will not protect the child;
 - gather information for adult and family functioning;
 - assess for domestic violence.
 - B. The worker will provide the parent or caregiver with the "*Handbook for Parents and Children in Child Abuse and Neglect Cases*" which includes written information regarding the investigation process, including the court process and the rights of the parent and caregiver.
 - C. If it is not possible for the worker to make a face-to-face contact with the non-offending parent, the worker will document why contact was not made.
 - D. The worker will make continued diligent efforts to make contact with the non-offending parent.
 3. The worker will meet face-to-face with, and interview, the other adults living in the home.
 - A. The purpose of this face-to-face contact and interview is
 - to find out what the other adults in the home know about the alleged child

- abuse or neglect;
 - gather information related to the safety of the child;
 - gather information for adult, child and family functioning.
- B. If it is not possible for the worker to make a face-to-face contact with the other adults living in the home, the worker will document why contact was not made.
- C. The worker will make continued diligent efforts to make contact with the other adults living in the home.
4. The worker will meet face-to-face with (whenever possible), and interview, the non-custodial legal parent.
- A. The purpose of this contact and interview is to:
- gather information for adult, child and family functioning
 - gather custody information that may impact the decision-making process
 - assess for domestic violence
 - provide notification of investigation
- B. If it is not possible for the worker to make contact with the other non-custodial legal parent, the worker will document why contact was not made.
- C. The worker will make continued diligent efforts to make contact with the non-custodial legal parent.
5. The worker will meet face-to-face with, and interview, the alleged perpetrator
- A. If the alleged perpetrator lives in the home, the purpose of this face-to-face contact and interview is to:
- find out what the alleged perpetrator knows about the alleged child abuse or neglect;
 - gather information related to the safety of the child;
 - gather information for adult, child and family functioning;
 - assess for domestic violence.
- B. At the time of the initial contact with the alleged perpetrator, the worker will advise the alleged perpetrator of the allegation(s).
- C. In sexual abuse and serious physical abuse cases, if one of the parents/caretakers is suspected to be the offender:
- i. the worker will follow the procedures outlined in the Child Abuse

- Agreement (see Chapter 7) and the local protocol, including coordination with law enforcement;
- ii. the worker will coordinate with law enforcement in regards to notification of the alleged perpetrator to ensure that a criminal investigation is not compromised, and not interview the alleged perpetrator until law enforcement has decided against conducting any further interviews.
 - iii. If the alleged perpetrator has been formally charged with a criminal offense, OCS will not interview the alleged perpetrator and should limit its contact with the alleged perpetrator to those instances required for the child protection proceedings and case plan.
- D. If the alleged perpetrator lives out of the home and is not a parent or legal guardian, the worker needs to coordinate with law enforcement regarding what type, if any, contact OCS should have with the alleged perpetrator.
6. The worker will conduct at least one home visit during the course of the investigation. During the home visit, the worker will:
- A. Observe and discuss the physical condition of the child, including any observable effects of child abuse or neglect;
 - B. Observe and discuss the emotional status of the child, including mannerisms, signs of fear, and developmental status;
 - C. Observe and discuss the reactions of the parents or caregivers to OCS concerns;
 - D. Observe and discuss the emotional and behavioral status of the parents or caregivers during the interviewing process;
 - E. Observe and discuss the interactions between family members, including verbal and body language;
 - F. Observe and discuss the condition of the child's living space, including where the child sleeps; and
 - G. Observe and discuss the physical condition of the home that affects the safety of the child.
7. If the family is an Alaska Native/American Indian family, the worker will coordinate the home visit with a member of the family's tribe in order to ensure a tribal representative is at the home visit with the worker.

g. Determine if Present Danger Exists

1. To determine if present danger exists, the worker will analyze the information gathered and conclude that
 - A. A specific, observable, describable family behavior, condition, or circumstance is present; and
 - B. Severe harm or threat of severe harm is occurring to the child in the present thus requiring an immediate protective action.
2. If the worker determines that there is present danger to the child an immediate protective action will be taken to ensure the child is safe. The worker must then continue gather information required to sufficiently complete information collection and the investigation.
3. If the worker determines during the initial contact that there is no present danger and the child is safe, the worker will continue to gather information required to complete the investigation.

h. Child Safety Documentation

1. After the worker completes their initial contacts and makes a determination of present danger, the worker will complete the Safety Assessment Form, marking the box "Initial Contact".
 - A. If all fifteen safety threats are checked "no," the initial safety assessment is complete. Proceed to the Safety Assessment Conclusion. If one or more safety threats are checked "yes," proceed to Child Vulnerability.
 - B. Child Vulnerability
 - i. If the worker determines that the child is not vulnerable, then the child is safe, and the worker will proceed to the safety assessment conclusion, indicating that the caregiver can and will protect.
 - ii. If the worker determines that the child is vulnerable, the worker will proceed to the "Caregiver Can and Will Protect" section.
 - C. Determine whether the "Parent or Caregiver Can or Cannot and Will or Will Not Protect" the child

- i. If the worker determines that the parent or caregiver can and will protect the child, then the child is safe, and the form is complete.
 - ii. If the worker determines that the parent or caregiver cannot or will not protect the child, the worker must initiate a protective action, which will include establishing an initial safety plan.
 2. The worker will document the information they gathered from their interviews, home visits, and other contacts in investigations notes in ORCA.
- i. Safety Analysis and Safety Plan: The worker will establish an initial safety plan in those cases where children are unsafe and a protective action needs to be implemented in order to ensure child safety.
 1. Requirements for an Initial Safety Plan: The worker will assure that the plan:
 - A. Is in place before the worker leaves the home and all participants have a copy.
 - B. Is focused on the particular family behaviors, conditions, or circumstances that present the safety threat.
 - C. Controls the identified safety threats until sufficient information can be gathered and analyzed to determine whether there is a need for an ongoing safety plan.
 - D. Does not use a parent or caregiver who is the alleged perpetrator to provide protection.
 - E. Includes individuals who can provide protection for the child and have been approved by the OCS worker to do so.
 - F. Has been approved by a supervisor.
 2. The worker will modify the plan, as necessary, to continue to manage the identified safety threats until sufficient information can be gathered and analyzed to determine whether there is a need for a continuing safety plan.
 3. The Safety Analysis and Safety Plan document: The worker will fill out the "Safety Analysis and Safety Plan" document, obtain signatures on the document, and ensure all participants have a copy of the document. The plan will include:
 - A. A detailed description of the safety threat;

- B. The location of the child;
 - C. The names of all safety plan participants, their contact information and their relationship to the family, and how they were determined to be suitable to provide safety for the child.
 - D. The specific details of the protective action which includes the start date, frequency and level of action;
 - E. The parents' and caregivers' agreement to and acceptance of the protective action as indicated by their signature; and
 - F. The plan to monitor the protective action.
 - G. Approval by a supervisor.
- j. Determine if Impending Danger Exists (the six questions)
- 1. The worker will gather relevant information and facts through interviews and observations, being sensitive towards the family's culture and ethnic background in the following areas:
 - A. The extent of the child abuse or neglect;
 - i. Type of Maltreatment
 - ii. Details of Maltreatment (includes severity)
 - iii. Who is the alleged offender/perpetrator
 - iv. Finding of allegation(s)
 - B. The circumstances surrounding the child abuse or neglect;
 - i. Circumstances and events associated with the maltreatment
 - ii. Duration of maltreatment, patterns
 - iii. Response of non-offender
 - iv. Caregivers attitudes of maltreatment
 - C. Child functioning; (*with multiple children, identify each child and the age of each child in your answers*);
 - i. General behavior (includes daily routines and habits)
 - ii. Physical abilities (includes specific special needs)
 - iii. Child's emotional and social development (includes school and peer behavior)
 - iv. Vulnerability
 - v. Ability to self-protect

- D. Adult functioning;
 - i. General behavior (include daily routines, habits, and cultural environment)
 - ii. Social relationships
 - iii. Problem solving skills
 - iv. Abilities to manage stress
 - v. General issues (include mental health, substance abuse)
 - E. Parenting practices and skills (*with multiple parents, identify each parent in your answers*);
 - i. Parenting style and approach
 - ii. Knowledge of child development
 - iii. Parenting satisfaction
 - iv. Sensitive to child's limits
 - v. Expectations
 - F. Disciplinary practices (*with multiple parents, identify each parent in your answers*);
 - i. Discipline methods
 - ii. Purpose of discipline
 - iii. Age appropriateness
 - iv. Attitudes and expectations about discipline
2. In order to obtain the above information, the worker will interview the following family members, (separately whenever possible):
- A. Alleged victim;
 - B. Siblings and other children in the home;
 - C. Non-offending parents and caregivers, including all of the non offending adults in the home;
 - D. Non-custodial legal parent;
 - E. Alleged perpetrator.
3. In addition, the worker will conduct interviews with persons who may provide additional information in determining child safety and completing the safety assessment, including but not limited to:
- A. Physicians;
 - B. Mental health providers;
 - C. School employees;
 - D. Tribal social service providers;
 - E. Neighbors and family friends;
 - F. Anyone else that may have additional information.

k. Determining Child Safety Based upon the Impending Danger Assessment: Once the

worker obtains all necessary information to assess for impending danger, the worker will complete the Safety Assessment Form, marking the box "During/Conclusion of Initial Assessment":

1. If all fifteen safety threats are checked "no," the safety assessment is complete. Proceed to the Safety Assessment Conclusion. If one or more safety threats are checked "yes," proceed to Child Vulnerability.
2. Child Vulnerability
 - A. If the worker determines that the child is not vulnerable, then the child is safe, and the worker will proceed to the safety assessment conclusion, indicating that the caregiver can and will protect.
 - B. If the worker determines that the child is vulnerable, the worker will proceed to the "Caregiver Can and Will Protect" section.
3. Determine Whether the Parent or Caregiver Can or Cannot and Will or Will Not Protect the Child
 - A. If the worker determines that the parent or caregiver can and will protect the child, then the child is safe, and the worker must continue the activities required to sufficiently complete the assessment.
 - B. If the worker determines that the parent or caregiver cannot or will not protect the child, the worker must initiate a protective action.
 - C. Documentation of Whether the Parent or Caregiver Can or Cannot and Will or Will Not Protect the Child: The worker must document and explain the basis for the determination.
- l. Determine Future Risk and Needs (FRAN)
 1. Determine future risk of abuse and neglect by completing FRAN. Use overrides when appropriate.
 2. This risk assessment will be used to help in determining if the case should be closed or opened for ongoing services.
- m. Finalizing the Investigation when the Child is Safe and the Risk Level is Low/Medium: If the worker finds the child is safe, there is no present or impending danger and the risk level is low or medium, the worker will:

1. Identify in ORCA whether the finding is substantiated, not substantiate, or closed without a finding.
 2. Refer the child to Early Intervention services for a developmental screening, in accordance with the Child Abuse Prevention and Treatment Act (CAPTA) if the report was substantiated and the child is under the age of 3.
 3. Review the investigation safety assessment and disposition with the supervisor.
 4. Send the investigation to the supervisor for approval.
 5. If there is no currently open case, upon receiving approval, the worker will submit the case for closure.
- n. Finalizing the Investigation when the Child is Unsafe and/or the Risk Level is High: If the worker finds the child is unsafe, there is present or impending danger, and/or the risk level is high, the worker will:
1. Identify in ORCA whether the finding is substantiated or not substantiated
 2. Refer the child to Early Intervention services for a developmental screening, in accordance with the Child Abuse Prevention and Treatment Act (CAPTA) if the report was substantiated and the child is under the age of 3.
 3. Complete any documentation needed.
 4. Review the investigation and disposition with the supervisor.
 5. Establish a Continuing Safety Plan
 - A. Re-evaluate the current safety plan to determine if it is still appropriate and sufficient.
 - B. Re-confirm all commitments with the current safety plan participants.
 - C. Revise/ update the existing plan based on the re-evaluation.
 - D. Document the new continuing safety plan on the Safety Analysis and Safety Plan form, checking the "Continuing Safety Plan" box.
 - E. On the continuing Safety Plan form the worker will:
 - i. Summarize the safety threats;
 - ii. Complete the safety analysis section;

- iii. Identify the safety management actions, tasks, and services;
 - iv. Obtain signatures from parents/caregivers, workers, supervisor and all safety plan participants.
6. Send investigation to the supervisor for approval; opening the case without or without custody as appropriate.

2.2.6 SCREENING FOR DOMESTIC VIOLENCE

AUTHORITY: AS 47.17.035 Duties of department in domestic violence cases

POLICY: During each investigation of reports of abuse and neglect, the division will assess whether there is domestic violence occurring within the family and take action as appropriate.

PROCEDURE:

- a. During each investigation in response to reports of child abuse or neglect, the worker will assess the family situation for the presence of domestic violence by observing or inquiring about the presence of the following factors:
 1. Visible injuries such as bruises in multiple areas or in different stages of healing;
 2. Use of coercion in sexual activities and/or physical activities;
 3. One partner fearful of the other or expressing anxiety about the partner's response to the investigation;
 4. One partner giving all responses and controlling responses to the worker's questions;
 5. One partner controlling of the other's daily activities or limiting access to money, activities outside the home, friends, religious and other activities;
 6. One partner being very controlling/extremely jealous and regularly checking on the other's activities.
- b. The worker will
 1. Initiate a criminal records check of the parents or the person alleged to have abused or neglected the child if not the parent;
 2. Following procedures developed with the local courts, inquire into the existence of any domestic violence protective orders issued or filed under AS 18.66.100 – 180 involving either parent as a petitioner or respondent.
- c. If the worker determines that domestic violence is present in the family, the worker will provide the victim with written notice (D-071, Information for Victims of Domestic Violence -- AS 18.65.520(a)) of the rights of, and services available to, victims of domestic violence.
- d. When doing a safety assessment in a home where domestic violence is present, the worker will consider the following factors in assessing whether the domestic violence poses a risk of serious physical and/or emotional harm to the child:

1. Was the child previously injured in domestic violence incident?
 2. Does the child exhibit severe anxiety (e.g., nightmares, insomnia) related to situations associated with domestic violence?
 3. Does the child cry, cower, cringe, tremble, or otherwise exhibit fear and does domestic violence exist in the home?
 4. Is the child at potential risk of physical injury?
 5. Does the child's behavior increase risk of injury (e.g., attempting to intervene during violent dispute, participating in the violent dispute)?
 6. Are guns, knives, or other instruments used in a violent, threatening, and/or intimidating manner?
 7. Is there evidence of property damage resulting from domestic violence?
- e. If the worker determines that a child is in danger because of domestic violence or that the child needs protection as a result of the presence of domestic violence in the family, the worker shall take appropriate steps for the protection of the child. In this paragraph, "appropriate steps" may include
1. reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is not a domestic violence offender;
 2. reasonable efforts to remove the alleged domestic violence offender from the child's residence if it is determined that the child or another family or household member is in danger of domestic violence (this step requires coordination with law enforcement, since the division does not have authority to remove); and
 3. services to help protect the child from being placed or having unsupervised visitation with the domestic violence offender until the department determines that the offender has met conditions considered necessary by the department to protect the safety of the domestic violence victim and household members and to guarantee the safety, protection and well-being of the child.

2.2.7 RUNAWAY AND MISSING MINORS NOT IN CUSTODY

AUTHORITY: AS 47.10.141 Runaway and Missing Minor, AS 47.10.142 Emergency Custody and Temporary Placement Hearing, 7 AAC 54.060 Disclosure of Information to a Parent of a Child

POLICY: The identity of any minor who is referred for, or who seeks, services from the division will be provided to local law enforcement agencies to ascertain whether a request to locate the minor has been issued by the minor's legal custodian. Investigations will be conducted according to intake policies and procedures regarding runaway children who are referred, or seek services themselves, for allegations of abuse or neglect. If no child protection issues exist which prevent the minor's return to the legal custodian, division staff, if available, may attempt to reunite the minor with the custodian. Services will be provided as appropriate and necessary, but custody may not be assumed solely on the basis of either the minor's refusal to return home or the parent's refusal to provide care.

If division resources are not available and a request to locate has been filed, the division will refer the minor to local law enforcement for response. If a request to locate has not been filed, the minor may be referred to an agency providing services for runaways. At the second occasion that a runaway minor, who has been taken into protective custody by a peace officer and taken to a semi-secure placement by the officer, leaves the semi-secure placement without permission, the division is notified. Division staff will determine whether a Child In Need Of Aid petition will be filed.

PROCEDURE:

- a. If the child is the subject of a report of harm and the worker believes the minor is a runaway, the worker will:
 1. Inform the minor of the required notice to law enforcement.
 2. Immediately contact the local law enforcement agency to determine if a request to locate the minor has been issued by the minor's legal custodian and, if so, inform law enforcement of the contact with the minor, and of the need to investigate that report prior to the minor's return to the legal custodian.
 3. Follow the policy and procedures for investigating reports of abuse or neglect and take appropriate action as necessary.

- b. If the worker believe the child is a runaway and is not in danger in the home of the legal custodian, the worker will:
 - 1. Notify the child of the requirement to notify the local law enforcement agency of contact with the child.
 - 2. Immediately contact the local law enforcement agency to ascertain whether a request to locate the child has been filed and, if so, notify the agency of the contact with the child.
 - 3. If the child refuses to return to the legal custodian, notify the law enforcement agency of the child's known or likely whereabouts and facilitate contact if possible.
 - 3. If the child is willing to return to the legal custodian, and if division staff are available to effect the return, discuss with the law enforcement agency whether the division or law enforcement will return the child to the legal custodian.
 - 4. If the division is to return the child, contact the legal custodian and arrange to mediate the return.
 - 5. Make recommendations for referral for family counseling or provide other services as appropriate, including referral to an appropriate contract agency if one exists.
- c. If a request for assistance is received from a parent, Indian custodian, or guardian in detaining or locating a runaway who is not in the custody of the department, refer the caller to the appropriate law enforcement personnel.
- d. If a minor has, for the second time, been taken into protective custody by a peace officer and placed in a semi-secure office, program, shelter, or facility with instructions to remain there, and again leaves the placement without permission, the peace officer shall report the circumstances and the identity of the minor to the department. Within 48 hours of receiving this report, the worker will determine whether to file a Child In Need Of Aid petition. In making the determination, the worker will consider:
 - A. Whether the home environment provided by the legal/physical custodian poses a significant risk to the child;
 - B. Whether the child and/or custodian are amenable to mediation or other indicated interventions;
 - C. Whether the department is capable of maintaining and caring for the child.
- 2. The worker will obtain supervisory approval of the decision whether to file a petition.

3. If the worker decides not to file a Child In Need Of Aid petition, the worker will, within 7 working days after receiving the report from the peace officer, send to the minor's parents or guardian, as applicable, written notice of the determination not to proceed with the petition, including the reasons on which the determination was based. If the worker is unable to locate the parents, Indian custodian, or guardian, the worker will keep a copy of the notice on file and release the notice to the minor's parent(s) or guardian upon their request.

4. If the worker files a Child In Need Of Aid petition, because the minor is habitually absent from home or refuses available care, the minor's parent(s) or guardian shall attend each hearing held during the Child In Need Of Aid proceedings. If the child is found to be a Child In Need Of Aid, the court may order the parent, Indian custodian, or guardian to participate in treatment specified in the court order, and/or comply with other conditions set out in the court order.

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2.2.8 RUNAWAY MINORS IN DEPARTMENT CUSTODY

AUTHORITY: AS 47.10.141 Runaway and Missing Minors

POLICY: As soon as possible, at least within 12 hours of being notified that a child in the department's custody has run away from division authorized or court ordered placement, the worker will take steps to locate and return the child to the authorized placement or other designated place of safety.

Detention of a runaway child in a detention facility is prohibited unless the court has previously issued an order that requires the child to remain in placement, clearly specifying the consequences of violating the order, including detention; and has issued a subsequent order for emergency protective custody and detention of the child based specifically on findings that:

1. the minor is a runaway in willful violation of a valid court order;
2. no reasonable placement alternatives exist within the community;
3. the minor's current situation poses a severe and imminent risk to the minor's life or safety.

A minor taken into emergency protective custody may not be detained in a jail or secure facility other than a juvenile detention home, but may be housed in a semi-secure portion of an office, program, shelter, or other facility. In this context, "semi-secure" means "operated according to standards that may be established by the department in regulations that are designed to require a level of security that will reasonably ensure that, if a minor leaves without permission, the minor's act of leaving will be immediately noticed. An order directing the minor's apprehension and detention may not be enforced if the minor is residing in a licensed program for runaway minors.

A minor taken into emergency protective custody under AS 47.10.141 may not be detained for more than 24 hours.

A minor who has been reported as missing, but is not in violation of a court order or otherwise subject to arrest or detention, may not be detained in a detention facility. When picked up by law enforcement, the minor is taken either to a OCS office or to a designated foster home.

PROCEDURE:

- a. Following notification that a child in the department's custody has run from placement, the worker will:
 1. Notify the parent/caretaker that the child has run from placement, within 12 hours of the child's departure.
 2. Notify, if applicable, the assigned worker having jurisdiction in the child's community of origin within 12 working hours.
 3. Within 12 hours of receipt of the report that the child has run, forward a request to locate the child to the appropriate law enforcement agency which specifies where the child is to be taken, once located.
 4. Contact law enforcement as soon as possible and cancel the request to locate if the child voluntarily returns to placement.
 5. Notify the parent/caretaker within 12 hours of the child's return to placement or other location.

- b. If detention is deemed the necessary and only option available to protect the life and safety of a minor who has run away from court ordered placement, the worker will seek the Children's Services Manager approval to petition the court for an order for emergency protective custody and detention. Once approval is obtained, the worker will file the appropriate motion and supportive affidavit requesting the court to enter findings pursuant to AS 47.10.141 (c) and order emergency protective custody and detention. The motion will specify the location where the child is to be detained. When the requested order is issued, the worker will immediately provide the local detention facility with:
 1. A copy of the original order which requires the minor to remain in placement.
 2. A copy of the motion and order for emergency protective custody and detention. The detention facility will immediately notify OCS when the minor has been detained. It is then the worker's responsibility to notify the court and all other parties, and schedule a court hearing within 24 hours.

Responsibility for transportation to court will be left to regional agreements between Family Services and Youth Corrections.

Following the court hearing, the worker provides the detention facility with copies of the appropriate court orders authorizing the minor's release.

- c. The worker will:
1. Document all significant case actions relating to the runaway.
 2. Adhere to case review requirements (Permanency Planning Chapter, section 3.1.1) as applicable.

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2.2.9 ASSESSMENT OF PROTECTIVE CAPACITIES, NEEDS, AND FUTURE RISK OF ABUSE AND NEGLECT

AUTHORITY: AS 47.17.025 Duties of Public Authorities

POLICY:

- a. At close of investigation the worker will use structured decision making methods to assess protective capacities, needs, and future risk of abuse and neglect, except foster home investigations. The purpose of the assessment is to determine if the case should be closed or opened for ongoing services and to provide information which is used to focus the case plan.
- b. The assessment:
 1. ensures that all workers consistently consider each family's strengths and needs in an objective format when assessing need for services;
 2. provides an objective appraisal of the likelihood of recurrence of maltreatment over the next 18 - 24 months.
 3. provides an important case planning reference for workers and supervisors;
 4. serves as a mechanism for monitoring service referrals made to address identified family problems; and
 5. the initial assessment, when followed by periodic reassessments, permits workers and supervisors to easily assess change in family functioning and thus judge the impact of services on the case.

PROCEDURE:

- a. After reaching an investigation finding at close of investigation, the worker will do an assessment.
- b. If parents reside in different households, the worker will assess the household where maltreatment allegedly occurred. If both households are alleged, the worker will complete separate assessments. Note: if removing child(ren) from one parent's household and offering reunification services to a non-removal household, it is necessary to assess the non-removal household.

- c. The assessment includes the following steps:
1. Identify the protective capacities (strengths or capabilities that control or prevent threats of harm from arising or having impact on the child) of the parents and other adults serving in a caregiver role. A child in a family may be unsafe if protective factors are absent or family members choose not to act protectively. It is important to identify protective factors because interventions that focus only on diminishing or removing threats to safety may leave the child still vulnerable to threats.
 - A. The following protective capacities should be considered, and also any unique protective capacity which has been identified:
 - i. Cognitive Factors:
 - Ability to problem solve in relation to child safety.
 - Ability to defer one's own needs in favor of the child's
 - Develop ways to manage threats and to respond to a child's needs.
 - Generalize experiences and apply them to new situations.
 - Recognize threats of harm
 - Recognize a child's needs
 - Understanding the protective role
 - Alertness to danger
 - ii. Emotional Factors (includes spiritual):
 - Attachment – must consider how the attachment or emotional bond, or love is expressed (e.g., conditional vs. unconditional) and if the attachment is consistent with adult/child relationships or if it is indicative of adult dependency on the child.
 - Emotional stability
 - Desire to protect child
 - Desire to nurture child
 - Boundaries within the family
 - Good mental health
 - iii. Behavioral Factors:
 - Ability to feed, comfort, and respond to health needs.
 - Guides cognitive, social, and moral development of child
 - Physical ability to protect child from others
 - Ability to control one's own behavior (consider current substance use, DV, mental health issues)
 - Energy
 - Impulse Control
 - Defers own needs for those of child
 - iv. Family Network & Environmental Factors:
 - Extended family is nearby and capable of providing support.

- The parent has a meaningful support system that can help him/her now (church, job, counselor)
 - Parent has positive, significant relationships with other adults who seem free of overt pathology (spouse, parents, friends, relatives)
- B. Determine which protective capacities which, if strengthened and/or supported, may best address priority needs.
2. Identify the needs (areas requiring intervention to reduce the likelihood of future maltreatment) of the children and all adult caregivers living in the household.
- A. The following needs should be considered, and also any unique need which has been identified. (For definitions of priority needs, see the forms instructions for form 06-9768 Structured Decision Making: Documentation of Protective Capacities and Needs):
- i. Substance Use:
 - Moderate substance use problems
 - Serious substance use problems
 - ii. Parenting Skills:
 - Ineffective/harmful parenting skills
 - Destructive parenting patterns
 - iii. Family Relationships:
 - Domestic Discord
 - Serious domestic discord/domestic violence
 - iv. Emotional/Mental Health:
 - Minor or moderate mental health problems
 - Unresolved chronic or severe diagnosed mental health problems
 - v. Housing/Environment/Basic Physical Needs:
 - Some basic need deficits
 - Serious/chronic basic need deficits
 - vi. Caregivers Physical Health:
 - Health problem or disability
 - Serious health problem or disability
 - vii. Child Characteristics:
 - Minor problems
 - One child has severe/chronic problems
 - Children have severe/chronic problems
- B. Determine which needs have the highest priority.
3. Future Risk of Abuse and Neglect:

- A. Determine future risk of abuse and neglect by completing page 2 of form 06-9768 Structured Decision Making: Documentation of Protective Capacities and Needs. Use overrides when appropriate.
 - B. The future risk of abuse or neglect component of the assessment is based on research of abuse/neglect cases that examined the relationships between family characteristics and the outcomes of subsequent confirmed abuse and neglect. The instrument does not predict recurrence, but simply assesses whether a family is more or less likely to have another abuse/neglect incident without intervention by the agency. One important result of the research is that a single index should not be used to assess the risk of both abuse and neglect. Different family dynamics are present in abuse and neglect situations. Hence, separate index are used to assess the future probability of abuse or neglect, though both indexes are completed for every family under investigation for child maltreatment.
- d. The assessment will be used to determine if the case should be closed or opened for ongoing services (see section 2.2.10.2 Case Decision).
 - e. The case plan should focus on the priority needs and incorporate the primary protective capacities (see section 2.9 Case Planning).
 - f. The worker will document the assessment on form 06-9768 Structured Decision Making: Documentation of Protective Capacities and Needs.

2.2.10 OUTCOME

2.2.10.1 FINDINGS

AUTHORITY: AS 47.10.030 Summons and Custody of Minor, AS 47.17.025 Duties of Public Authorities, 7 AAC 54 Article 2 Grievance Procedure; 42 U.S.C. 5106a(b)(2) Grants to States for Child Abuse Prevention and Treatment Programs

PURPOSE: Establish clear findings on all investigations.

POLICY: At the conclusion of an investigation, the worker determine that the allegation was substantiated or not substantiated. Each allegation of abuse or neglect requires an individual finding. Additional abuse or neglect found during an investigation requires a finding as well.

A substantiated finding is one where the available facts indicate a child suffered harm as a result of abuse or neglect as defined by AS 47.17.290.

A not substantiated finding is one where, based on the available facts, the worker is unable to determine if a child suffered harm as a result of abuse or neglect, or where there are no facts to support the allegation that a child suffered abuse or neglect.

The child's parents, and the perpetrator of a substantiated finding, must be notified of the outcome in writing. In addition, the perpetrator of a substantiated finding must be notified in writing of the right to appeal the finding and of the appeal process.

In cases where the family cannot be located, or the tribe has exclusive jurisdiction and has taken over the investigation, or the military has assumed jurisdiction, the investigation will be closed without a finding.

PROCEDURES:

- a. All investigated protective service reports require the worker to:
 1. Assess protective capacities, needs, and future risk of abuse and neglect and determine whether the case should be opened for ongoing services or closed (see section 2.2.10.2 Case Decision).

2. Complete all required documentation for supervisory approval, ensuring that each of the findings are documented on the Case Assessment form (06-9705).
3. Notify the child (if age appropriate) and family of the outcome in writing by sending a Closing Letter.
4. Notify the facility of the outcome, if investigation of allegation of abuse in licensed facility.
5. Notify the child's tribal representative of the outcome.
6. Notify the mandatory reporter of the outcome (see section 2.2.11)
7. For substantiated reports, notify the perpetrator of the finding in writing by sending the Perpetrator Closing Letter. The perpetrator has a right to appeal the decision, and the letter includes a statement to that effect and information about the appeal process (see section 6.1.5 Grievance Procedure).
8. Ensure that all data is entered into the electronic management information system for case activities and case closure.

2.2.10.2 CASE DECISION

AUTHORITY: AS 47.10.030 Summons and Custody of Minor, AS 47.17.025 Duties of Public Authorities

POLICY: After completing the assessment of protective capacities, needs, and future risk of abuse and neglect for substantiated or unconfirmed cases, the worker will decide whether to open an ongoing case or close the case. The following two primary criteria are used to structure the transfer or close decision:

- a. the ability of protective capacities to address needs; and
- b. the family's risk level.

PROCEDURES:

- a. After completing the assessment, the worker will decide whether to open an ongoing case after the investigation is concluded or close the case.
- b. The worker will use the following matrix as a guideline for the decision:

CASE OPEN GUIDELINE MATRIX

Risk Level	Protective capacities address priority needs	Protective capacities DO NOT address priority needs
Low	Close	Close with referral
Medium	Close with referral	Open
High	Open	Open
Removals	Open	Open

1. If a child was removed according to the safety assessment, and remains outside of the home at the conclusion of the investigation, the matrix recommends opening an ongoing case.
2. For investigations not resulting in a removal:
 - A. locate the row corresponding to the risk level (from the Future Risk of Abuse/Neglect component of form 06-9768 Structured Decision Making: Documentation of Protective Capacities and Needs).

- B. Review the protective capacities and priority needs of the family.
 - C. If the family's protective capacities are sufficient to address their priority needs, use the recommendations in column two.
 - D. If the family's protective capacities would NOT address their priority needs, use the recommendations in column three.
- c. "Close with referral" indicates that while the agency will not open an ongoing case, the family may benefit from voluntary services through another source. It is not required that there be a referral if none is appropriate or available. A worker may provide a referral to Low risk level families with protective capacities to address priority needs if appropriate.

2.2.11 FEEDBACK TO REPORTERS

AUTHORITY: AS 47.17 Child Protection, AS 47.10.093(b) Disclosure of Agency Records, AS 47.17.020(a) Persons Required to Report, AS 47.17.025(c) Duties of Public Authorities, 7 AAC 54 Art. 1 Confidentiality of Records

PURPOSE: To provide information to individuals who make a protective services report.

POLICY:

- a. Workers will maintain confidentiality in regard to the outcome of OCS intervention, with the exception of providing feedback to all reporters per their request.
- b. The following persons are mandated reporters:
 1. practitioners of the healing arts, including social workers;
 2. school teachers and school administrative staff members of public and private schools.;
 3. peace officers, and officers of the Department of Corrections;
 4. administrative officers of institutions;
 5. child care providers;
 6. paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.990; and
 7. paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol;
 8. members of a child fatality review team or multidisciplinary child protection team,

PROCEDURE:

- a. Feedback to Reporters:
 1. Time Frame: Upon conclusion of an investigation of a protective services report, the worker will provide feedback to the reporter if the reporter has requested notification. The feedback will be made orally or in writing within twenty (20) days of when the protective services report was received. If the response is in writing, the worker will use the form provided for this purpose in ORCA.
 2. Information to Be Released:
 - A. Mandated Reporters: inform the person that the investigation was completed

and of action taken to protect the child who was the subject of the report.

B. Other Reporters: inform the person about the status of the investigation, without disclosing any confidential information.

b. Feedback to Others

1. In certain circumstances, the OCS has a collaborative relationship with agencies which allows specific information to be released. Please refer to Administration Chapter, section 6.1.2 Confidentiality for details.
2. No information can be released to other callers, such as relatives and attorneys, without an Authorization for Release of Information (see Administration Chapter, section 6.1.2 Confidentiality for details).

c. Confidentiality when alleged abuse occurred in a licensed facility:

The report that is issued from an investigation of abuse/neglect occurring in a licensed facility is public information, except for identity of child, parents, and reporter.

2.3 EMERGENCY CUSTODY/INTRODUCTION

AUTHORITY: AS 47.10 Child in Need of Aid, AS 47.17 Child Protection

INTRODUCTION: Emergency custody is based on the assessment that there is risk or potential for further risk to the child if left in the home. The assumption in emergency custody is that the department, through the worker, will exercise authority in decisions concerning the child's welfare until the matter may be presented to the court. See Intake sections 2.3.6 - 2.9 for policy and procedures beyond emergency custody. In case of doubt about the child's safety, it is preferable for the worker to err on the side of assuming emergency custody, as that course will serve to protect the child while the facts are further investigated. When emergency custody of a child is assumed, the risk to other children in the family, if left in the home must also be assessed by the worker.

At least one of the following conditions must be present in order for a worker to assume emergency custody (see section 4.1.b.1. for more detailed definitions)

- a. the child has been abandoned as abandonment is described in AS 47.10.013; or
- b. the child has been neglected by the child's parents, Indian custodian, or guardian, as "neglect" is described in AS 47.10.014, and the division determines that immediate removal from the child's surrounding is necessary to protect the child's life or provide immediate necessary medical attention; or
- c. the child has been subjected to physical harm by a person responsible for the child's welfare and the division determines that immediate removal from the child's surroundings is necessary to protect the child's life or that immediate medical attention is necessary; or
- d. the child or a sibling has been sexually abused under circumstances listed in AS 47.10.011(7).

Contact with parents, Indian custodian or guardians prior to assumption of emergency custody is almost always appropriate since assessment of parental conduct or condition is critical to the determination of immediate risk to the child. However, prior contact is generally not made with the parents if the child has been sexually abused, or has been physically abused to a degree or in a manner that is potentially life threatening or when the child has been abandoned and the parents are unable to be located in a reasonable time frame. Risk to the child could be increased as a result of prior notice to the parent, who may take the opportunity to flee with the child, or to coerce the child to deny that abuse has occurred.

Voluntary Placement Agreements are not appropriate in situations which require emergency custody. This is true even if parents cooperate in planning for the child's protection as the

agreement may be terminated at any time unilaterally by the parent. This would therefore subject the child to possible further harm without division protection. For policy and procedure on voluntary placements see Intake Chapter, section 2.6.1

On occasion, the court may place a child in the custody of the division or request that the division intervene legally, as a result of divorce proceedings or other proceedings. In the event that this occurs, the division must assess each case and provide protective services as necessary and appropriate. The worker treats each such referral as any other referral needing investigation and assessment, with specific focus on risk factors for the child.

Prior to the placement of any child in foster care the worker will make timely, reasonable efforts to provide family support services to the child and to the parents, Indian custodian, or guardian of the child that are designed to prevent out-of-home placement of the child. See section 3.3, Service Efforts to Prevent Placement and/or Services to Return Child to Home , for definitions and requirements. In emergency situations where it is assessed that the safety of the child precludes preventive services, document in the case plan why such services were not provided.

2.3.1 EMERGENCY CUSTODY/DECISION MAKING

AUTHORITY: AS 47.10.142 Emergency Custody and Temporary Placement Hearing

POLICY: The worker may assume emergency custody of a child or children when there would be risk to the child if left in parental custody without immediate division intervention, there is no alternative course of action which would assure the child's immediate safety and the situation meets one of the requirements as stated in AS 47.10.142. The safety assessment is designed to provide guidance in the decision making.

PROCEDURE:

- a. If the safety assessment indicates that emergency custody is necessary to ensure the safety of the child, the worker will make sure that the requirements in AS 47.10.142 are met.
- b. If there is a decision to assume custody, but consideration is being given to leaving the child in the care of one of the parents or the Indian custodian, make an assessment and determination that only one caretaker was responsible for the abuse and that there is cooperation by both the non-offending parent and the abuser in protecting the child from additional harm and that the non-offending parent/caretaker is able to protect the child from further harm with the aid of the division.
- c. Regardless of whether there is placement of the child, arrange for a medical exam at the earliest possible date, prior to the probable cause hearing. When a child is under emergency custody, parental permission is not necessary for the exam or any diagnostic or documenting photos or x-rays.
- d. If emergency custody is being considered for Native children, the following factors must be considered:
 1. If the state initiates judicial proceedings and jurisdiction has not previously been transferred to the tribe, the state has jurisdiction over the child. NOTE: After the state's legal case has been initiated, the tribe may request transfer of jurisdiction. (see section 4.5 Tribal Jurisdiction)
 2. Inability to contact the tribe will not be a reason for delaying assumption of emergency custody.
 3. Removal from tribal village:

- A. The worker will notify the tribe prior to removing the child from the village, the worker will make every effort to place the child within the tribal village.
 - B. The child will be returned to the tribal village as soon as an appropriate placement is located by the tribe and state. Attempt will be made to also place the child in reasonable proximity to the child's parent or Indian custodian.
 - C. If the child is removed from the tribal village by law enforcement, the worker will notify the tribal caseworker as soon as law enforcement notifies the worker of the child's removal.
 - D. If the tribe disagrees about the removal, there will be a staffing with the worker and tribe within four days.
 - E. If the tribe disagrees with the emergency placement of the child and recommends another placement, the recommendation will be followed in the absence of good cause to the contrary (see section 2.7(b)(2) Placement Preferences).
4. Removal from child's community of residence when the community is not the tribal village:
 - A. The worker will notify the child's tribe as soon as the tribe is known to inform the tribe of the removal, where the child is placed, and when the temporary custody hearing will take place.
 - B. The worker will notify the tribe of any scheduled temporary custody hearings or hearings that may be contemplated.
 - C. The tribe may request a staffing with the worker.
 5. Termination of removals - if the emergency removal of a child is terminated before a Child In Need Of Aid petition is filed or heard, the worker will provide the tribe with a copy of its report to the court on the case.

2.3.2 EMERGENCY CUSTODY/NOTIFICATION, RELEASE, AND FILING

AUTHORITY: AS 47.10.142 Emergency Custody and Temporary Placement Hearing, 7 AAC 50.455(c) Health in Full Time Facilities, P. L. 95-608 Indian Child Welfare Act of 1978

POLICY: The worker will notify parents, legal guardians or Indian custodians, the tribe, the supervisor, and the court, as soon as possible, but no later than 24 hours after assuming emergency custody. Legal notice requirements apply to both custodial and non-custodial parents.

Notification includes notice of any medical examinations that have been completed.

PROCEDURE:

- a. Emergency Custody Assumed and Retained: If the division assumes and retains emergency custody of a child, the division worker must:
 1. Notify the required parties in person or by phone as soon as possible, and in no event later than 24 hours after custody was assumed, and notify tribe(s) by phone or fax.
 - A. In cases where one parent is absent, attempt to locate and give notice to that parent (this applies to the biological or adoptive parents, regardless of their current marital status). If needed in order to locate an absent parent, question the custodial parent regarding the identity and whereabouts of the absent parent, including last known employer, relatives who may know whereabouts, friends, last known address, etc. If the absent parent is not located in time for the emergency custody/probable cause hearing, efforts to locate and notice the parent must continue.
 - B. If the parents are present when emergency custody is taken, give them a copy of the brochure "Information for Parents about Emergency Custody" (D-082) and a copy of "A Handbook for Parents and Guardians in Child Abuse and Neglect Cases" (D-067).
 - C. If neither parent is available, provide notification by completing necessary information on the brochure Information for Parents about Emergency Custody and leaving the brochure and the Handbook for Parent/Guardians at each parent's residence, if known. As soon as contact is made follow steps under emergency placement procedures (see section 2.3.6 Emergency Placement Procedures).

2. Document on a ROC sheet to whom, when, and how each notice was given.
- b. Emergency Custody Assumed but NOT Retained: If the division assumes emergency custody but within 24 hours determines that there are no grounds for retaining legal and physical custody and that filing an emergency Child In Need Of Aid petition is not necessary, the division shall:
1. Release the child only to the following individuals: :
 - A. A custodial parent;
 - B. A noncustodial parent or relative if the custodial parent agrees in writing. If the custodial parent will not agree to placement with the noncustodial relative, a court petition must be filed; OR
 - C. An Indian custodian (as defined by 25 U.S.C. 1903(6)) who was the custodian at the time of removal; AND
 2. File a report with the court within 24 hours of such release that explains why the child was taken into custody, why the child was released, and to whom the child was released.
- c. Non-Emergency CINA Petitions – see sections 2.4 Non-Emergency Custody/Decision Making and 2.4.1 Non-Emergency Custody/Petition Filing Procedures.
- d. Medical Examinations: See section 6.3.1 Medical, Dental, and Vision Care regarding requirements for medical exams.

2.3.3 EMERGENCY CUSTODY/PETITION

AUTHORITY: AS 47.10.142 Emergency Custody and Temporary Placement Hearing, AS 47.10.010 Jurisdiction, AS 47.10.020 Investigation and Petition, P. L. 05-608 Indian Child Welfare Act of 1978

POLICY: If the worker determines that continued custody is necessary to protect the child, a petition alleging that the child is a Child In Need Of Aid will be filed with the court within 24 hours after emergency custody is assumed. A petition must also be filed if a worker requests temporary custody without prior emergency action.

PROCEDURE: Each region will provide each field office with local procedure and formats for the preparation of court documents and the probable cause hearing. Each field office, in conjunction with the supervisor and Children's Services Manager, should adopt a set of legal forms that adhere to format for use in field offices without legal representation.

- a. If emergency custody will be continued beyond 24 hours, complete and file the petition, providing the court with the information outlined in the Court Procedures Chapter, section 4.2.c.4.D.
- b. If the parents, guardian, or Indian custodian are available:
 1. Review the petition with them to ensure that they understand the allegations, to explain the procedures in court. to advise them of their right to counsel. Provide them with a copy of the petition.
 2. Give them notice of the time and place of the hearing.
 3. Inquire of the parents if they are members of a tribe and whether the child is eligible for membership in, or is a member of, a tribe. If there is more than one tribe, the social worker will notify the tribe of the other tribe's identity.
- c. The petition may be dismissed prior to the probable cause hearing at the request of the worker. This should only occur when information obtained after emergency custody was assumed indicates that continued custody is not necessary to protect the child.
- d. If child is thought to be Alaska Native or American Indian, notify the Assistant Attorney General of tribal affiliation in order that legal notice can be sent to the tribe for the initial hearing. The worker should also give informal notice to the tribe by phone or fax, followed

by a mailed notification, and should document the effort in the case record. The following information is required:

1. Name of the child, child's birthdate and birthplace.
2. Name of Indian tribes in which the child is member of or may be eligible for membership.
3. All names known, and current and former addresses of the Alaska Native or American Indian child's biological mother, biological father, maternal and paternal grandparents and great grandparents or Indian custodians, including birth, married and former names or aliases, birthdates, place of birth and death, tribal enrollment numbers and/or other identifying information.
4. At the time of formal notice to the tribe, the worker or Attorney General will provide the tribe with the "Tribal Membership form."
5. Courtesy notices will be sent to an entity designated by the child's tribe to act on behalf of the tribe.
6. The worker will notify the child's tribe of Child In Need Of Aid proceedings involving adoptive parents or Indian custodians to the same extent it notifies tribes in proceedings involving the biological parents when removal from an adoptive home or from the care of an Indian custodian is the possible end result.

2.3.4 EMERGENCY CUSTODY/PROBABLE CAUSE HEARING

AUTHORITY: AS 47.10.142 Emergency Custody and Temporary Placement Hearing, AS 47.10.030(b) and (d), Summons and Custody of Minor

POLICY: If emergency custody has been assumed and the child is not released within 48 hours, a probable cause hearing (also called emergency custody or temporary custody hearing) must be held within 48 hours of when the petition was filed. A probable cause hearing may also be scheduled to request temporary custody if there are not sufficient grounds to assume emergency custody and protective custody would be appropriate to provide services or until the investigation is complete.

Parents may stipulate, or agree, that probable cause exists to have a child declared a Child In Need Of Aid in relation to the allegations contained in the petition, and may agree to sign a stipulation without a formal court hearing. All stipulations concerning Native children require a formal court hearing and the parent(s) or Indian custodian must sign the stipulation in the presence of the judge.

PROCEDURE: Prior to the probable cause hearing:

- a. The worker will complete the following tasks according to local protocol and in coordination with the Department of Law:
 1. draw up and file the petition;
 2. give notice of hearing time to parents, legal guardian or Indian custodian, child's tribe, child's GAL, foster parent or other out-of-home provider, and each grandparent of the child entitled to notice under AS 47.10.030(d) (see section 4.0 Court Proceedings - Roles - Grandparent);
 3. make arrangements for parties to appear telephonically, if necessary;
 4. gather and prepare witnesses and evidence for the hearing;
 5. formulate recommendations regarding the disposition of the case and make them available to the Department of Law representative for incorporation into the court's order if custody is granted.
- b. If the parents do not contest the facts of the petition, or if they agree with the worker's recommendations for protecting the child, they can stipulate to custody. (See the Court

Procedures Chapter, section 4.2(g)).

1. The worker and parent(s) or Indian custodian must agree on these facts, services, and time periods of intervention before signing the stipulation.
2. If a stipulation is signed by all parties within 72 hours of assuming emergency custody, it is not necessary to hold a formal court hearing unless the case involves Native children. For Native children, stipulations must be signed in court before a judge and the court must make findings.

2.3.5 EMERGENCY CUSTODY ORDERS

AUTHORITY: AS 47.10.142 142 Emergency Custody and Temporary Placement Hearing, AS 47.10.990 Definitions, AS 47.10.020 Investigation and Petition

POLICY: If the court finds the child is a Child in Need of Aid and grants temporary custody, the worker will request an Order of Temporary Custody detailing the findings.

PROCEDURE:

- a. Request the following to be included for all children committed to the custody of the division:
 1. An order appointing a guardian ad litem to represent the child in future proceedings.
 2. Authorization for the department to obtain emergency medical or surgical treatment.
 3. Any special conditions that are necessary to protect the child from further harm or to assist the worker in assessing the need for services (e.g. visitation restrictions or participation in evaluation or treatment programs).

- b. If the child is placed out of the home, every effort must be made to ensure that the court order includes the following:
 1. A finding that reasonable efforts were made to prevent the removal or a finding that it was reasonable under the circumstances that such efforts were not made due to the emergency situation. For Native children, a finding that active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that those efforts failed. See section 3.3, Reasonable Efforts, for definitions and requirements.
 2. A finding that it is contrary to the best interest of the minor to remain in the parental home.
 3. That parents complete and mail to Child Support Enforcement Division the forms contained in the child support packet, within 30 days of the hearing or the date the child support packet was received, whichever is later.

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2.3.6 EMERGENCY PLACEMENTS

AUTHORITY: AS 47.10.142 142 Emergency Custody and Temporary Placement Hearing, AS 47.14.100 Powers and Duties of Department over Care of Child, P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980, P. L. 103-382 Multiethnic Placement Act of 1994, P. L. 103-432, P. L. 95-608 Indian Child Welfare Act of 1978

POLICY: A child may be removed from a home under emergency circumstances provided at least one of the criteria for assumption of emergency custody exists. A child may not be placed with an out-of-home care provider if the department determines that the child can remain safely at home with one parent, guardian, or Indian custodian. When possible, children will be placed in the least restrictive setting which meets the needs of the child. Relatives will be given first consideration as placement resources.

There will be supervisory review of all emergency placements within 24 hours of the placement unless there is no means to contact the supervisor.

PROCEDURE: Emergency placement of a child not already in custody may occur only after a worker has assumed emergency custody.

- a. Supervisory custody does not constitute legal custody, and therefore emergency placement of a child in supervisory custody requires a separate emergency custody procedure.
- b. If the division already has legal custody and there is an emergency placement, then a probable cause hearing is not necessary. However; a judicial determination that addresses the removal needs to be initiated within 6 months of the removal date. The parents may request that the court conduct a review hearing to determine if the division should retain custody.
- c. When it is necessary to make an emergency placement or any out of home placement of children, priority consideration will always be given for placement with a relative.
 1. Ask the parents for names of possible relative placement resources and enter them as Collaterals on the Maintain Case page in ORCA. Ask the parents about other people who are a support to their family. This could be extended family, other tribal members, teachers, someone from their church, neighbors, or others in their community.
 2. Consider parent's feelings about relative resources, especially those concerning safety issues.

3. Before placement, ascertain that the relatives are able to adequately protect the child and be supportive of the case plan.
4. A child may not be placed in a foster home or in the care of an agency or institution providing care for children if a relative by blood or marriage requests placement of the child in the relative's home. However, the department may retain custody of the child and provide for its placement in the same manner as for other children if the department:
 - A. makes a determination, supported by clear and convincing evidence, that the placement of the child with the relative will result in physical or mental injury. A relative's poverty, including crowded housing, is not alone considered adequate evidence to prove damage to the child.;
 - B. determines that a member of the relative's household who is 12 years of age or older was a perpetrator in a substantiated report of abuse under AS 47.17;
 - C. determines that a member of the household who is 12 years of age or older is under arrest for, charged with, has been convicted of , or has not been found guilty by reason of insanity of, a serious offense. However, the department may place or continue placement of the child at the relative's home if the relative demonstrates to the satisfaction of the department that conduct described in this paragraph occurred at least five years before the intended placement and the conduct did not involve a victim who was under 18 years of age at the time of the conduct, was not a crime of domestic violence as defined in AS 18.66.990, and was not a violent crime under AS 11.41.100-11.41.455 or a law or ordinance of another jurisdiction having similar elements.
5. For the purpose of determining whether the home of a relative meets the requirements for placement of a child, the department shall conduct a criminal background check from state and national criminal justice information available under AS 12.62. The department may conduct a fingerprint background check on any member of the relative's household who is 12 years of age or older when the relative requests placement of the child. See section 6.8.4 Criminal Record Check.
6. If relatives who are identified as a possible placement resource are residing out of state, it is recommended that an ICPC request be initiated as soon as possible, even if the initial plan is to place the child in Alaska close to the parents to work on reunification.
7. Relatives will be given the choice of foster care payments or Temporary Assistance through the Alaska Temporary Assistance Program. The worker will not attempt to

coerce relatives to accept Temporary Assistance over foster care payments. Both options with their respective advantages and disadvantages will be presented equally. A blood relative does not have to be licensed in order for a child to be placed with them, however, in this case they will not receive foster care payment.

8. For Native children, the placement preferences in the Indian Child Welfare Act must be followed absent good cause to the contrary (see section 2.7 Placement Preferences).
- d. Every effort will be made to place sibling groups together, provided it is in the best interest of the children.
- e. Adolescent parents who are in division custody with their children who are also in division custody will be placed together, unless it is determined by the worker that it is not in the best interest of either child to be placed together. Adolescent parents who are in division custody and in placement with their own children who are not in division custody are not eligible for Alaska Temporary Assistance Program (ATAP). See Administration Chapter, section 6.2.2.3.C Pregnant and Parenting Teens for procedures for resources. If not placed together, the adolescent parent maintains all parental rights to visitation.
- f. The prospective foster parents need to meet the child's best interests and the foster parent requirements
- g. Involve parents in preparing the child for placement outside the home, the reasons for placement, anticipated length of time, and anticipated events during the placement period.
- h. Complete all required documentation including the Licensed Home Provider Agreement or the Unlicensed Home Provider Agreement. Obtain as much information as possible about the child's medical history, physician, school, and behavioral problems.
- i. If a child is placed in emergency shelter care in a residential child care facility, the placement may not exceed 30 days unless there is documentation which shows that continued care is necessary. The need for continued care must be assessed 30 days after admission and every 15 days thereafter by the child's placement worker and provided to the facility to enable the facility to meet licensing requirements. The assessment must include the reasons for continued care, plans for other placement, and barriers to other placement and plans to eliminate the barriers.
- j. Emergency foster home licensing - see Administration Chapter, section 6.2.2.2 Foster Care Emergency Placement, Licensing, and Payment.
- k. Surrogate Parent Appointment for children in special education or special needs programs - see Administration Chapter, section 6.5.9 Education.

2.4 NON-EMERGENCY CUSTODY/DECISION MAKING

AUTHORITY: AS 47.10.010 Jurisdiction

POLICY: The worker may seek non-emergency custody of a child when parental conduct or conditions described in AS 47.10.011 exist but immediate removal is not necessary to address abandonment (as defined in AS 47.10.013), neglect (as defined in AS 47.10.014), sexual abuse (AS 47.10.011(7)), or to protect the child's life or to provide immediate medical attention. See AS 47.10.142(a). Nothing in the division's Policy and Procedures Manual shall preclude a division worker from continuing to utilize when appropriate care and safety plans that allow the division to provide reasonable efforts and avoid the necessity of filing a CINA petition.

PROCEDURE: Prior to seeking legal custody of the child the division worker shall have made timely and adequate efforts ("reasonable efforts") to provide services to the family to eliminate the necessity for placement outside the home.

- a. A Division worker may file a non-emergency CINA petition if
 1. in-home case planning has been attempted and the worker has documented a failure by a family to participate in services offered; or
 2. the care and safety plan no longer ensures the child's safety due to a change in family circumstances.
- b. A division worker must confirm the existence of the following three criteria before the worker can file a non-emergency CINA petition:
 1. a valid basis for the CINA petition under AS 47.10.011;
 2. the critical needs to insure the child's safety and well being are not being met; AND
 3. the parent's willingness, ability, and/or availability to ensure the child's safety and well being is not sufficient without agency intervention.

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2.4.1 NON-EMERGENCY CUSTODY/PETITION FILING PROCEDURES

AUTHORITY: AS 47.10.010 Jurisdiction

POLICY: If a division worker determines that legal custody – but not immediate removal - is necessary to protect the child, the worker must file a non-emergency CINA petition. See section 2.4. If at all possible, the division worker shall have the Assistant Attorney General review the non-emergency CINA petition before filing.

PROCEDURE: Each region in conjunction with the supervisor and the Children's Services Manager will provide each field office with local procedure and formats for the preparation of non-emergency CINA petitions and related court documents, and for scheduling the probable cause hearing. In addition, each division worker shall follow these procedures in connection with the filing of a non-emergency CINA petition:

- a. Complete and file the non-emergency CINA petition along with the information outlined in the Court Procedures Chapter, section 4.2.c.4.D. The non-emergency petition must specifically state that parental conduct or conditions described in AS 47.10.011 exist but immediate removal is not necessary under AS 47.10.142(a).
- b. If the parent(s), guardian, or Indian custodian is located after a timely and diligent search, the division worker shall :
 1. Give each of them a copy of the non-emergency CINA petition and a copy of "A Handbook for Parents and Guardians in Child Abuse and Neglect Cases" (D-074);
 2. Give each of them written notice of the time and place of the probable cause hearing;
 3. Review the non-emergency CINA petition with each of them to ensure that they understand the allegations, to explain the procedures in court to advise them of their right to counsel, including the right to have an attorney appointed to represent each of them at no cost should the court determine that the individual's income is at or below poverty level.
 4. Ask each of them if the child is currently enrolled as a member of an Indian tribe, whether any of the parents are currently enrolled or affiliated with any tribe and if the child is currently eligible for membership. See 25 U.S.C. 1903(4) (definition of "Indian child").
- c. If child is believed to be an Indian child as defined by 25 U.S.C. 1903(4), the division

worker shall:

1. timely provide notice by phone, fax, and/or certified mail to the child's tribal affiliation.
 2. timely notify the Assistant Attorney General of the child's tribal affiliation so the Attorney General's office can provide formal written notice of the CINA proceeding.
- d. If the division worker files the non-emergency CINA petition but determines on or before the probable cause hearing that the family's progress and/or compliance with the case plan has made legal custody unnecessary to protect the child, the division worker shall timely provide an affidavit to the Assistant Attorney General that sets forth a brief but sufficient basis to support a motion to dismiss.

2.4.2 NON-EMERGENCY CUSTODY/PROBABLE CAUSE HEARING

AUTHORITY: AS 47.10.010 Jurisdiction, AS 47.10.030(b) and (d) Summons and Custody of Minor

POLICY: If non-emergency custody has been petitioned for, a probable cause hearing must be held. A non-emergency petition may be filed when there are not sufficient grounds to assume emergency custody and protective custody would be appropriate to protect the child. If, before the hearing takes place, circumstances change so that facts no longer support court intervention, the worker may ask the AAG to move to dismiss the petition.

Parents may stipulate, or agree that probable cause exists to have a child declared a Child In Need Of Aid in relation to the allegations contained in the petition, and may agree to sign a stipulation without a formal court hearing. However, any stipulation concerning a Native child must be heard in court and the parent(s) or Indian custodian must sign the stipulation in the presence of the judge, and the judge must issue findings.

PROCEDURE: Prior to the probable cause hearing:

- a. The worker will complete the following tasks according to local protocol and in coordination with the Department of Law:
 1. Draw up and file the petition.
 2. Give notice of hearing time to parents, legal guardian or Indian custodian, tribe, child's GAL, foster parent or other out-of-home provider, and each grandparent of the child entitled to notice under AS 47.10.030(d) (see section 4.0 Court Proceedings - Roles - Grandparent);
 3. Gather and prepare witnesses and evidence for the hearing.
 4. Formulate recommendations regarding the disposition of the case and make them available to the Department of Law representative for incorporation into the court order if custody is granted.

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2.4.3 NON-EMERGENCY CUSTODY ORDERS

AUTHORITY: AS 47.10.080 142 Judgment and Orders, AS 47.10.990 Definitions, AS 47.020 Investigation and Petition

POLICY: If the court finds the child is a Child in Need of Aid and grants temporary custody, the worker will request an Order of Temporary Custody detailing the findings.

PROCEDURE:

- a. Request the following to be included for all children committed to the custody of the division:
 1. An order appointing a guardian ad litem to represent the child in future proceedings.
 2. Authorization for the department to obtain emergency medical or surgical treatment.
 3. Any special conditions that are necessary to protect the child from further harm or to assist the worker in assessing the need for services (e.g., visitation restrictions or participation in evaluation or treatment programs.).

- b. If the child is placed out of the home, request the following:
 1. A finding that reasonable efforts were made to prevent the removal or a finding that it was reasonable under the circumstances that such efforts were not made due to the emergency situation. For Native children, a finding that active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that those efforts failed. See section 3.3, Reasonable Efforts, for definitions and requirements.
 2. A finding that it is contrary to the best interest of the minor to remain in the parental home.
 3. That parents complete and mail to Child Support Enforcement Division the forms contained in the child support packet, within 30 days of the hearing or the date the child support packet was received, whichever is later.

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2.5 ESTABLISHING PATERNITY/SEARCH FOR ABSENT OR UNKNOWN PARENT

AUTHORITY: AS 47.10.010 – 990 Children in Need of Aid, AS 25.23.080(c) Petition for Adoption

POLICY: It is in the best interest of each child in the custody of the department for the child's parent(s) to participate in the support of and planning for the child. The division will actively seek to accurately identify the paternity of each child in the custody of the department at the time the child first comes into custody. If a parent's whereabouts are unknown, the worker will attempt to locate the parent.

PROCEDURE:

a. Establishing Paternity

1. For each child taken into custody, the social worker or other designated staff will access the child's birth certificate to ascertain the child's paternity. If no father is listed on the birth certificate, the worker will check with the Child Support Enforcement Division (CSED) to determine whether they have an established support order naming the father of the child or are in the process of establishing paternity for the child. (See 6.B below for CSED's phone number).
2. If no father is named on the birth certificate or in CSED records, or if the mother alleges that someone other than the individual named is the child's father, or if someone other than the individual named claims paternity, the worker will consider that the child's paternity is in question.
3. When the paternity of a child who has been taken into temporary or emergency custody is in question, the social worker or A.G., as applicable, will request in the initial petition that the court order each putative father or party claiming paternity to cooperate in testing required to establish paternity. The request will be for an order that the alleged parent obtain genetic testing within 30 days either through OCS or with CSED if a support order already exists or if the court orders cooperation with CSED to establish such an order.
4. The social worker will forward to CSED a copy of the court order for testing through that agency immediately upon receipt. (See 6.B below for CSED's address).
5. The worker will coordinate the request to establish paternity with CSED and the Bureau of Vital Statistics. Only one agency needs to request the establishment of paternity for a child. Once paternity tests are completed, the worker will ask the A.G.

to consult with attorneys representing CSED to coordinate a request for such an order to avoid potential conflicts in the establishment of a child's paternity. The court order or administrative order establishing paternity must be forwarded to the Bureau of Vital Statistics by the agency through which paternity was established.

6. Contact information:

- A. Bureau of Vital Statistics, P.O. Box 110675, Juneau, AK 99811-0675.
Phone number: (907)465-8608.
- B. Child Support Enforcement Division:
 - i. Team 3 in the Anchorage CSED office handles child support cases which involve children in OCS custody. Call Team 3 at (907)269-6981 to inquire about paternity and when searching for absent parents.
 - ii. Team 4 in the Anchorage CSED office handles enforcement of child support orders. When you receive a court order for paternity testing send it to: CSED, 550 W. 7th Avenue, Suite 310, Anchorage, AK 99501, Attention: Team 4.

b. Verifying That Birth Certificate Is Current

- 1. At the time that a child's permanency plan changes to adoption the worker will take the following action to confirm that the birth certificate in the case file is still current.

A. Child Born in Alaska:

- i. The worker will obtain a printout of information on a child's birth certificate from their OCS regional office, and also call the Bureau of Vital Statistics to confirm the current status (see a.6.B above for the phone number). Calling the Bureau in addition to reviewing the birth certificate information provides more current information, because sometimes paternity is in the process of being established and this is not yet reflected in the Vital Statistics database. If the contact with the Bureau reveals that the birth certificate has been amended, for example by paternity having been established for a father previously unknown to the division, the worker will include this finding in planning for the child.
- ii. When arrangements are initiated to finalize an adoption the worker will, prior to sending the request for consent to adoption to the Adoption Unit in State Office, call the Bureau of Vital Statistics to verify that the birth certificate is still current. The worker will verify on the Summary to Request Consent for Adoption (06-9724) that contact has been made with the Bureau of Vital Statistics.

- iii. When a request for consent to adoption is received by the Adoption Unit, the adoption clerk will provide the Bureau of Vital Statistics with the following information: child's name, DOB, and place of birth, and parents' names, and request a certified birth certificate. The Bureau will check their records and issue a current, certified birth certificate. The Consent for Adoption will not be signed until the certified birth certificate has been received by the Adoption Unit, and Adoption Unit staff has verified that there are termination orders on the parents named on the certificate. If there are parents on the birth certificate for whom a termination order has not been submitted to the Adoption Unit, Adoption Unit staff will notify the worker of the changes and that the consents will not be signed until the missing termination order has been provided to the Adoption Unit.
- iv. When sending the signed, notarized consent to the worker, Adoption Unit staff will include the certified birth certificate.
- v. The certified birth certificate will be provided at the adoption hearing, as required by law.

B. Child Born in Another State:

- i. The worker will contact the agency in the other state which is equivalent to the Bureau of Vital Statistics to confirm that birth certificate is still current.
- ii. If the birth certificate has been amended, the worker will acquire a current birth certificate in accordance with the other state's procedures and include the findings in case planning.
- iii. When sending the request for consent to adoption to the Adoption Unit in State Office, the worker will verify on the Summary to Request Consent for Adoption (06-9724) that contact has been made with the other state's equivalent to the Bureau of Vital Statistics
- iv. The worker will provide the amended birth certificate at the adoption hearing.

c. Search for Absent or Unknown Parent

- 1. If a parent is absent or unknown at the time that custody is taken, the worker will attempt to locate and give notice to the parent. If the absent parent is not

located in time for the emergency custody hearing, efforts to locate and notify the parent must continue. The worker will document attempts to locate absent parents on form 06-9715 Search for Absent Parent.

- A. If needed in order to locate an absent or unknown parent, the worker will question the custodial parent regarding the identity and whereabouts of the absent parent, including last known employer, relatives who may know whereabouts, friends, last known address, etc.
- B. If the worker is not successful in locating the absent parent by contacting relatives, employer, etc, the worker will use the following resources in continuing the search:
 - i. the OCS PFD Unit in State Office, which can obtain information from the Permanent Fund Division of the Department of Revenue;
 - ii. your local Division of Public Assistance office;
 - iii. Team 3 in the Child Support Enforcement Division's Anchorage office (see contact information in a.6.B above;
 - iv. the Social Security Administration: there are offices in Anchorage, Fairbanks, and Juneau. Contact the office closest to you.
Anchorage: 222 West 8th Avenue, #66, Anchorage, AK 99513. Phone number: (907)271-4455.
Fairbanks: 101 Twelfth Avenue, Box 9, Fairbanks, AK 99701. Phone number: (907)456-0391.
Juneau: P.O. Box #21327, Juneau, AK 99802. Phone number: (907)586-7070.
 - v. your local office of the Department of Corrections;
 - vi. Department of Veteran's Affairs, phone number: (907)586-7472;
 - vii. other state, federal, and local agencies;
 - viii. if the child is Native, the child's and parents' tribe(s) and/or tribal social services agencies;
 - ix. Directory assistance/phone book, utility companies, and local jails are additional examples of potential sources for information.
- C. If the name or whereabouts of an absent parent is unknown and the custodial parent refuses to cooperate in providing information, the worker should request assistance of the AG for an order requiring the custodial parent to provide such information. See the policy section of section 4.1 Types of Hearings.
- D. If termination of parental rights is being requested, notice by publication is necessary for the absent or unknown parent. See b. Notification in section 4.2 Preparation for Court.

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2.6 PLACEMENTS

2.6.1 VOLUNTARY PLACEMENTS

AUTHORITY: AS 47.14.100(c) Powers and Duties of Department over Care of Child, P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980, P. L. 95-608 Indian Child Welfare Act of 1978

POLICY: The division may place minors for a period of up to six months on the basis of an individual voluntary written agreement between the minor's parent, legal guardian, Indian custodian, or other person having legal custody, and the department. The legal or Indian custodian can remove the child from the placement at any time. It is not appropriate to use a voluntary placement when there are child abuse or neglect issues present, and voluntary placement will never be used when emergency custody has been assumed, as an alternative to initiating CINA proceedings, or if a parent appears incapacitated or does not appear competent to sign legal documents. Voluntary placements are not to be confused with voluntary relinquishment which must be taken in court.

Placement preferences should ordinarily be followed when children go into voluntary placement (see section 2.7 Placement Preferences).

PROCEDURE:

a: Voluntary placements will:

1. Be based on sound case planning designed to address problems of a short-term crisis nature. For example, the parent or a sibling requires medical care that makes the parent unable to care for this child and there are no other alternatives for care.
2. Not involve neglect or abuse.
3. Be of short duration. In no event will a voluntary placement exceed 180 days. Longer placements will require a petition and a court order.
4. Have supervisory consultation prior to effecting a voluntary placement. In rural situations, consultation may not be immediately available, but in all cases such consultation and approval from the supervisor will be documented in the case record by the worker within 2 weeks.
5. Require prior approval by the Children's Services Manager or designee before the initial placement.

6. Be signed using the Voluntary Placement Agreement form (06-9693).
 7. Have the parent complete the Child Support Enforcement packet before the placement occurs.
 8. Have the case plan developed by the parents and the worker which must spell out the exact steps to be taken to alleviate the crisis as well as the criteria for evaluating progress, and the date for joint evaluation by the parents and the worker.
 9. Follow placement preference.
 10. Be reviewed with the supervisor at the end of a 3 month period, with the supervisor approving continued placement for an additional 3 month period, up to a maximum 6 months allowed for a voluntary placement.
 11. Not be used for placement in a residential treatment program.
 12. The worker will notify the child's tribe of any voluntary placements involving Native children.
- b. If a parent, guardian, or Indian custodian who has signed a Voluntary Placement Agreement requests return of the child, the worker will arrange for the return without delay.

2.6.2 NON-VOLUNTARY PLACEMENT

AUTHORITY: AS 47.10.080(c) Judgments and Orders, AS 47.10.084 Legal Custody, Guardianship, and Residual Parental Rights and Responsibilities, P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980, P. L. 95-608 Indian Child Welfare Act of 1978

POLICY: A child is placed into department custody by virtue of a court order. At that time the department assumes custody responsibilities. The parent(s) or Indian custodian, unless parental rights are terminated, have certain residual rights and responsibilities.

INTRODUCTION: A non-voluntary placement is one that is achieved through a legal process. This may be a result of the division filing a petition for custody (temporary or other, including emergency custody) or by a court ordering placement based on legal proceedings in domestic violence or contested custody proceeding.

PROCEDURE:

a. The department will:

1. assume responsibility for physical care and control of the child;
2. determine where and with whom the minor shall live;
3. have the right and duty to protect, nurture, train, and discipline the minor;
4. have the duty of providing the child with food, shelter, education, and medical care; and
5. have the right and responsibility to make decisions of financial significance concerning the child.

b. The parent or Indian custodian will, unless parental rights have been terminated:

1. have reasonable visitation;
2. consent to adoption, marriage, and military enlistment;
3. consent to major medical treatment except in case of emergency or pursuant to AS 25.20.025 which in certain situations allows a minor to consent to medical or dental

treatment of himself/themselves or their child;

4. have the responsibility to support the child.

2.7 PLACEMENT PREFERENCES

AUTHORITY:

AS 47.10.990(28) Definitions
AS 47.14.100 Powers and Duties of Department over Care of Child
25 U.S.C 1901–1923 Indian Child Welfare Act of 1978 (ICWA) (P. L. 95-608)
Federal Register,
Vol. 44, No. 228 Guidelines for State Courts; Indian Child Custody Proceedings (1/26/79)

PURPOSE: To establish an order of preference for children placed in out of home care.

BACKGROUND INFORMATION:

A. Federal Law Requirements for Native Children (Indian Child Welfare Act – ICWA):

1. Placement Preferences: Special considerations and procedures are required for placements of Native Children. The Indian Child Welfare Act specifies an order of preference for placements of Native children (P. L. 95-607). The ICWA order of preference supersedes the order of preference specified in Alaska law. The order of preference for out of home placements for Native children is listed in a-d below.
 - a. A member of the child's extended family. An extended family member will be as defined by the law or custom of the Indian child's tribe. Indian tribes have a broad definition of family, in some cases extending to the entire clan or tribe. In the absence of such law or custom, it will be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin or stepparents. Extended family is not defined as Indian extended family exclusively; therefore, it also includes non-Indian relatives.
 - b. A foster home licensed, approved or specified by the child's tribe.
 - c. An Indian foster home licensed by the state.
 - d. An institution for children approved by an Indian Tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

If an ICWA State - Tribal Agreement has been signed with the child's tribe, the Agreement may indicate a different order of preference. If there is an agreement with the child's tribe, the Agreement supersedes the requirements of the ICWA. The worker should review the ICWA State - Tribal Agreement for the child's tribe. Even if there is no State-Tribal Agreement that alters the placement preferences, the child's tribe has the right under the ICWA to issue a resolution altering the placement preferences for a particular child, or for all of the tribe's children.

2. Modifying the Preferences - Good Cause to the Contrary:

- a. A child may be placed outside the placement preferences "if there is good cause to the contrary". If the state and tribe agree that good cause exists, the tribe shall stipulate to the placement until a suitable home within the placement preference categories is located. This alternative placement may be made without judicial review. The child's parent(s) or Indian custodian may challenge this stipulation if they do not agree. If the state and tribe disagree whether good cause exists, the tribe may request a court hearing to review the alternative placement. The state shall have the burden of proof, by preponderance of the evidence, in such a hearing.
- b. "Good cause to the contrary" may exist under one of the following conditions:
- 1) The request of the biological parents or the child when the child is of sufficient age.
 - 2) The extraordinary physical or emotional needs of the child cannot be met by placing the child in a preference placement.
 - 3) The unavailability of suitable families for placement after a diligent search has been completed for families meeting the preference criteria.
 - 4) Potential placements within a placement category would not ensure:
 - the least restrictive setting that most approximates a family; or
 - reasonable proximity to the parents or custodians from whom the child was removed while reunification efforts are ongoing.
 - 5) Other reasons for "good cause to the contrary" will be either agreed to by all parties or a court hearing will be requested.
- c. In general, the following factors do not constitute good cause:
- 1) Inconvenience to state officials or state agencies.
 - 2) The social or economic status of any potential placement, or the inability of a home within the placement categories to take custody of a child without financial assistance.
 - 3) The temporary absence of a parent or custodian from the village to take advantage of remedial or rehabilitative services.
 - 4) Emotional or physical needs of the child which can be met by a preference placement, particularly where the necessary services are available in the child's tribal community.
 - 5) The handicapped condition of a preference placement foster parent unless

it directly affects the ability of the foster parent to meet the child's needs.

3. Change of Placement: If an Indian child in custody is to be moved from one placement setting to another, and the child is not being returned to the parent or Indian custodian, the new placement shall be made in accordance with the provisions of the ICWA.

B. State Law:

1. Placement Preferences for All Children:

- a. When OCS removes a child from home, OCS will place the child in the following order of preference, in the absence of clear and convincing evidence of good cause to the contrary, with:
 - 1) an adult family member;
 - 2) a family friend who meets the foster care licensing requirements established by the department;
 - 3) a licensed foster home that is not an adult family member or family friend;
or
 - 4) an institution for children that has a program suitable to meet the child's needs.
- b. Prima facie evidence of good cause not to place a child with an adult family member or family friend includes grounds for denial of a foster care license. Poverty or inadequate or crowded housing is not considered prima facie evidence of good cause not to place a child with an adult family member or adult family friend.
- c. For the purpose of determining whether the home of an adult family member or family friend relative meets the requirements for placement of a child, the department shall conduct a criminal background check from state and national criminal justice information available under AS 12.62.
 - 1) The department will conduct a fingerprint background check on any member of the adult family member's household who is 16 years of age or older when the family member requests placement of the child. See section 3.5.5 Background Checks for Placement Resources and Interstate Requests for Child Protection Records.
 - 2) For family friends, a fingerprint background check is required for all household members 16 or older, in accordance with the requirements for foster care licensing. See Community Care Licensing Manual Chapter 600.

2. Notification of Denial of Placement:

- a. If an adult family member or family friend has requested placement of a child in their home and the department denies the request for placement, the department must inform the family member or family friend the basis for denial and the right to request a hearing to review the decision within five business days.
- b. A non-party family member or family friend is not eligible for publicly appointed legal counsel.

POLICY:

- A. The Office of Children's Services recognizes the importance of the family unit, the extended family, and culture as resources for the well-being of children. When a child is removed from a parent's home, the department will place the child, in the absence of clear and convincing evidence of good cause to the contrary:
 1. in the least restrictive setting that most closely approximates a family and that meets the child's special needs, if any;
 2. within reasonable proximity to the child's home;
 3. consider any special needs of the child and the preferences of the child or parent; and
 4. following the order of preference specified by AS 47.14.100(e)(3).
- B. Placement of Alaska Native, American or Canadian Indian children will follow the preference of the Federal ICWA and any ICWA State - Tribe Agreement, unless there is good cause to the contrary or the child's tribe issues a resolution re-ordering the placement preferences.
- C. Every effort will be made to place siblings together, provided it is in the best interest of the children.
- D. Adult family members and family friends will be considered regardless of parents' objection. The OCS will consider placing the child with the adult family member or family friend unless OCS determines that placement with the family member or family friend is not in the child's best interest.
 1. If an adult family member or family friend is suggested as a placement resource by parents at the time of emergency placement or if an adult family member or family friend comes forward requesting placement, placement will be considered.
 2. In considering the adult family member and family friend as a placement resource, ascertain that the family member(s) or family friend(s) are able to
 - a. keep the child safe;

- b. be supportive of the case plan; and
 - c. actively meet the child's needs.
3. If an adult family member or family friend is willing to care for a special needs child but needs training to do so, the family member or family friend must be offered the same training that is available to licensed foster parents.

PROCEDURE:

- A. When it is necessary to place a child in an out-of-home placement, the worker will:
 1. Ask the parents for names of possible placement resources and compile a list of relative placement resources and other placement resources. The worker will ask all parents if their child is of Alaska Native or American Indian descent, whether the child is either a member of or eligible for membership in a tribe, and whether the child's parent(s) or grandparents are members of a tribe.
 2. Document all relatives and family friends who may be interested in placement, and assess their willingness and ability to provide adequate care for the child.
- B. If an adult family member or family friend has requested placement of a child in their home:
 1. In accordance with policy A-C above, the worker will make every effort to make a placement decision within 45 days of the request; and
 2. If the placement request is denied, the worker will notify the family member or family friend of the denial within five business days following the denial, using the "Notice of Denial" form and attaching a copy of the "Request for Superior Court Review Hearing and Order" to the notice.
- C. The worker will document all potential placement resources and consideration and decisions regarding placement in a relative/placement search case note in ORCA.
- D. Additional Requirements for Native Children:
 1. The worker will conduct a diligent search for a placement that meets the child's special needs, most closely approximates a family, and is in reasonable proximity to the parent(s) or Indian custodian. A diligent search includes the following:
 - a. Contact has been made with the child's tribe for placement possibilities.
 - b. Identification and contact has occurred with the child's extended family.
 - c. Licensed native foster homes have been contacted or considered.

- d. Placements in nearby and culturally related tribal communities have been considered.
 - e. All efforts to find an appropriate placement, and actual placements used must be documented.
2. It is understood that in an emergency situation it may not be possible to accomplish all of the above steps. However, an effort should be made to complete as many of these steps as possible and continue after the emergency placement is made so placement change may occur into a preference placement as soon as possible.
 3. In cases other than emergencies, when a decision is made to remove a Native child and the child's tribe has not already made recommendations, the worker will ask the tribe to identify and locate placements within the preferences, and provide such information to the state as soon as possible.
 4. If no identified placement for a child can be located within the preference, the worker will compile a list of potential foster or adoptive placements from other sources and share the list with the child's tribe.
 5. The worker and child's tribe will share information on potential placements and the tribe shall assist in screening the potential placement resources.
 6. The worker, the child's tribe, and the GAL, when appropriate, will decide the most appropriate placement for the child at a placement staffing that should take place within thirty days from the time the search began. If the worker and the child's tribe disagree on the placement of a child, the worker shall notify the tribe in writing of its intent not to follow the tribe's recommendation.
 7. When a child is placed in an out-of-preference placement without tribal approval, the worker, the Regional ICWA Specialist, or designee will ensure that the placement is reviewed every thirty days until the child has achieved permanency, the tribe agrees to an alternative placement, or the child has achieved permanency. The review may take place at any case conference or meeting by the worker, supervisor and/or Regional ICWA Specialist

DEFINITIONS:

"Adult Family Member" means a person who is 18 years of age or older and who is
(A) related to the child as the child's grandparent, aunt, uncle, or adult sibling, or
(B) the child's sibling's legal guardian or parent.

2.8 REUNIFICATION EFFORTS

AUTHORITY: AS 47.10.083 Review of Orders, Request for Extension, P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980

POLICY: When it is not possible to protect and maintain a child in their own home and removal is necessary for the child's safety, the goal of casework services is henceforth directed towards permanency for the child through family reunification, whenever possible. If reunification is not possible, an alternative permanent plan for the child is developed. Reunification efforts are not only required by federal statutes, but also are a priority for the division. Where the child is Native, the child's tribe shall be included in the development of the alternative permanent plan.

PROCEDURES:

- a. Services will be provided to the family as described in section 3.2.4 Services to the Family - Children in Out-of-Home Care. (For a description of types of services, see section 3.3.2 Service Delivery).
- b. All attempts to offer services and all referrals for service will be documented in the case file.
- c. If reunification services are successful and the child can return to his own home, see section 3.7 Termination of Placement.
- d. If reunification efforts fail, and an alternative permanent plan is needed, a Permanency Planning Conference will be held. If the child is Native, the Permanency Planning Conference shall include the child's tribe, and the worker shall send written advance notice to the tribe of the date and time, and arrangements to participate telephonically.

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2.9 CASE PLANNING

2.9.1 CASE PLANNING FOR CHILDREN IN THEIR OWN HOME

AUTHORITY: AS 47.10 Children in Need of Aid, 42 U.S.C. 670-677 (P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980), 42 U.S.C. 622(b) (P. L. 103-382 Multiethnic Placement Act of 1994), 25 U.S.C. 1901-1923 (P. L. 95-608 Indian Child Welfare Act of 1978)

PURPOSE: Provide standards and guidelines for case planning for in-home cases.

POLICY:

- a. A care and safety plan is required for each case when a safety appraisal has determined that harm factors exist and the child is safe with services.
- b. A case plan must be completed for the family in cases that are kept open for monitoring or services after the investigation has been completed, regardless of custody status. The worker will conduct a thorough assessment, including the Future Risk of Abuse/Neglect Assessment and Documentation of Protective Capacities and Needs. Once a decision is made to open the case for services, a case plan will be developed within 30 days. The plan is to be developed in face-to-face meetings(s) with the parent/s, legal guardian/s or Indian custodian and, if age appropriate, the child. If the child is Native, the child's tribe will be invited to participate.

PROCEDURES:

- a. Care and Safety Plan:
 1. Child in Home:
 - A. A Care and Safety Plan will be completed immediately when it is determined, based on the safety appraisal, that protective interventions are needed in order for the child to remain safely in the home (see section 2.2.5(h) Investigation). A plan will be completed for each case where safe with services is the outcome of the safety appraisal, regardless of whether custody is taken.
 - B. The Care and Safety Plan must include:
 - i. The identified harm factors;
 - ii. Actions to be taken to protect each child from the harm factors;
 - iii. Who is responsible for each component; and

- iv. How the plan will be monitored and by whom.
- C. A copy of the Care and Safety Plan will be provided to the family.
2. Arranged Placements:
 - A. A Care and Safety Plan is appropriate if :
 - i. A parent, relative, or legal custodian voluntarily arranges for care of his/her child with the other parent, relative, or legal custodian; and
 - ii. Conditions described in AS 47.10.011 exist and there are concerns that the child may be unsafe if the child returned to the parent, but grounds for emergency custody do not exist; and
 - iii. The worker determines a CINA petition is not necessary/appropriate as long as the child remains in the arranged placement.
 - B. The Care and Safety Plan must include:
 - i. The identified harm factors;
 - ii. Actions to be taken to protect each child in relation to potential risk factors, including requesting that the caregiver notify the agency if the placing parent, guardian, or legal custodian attempts to regain physical custody of the child;
 - iii. Who is responsible for each component;
 - iv. How the plan will be monitored and by whom;
 - v. A statement that the parent:
 - voluntarily agrees to place the child with an alternative caregiver, if applicable;
 - agrees to follow the care and safety plan;
 - understands that refusal to sign the care and safety plan or failure to follow the plan may result in OCS filing a CINA petition; and
 - understands that in the event OCS files a CINA petition, each parent has the right to have an attorney appointed to represent each of them at no cost should the court determine that the individual's income is at or below poverty level.
 - C. The worker will request immediate notification from the caregiver if the parent tries to regain physical custody of the child. The worker will not advise the placing parent, guardian, or custodian, or the caregiver with whom the child is placed that the placing parent is in any way restricted from gaining immediate physical custody at any time unless OCS also files a CINA petition.
 - D. If the placing parent regains or attempts to regain physical custody of the child in violation of the terms of the Care and Safety Plan, the worker will evaluate

whether a CINA petition should be filed.

- E. The plan of action is described in section 2 of the Structured Decision Making: Safety Appraisal, and the parent(s) and the worker complete the Care and Safety Plan Agreement. After the plan has been completed, the worker gives a copy of the Care and Safety Plan Agreement to the parent(s). (See section 2.2.5(h) Investigation).

b. Case Plan:

1. Required Element of the Permanency Plan: Permanency Goal. The goal is to remain in own home.
2. Required Elements of the Case Plan
 - A. Concern statement must reflect the priority needs identified during the investigation.
 - B. Objectives must be written as outcome statements. They describe the behavior or situations that will exist to assure the child's safety in their own home.
 - C. The plan will describe services and, if applicable, service providers that will be utilized to remedy the identified harm factors and reduce risk factors.
 - D. Activities and Tasks (activities are all the action steps needed to achieve the objective):
 - i. All parties who are involved in the plan will be identified.
 - ii. The task and responsibilities for each party will be listed.
 - iii. The worker's monthly in-home visits must be included as an activity.
 - iv. Anticipated timelines for task completion.
 - v. How progress toward each activity/task will be measured.
 - E. Required Signatures:
 - i. Parent/legal guardian or Indian custodian;
 - ii. Worker;
 - iii. Supervisor;
 - iv. Tribal representative (if applicable);
 - v. Child (if age appropriate).
3. Required Time Frames:
 - A. The case plan shall be completed no later than 30 days from opening the case for services. As the services to the family are derived from the case plan, the initial

planning should begin within a week of contact with the family after the case opening. The plan should evolve with the family and should reflect updates as the family progresses or other changes within the family occur.

- B. For native children, the worker will call the child's tribe to invite and encourage them to participate in the case planning process.

4. Development of the Plan:

- A. Case planning should occur in person with the family for all in-home cases. Families shall be actively involved in all case planning activities. All participants, if age appropriate, shall be included in the process and are asked to sign the plan after its completion. If the child is Native, the child's tribe will be invited to be actively involved in all case planning activities.
- B. The case plan should focus on the protective capacities, priority needs, areas requiring intervention to eliminate the harm factors, reduce likelihood of future maltreatment and enhance diminished protective capacities, which have been identified in the assessment process.

5. Completing the Case Plan:

- A. Parents or Indian custodians may refuse to sign the plan, but the worker should indicate their participation. Any concerns voiced by a parent regarding the case plan that are not included in the case plan should be included in a case note. If a parent does not sign the case plan, the worker will document in ORCA efforts made to include the parent in case planning. Efforts to notify the parent of the meeting should also be documented in a case note. If a parent is unwilling to sign or participate in the case planning, careful consideration shall be given to whether the children can remain in the home safely.
- B. A copy of the case plan will be given to the parents or Indian custodians. If the child is Native, the worker will provide a copy of the case plan to the child's tribe as soon as it is completed.

6. Reviewing and Updating the Plan:

- A. The plan should be reviewed with the family regularly. Be sure to note progress verbally with the family during the visit and reflect the progress in an activity note in the case record.
- B. In-home case plans must be reviewed by the worker and supervisor after 90 days to measure the family's progress to determine whether the case can be closed.

One additional extension of no more than 90 days may be granted. An SDM Reappraisal for In-Home Cases should be completed, and a 'staffing note' activity note should be entered by the supervisor to reflect the issues discussed and outcome of the meeting.

- C. When significant changes, such as changes in harm and/or risk factors, priority needs and/or protective capacities have been identified, an SDM Reappraisal for In-Home Cases should be completed and the case plan should be revised to reflect the change. (See sections 2.2.9 Assessment of Protective Capacities, Needs, and Future Risk of Abuse and Neglect and 3.1.1 Case Plan and Contact Level Review, and Reassessments of Protective Capacities, Needs, and Risk)
- D. Case closure will be decided after completing an SDM Re-Appraisal for In-Home Cases, and using the SDM matrix to determine if the case can be closed. The case must be staffed with the supervisor for approval of case closure.

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2.9.2 CASE PLANNING FOR CHILDREN IN CUSTODY PLACED OUT-OF-HOME

AUTHORITY: AS 47.10 Children in Need of Aid, 42 U.S.C. 670-677 (P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980), 42 U.S.C. 622(b) (P. L. 103-382 Multiethnic Placement Act of 1994), 25 U.S.C. 1901-1923 (P. L. 95-608 Indian Child Welfare Act of 1978)

POLICY: It is the policy of the division that case planning occurs as an activity of the family and the caseworker, and the child's tribe where the child is a Native child. The plan is to be developed with the family, Indian custodian, and tribe as soon as possible after assumption of custody, but no later than sixty days from the removal.

PROCEDURES:

- a. A case plan must be completed for every child who is taken into custody. If more than one child is included in a case plan, the needs of all the children must be addressed in the plan. If the permanency goal is different for different children in the family, separate case plans would ensure that the needs of all the children are addressed.
- b. It is the requirement of the division to plan all casework activities with families. These activities reflect the permanency planning goal of the case. The plan is to be developed with the family as soon as possible after assumption of custody. The plan is developed together with the parents, or Indian custodian, where applicable, using the Case Plan form (06-9699). Everyone involved in preparing the plan is asked to sign the plan as soon as it is completed.
- c. The case plan should focus on the priority needs (areas requiring intervention to reduce likelihood of future maltreatment) which have been identified in the assessment process, and take into consideration identified protective capacities (strengths or capabilities that control or prevent threats of harm from arising or having an impact on the child). When changes in the priority needs or protective capacities have been identified, the case plan should be revised to reflect the change. (See sections 2.2.9 Assessment of Protective Capacities, Needs, and Future Risk of Abuse and Neglect and 3.1.1 Case Plan and Contact Level Review, and Reassessments of Protective Capacities, Needs, and Risk)
- d. Concurrent Planning: Concurrent planning can be defined as the provision of reunification services - while at the same time - developing an alternative permanent plan with a formalized review process. Concurrent planning seeks to reduce the number of placements a child must experience before achieving early permanence. At the point of the implementation of the concurrent plan, if the child is not already placed in a potentially permanent home, a diligent search should be made with the objective of having that home identified and placement made within 90 days. The parent(s) may still be working on a reunification plan at the same time

and reunification services offered to the parent(s).

1. Formalized concurrent planning process may be applied to children of any age and at any time during the investigative or permanency planning stage. A concurrent plan will be explored at the Family and Children Early Conference.
2. The timelines for implementing the concurrent plan depends on the facts of the case, including the history of prior removals, the parent's progress, and the geographical location of the potential permanent home, and its effect on the need to make reasonable efforts for reunification, including visitation and family interactions. In some cases, it is appropriate to determine at the six-month review that the concurrent plan should be implemented, and in other cases it is appropriate to start implementing the plan immediately following the Family and Children Early Conference. In the most serious cases, it may be developed and implemented from case inception.
3. Parents and all parties should be part of the process in determining the necessity for concurrent planning. When that is not possible, parents and all parties must be notified of all concurrent plans within ten (10) days of approval of the concurrent plan.
4. It is not necessary to wait until the Family and Children Early Conference to develop a concurrent plan. A concurrent plan may be identified prior to the Family and Children Early Conference by receiving supervisory approval and notifying the parents, court, child's tribe, attorneys, and the guardian ad litem. The worker will review AS 47.10.086 with the supervisor in the decision making process. Early identification of a concurrent plan is appropriate in very serious cases including situations where the parent or guardian has subjected the child to circumstances which pose a substantial risk to the child's health and safety. The court may determine therefore that reasonable efforts to return the child home are not required. These circumstances include abandonment, sexual abuse, torture, if a child is removed from the home of a parent who previously has had their parental rights terminated with respect to another child because of child abuse or neglect; has killed or seriously harmed another child; has tortured this child; or has an untreatable mental illness or cognitive impairment that renders the parent unable to parent, or other examples as found in Alaska Statutes 47.10.086(c) or section 3.3.(c). In these circumstances, the worker may also make a request to the court for discontinuance of reasonable efforts for reunification. Reasonable efforts to return the child home must continue until the court has determined that such efforts are no longer required. At the time that the court makes that decision, the goal will no longer be reunification.
5. If a child remains out of the home at the time of an Family and Children Early Conference and a concurrent plan has been implemented prior to the conference, the conference participants will review the implementation of the plan. If a concurrent plan has not already been implemented at the time of the conference, the participants will

make a determination about whether concurrent planning is appropriate for the case based on a discussion of the family's prognosis for the child(ren)'s likelihood of returning to the home. If a proposed concurrent plan has been submitted by the worker, the participants will review the proposal. If it is determined that concurrent planning is appropriate, and a concurrent plan has not been implemented or proposed, a concurrent plan will be developed.

6. When the concurrent plan is placement in a permanent home and the current placement is not a permanent option the search for a potential permanent placement will be initiated as soon as possible, to limit the number of placements of the child. Placements will follow placement preferences (see section 2.7 Placement Preferences).
7. The concurrent plan will be documented on Form 06-9699, Case Plan.

e. Required elements of the plan

1. Goal: The case plan must identify the overall permanency planning goal of the case. The goal will be reunification with the parent(s) or Indian custodian, until a different goal is established at a Permanency Planning Conference.
2. Family strengths/protective capacities should be identified throughout the assessment phase and must be documented. The worker and the family should participate in this discussion. The family strengths can then be a basis for working with the family toward achieving their goals.
3. The Plan of Action (the case plan includes a plan of action for a parent and a plan of action for the child. If a parent is missing the case plan should include objectives and activities to locate the missing parent, and once the parent has been located a case plan should be developed with the parent):
 - A. In the Case Plan the following five issues must be addressed: Child Safety, Permanency for the Child, Child and Family Well-Being, Cultural Continuity for the Child, and ICWA Compliance. (See section 1.1 Purpose for additional information). Outcomes for the five issues include:

Child Safety

- Children referred to the Department will remain free from substantiated abuse/neglect for 12 months.
- Children in out of home care will not have a substantiated report of abuse/neglect.

Permanency for the Child

- Children removed from their home will be returned within one year or placed in another permanent home within one year.
- Children removed from their home will experience no more than two placements or two removals prior to placement in their permanent home.
- Children for whom there has been a substantiated report of harm and who are left in their parental home shall not have a report of harm within three months of completion of the investigation.
- Children who have been removed from their parental home shall be placed with a relative or ethnically/culturally related family as a possible alternative permanent care provider within 90 days of removal.
- Young people who are likely to remain in foster care until they reach age 18 will have the skills necessary to live self-sufficiently upon release of state custody.

Child and Family Well-Being

- Children in custody will have their medical, dental, mental health, and educational needs met.
- Children in custody and placement will experience a placement that is least restrictive and culturally appropriate.
- Children separated from their parents will have the opportunity to visit and maintain contact with their family if such contact is appropriate to the goals of the case plan.

Cultural Continuity for the Child

- Children in custody and placed out-of-home will continue to participate in their family, cultural and spiritual traditions, customs and connections.

ICWA Compliance

- Children who have been removed from their parental home shall be placed with a relative or other tribal members according to the preference placements of the ICWA and/or Tribe.
- Children will be moved into a higher preference placement when one has been located and approved.
- Active efforts are provided to prevent removal from the family.
- Active efforts are provided to re-unify the family which include active efforts to assist the family's receiving all needed services in order to satisfactorily complete the case plan.
- Active efforts are provided for children placed in out of home care so they retain contact with their family, culture, customs and tribal connections.

- B. Identify the concerns/needs based on the highest risk factors in the case, and state why the concern is a risk to the child. In the plan of action for the parent the identified concerns must be prioritized in order from highest risk to lowest risk.
- C. Objectives must be written as outcome statements. They should be measurable and observable and describe the behavior or situations that will exist to assure the child's safety in their own home, or otherwise achieve the permanency planning goal.
- D. The plan will describe services which were provided prior to the removal to prevent out-of-home placement and services to reunify the family and to address the child's needs while in foster care.
- E. For children whose permanency plan no longer is reunification but adoption or placement in another permanent home, the plan must include steps to be taken to find a permanent home, including child specific recruitment efforts (for example use of adoption exchanges), and to finalize the adoption or legal guardianship.
- F. If a child has been placed out-of-home for at least 15 out of the last 22 months and a petition for termination of parental rights has not been filed, if it has been decided that there is a compelling reason not to file a petition, that compelling reason must be documented in the case plan.
- G. Activities and Tasks (activities are all the action steps needed to achieve the objective):
 - i. All parties who are involved in the plan will be identified.
 - ii. The task and responsibilities for each party will be listed.
 - iii. The workers regular visits must be included.
 - iv. Reasonable timelines are important.
- H. Plan of Action for the Child:
 - i. When completing a plan of action for a child, the following areas need to be addressed: medical/dental/vision needs, mental health needs, educational needs, visitation with each parent and with siblings, and cultural continuity. For children 14 or older independent living must also be addressed (see (e)(3)(I)).
 - ii. If more than one child is included in a case plan, the needs of all the children must be addressed in the plan. If the permanency goal is different for different children in the family, separate case plans would ensure that the needs of all the children are addressed.
- I. If the child in division custody is 14 or older, the case plan must include an objective which addresses the life skills necessary for self-sufficiency as an adult,

regardless of whether independent living is the permanency planning goal for the child. Funds for services may not be accessed without a current case plan.

- i. The case plan should:
 - be conducted with the young person as a partner in planning in order to develop ownership by the youth;
 - reflect documentation of the young person's strength-needs assessment;
 - include the mutual responsibilities, enumerated behaviorally, of the competencies required to achieve independence;
 - involve regular reviews and revisions with the young person;
 - involve the young person's family and significant others whenever appropriate;
 - serve as a contract between the young person and the agency; and
 - should be coordinated with any educational, vocational, mental health or other plan that involves the young adult.
- ii. For each child in Division custody who is 14 or older, the worker is responsible for ensuring that an assessment of basic life skills is conducted within three months of the child's birthday and that the case plan addresses actions needed to provide youth with life skills necessary for self-sufficiency as an adult. The assessment should be completed both by the young person and by a primary care provider familiar with the young person. The results of the assessment should be incorporated into the case plan. The focus at age 14 should be on insuring that basic life skills have been acquired, or that appropriate steps are being taken to prepare the youth with these skills. See section 2.10 Life Skills Assessment.
- iii. For young people in custody who are age 16 or older, the worker is responsible for ensuring that an assessment of daily living skills is conducted within three months of the young person's birthday. The assessment should be completed both by the young person and by a primary care provider familiar with the young person. The results of the assessment should be incorporated into the case plan. The case plan should focus beyond state custody to explore career, education, housing, and finance choices. See section 2.10 Life Skills Assessment.
- iv. For youth in custody at age 17, the case plan should focus upon transition: how the young person will move from state custody into other programs or self-sufficiency. The transition plan should include details of how the young person, after leaving custody, will:
 - Obtain shelter;
 - Obtain food;

- Obtain clothing;
- Obtain transportation;
- Obtain health care;
- Obtain other necessary services;
- Pay for the above; and
- Handle any funds received from the Permanent Fund Trust account.

The transition plan is explored further in section 3.14.1 Age Of Majority And Emancipation.

4. Placement Information:

- A. For each child in placement, Page 6 of the Case Plan form, Child In Placement must be completed.
- B. For each child in placement, the Foster Care Plan and Agreement must be completed as it is part of the case plan. The parent must receive a copy of the Foster Care Plan and Agreement form. For privacy of the foster family, the name and address of the foster family may be blocked out. The foster care plan must include worker contacts with the child and care provider.
- C. If the plan is to place the child in a foster home or institution at a substantial distance from the home of the parents, or in a different state, the reasons why the placement is in the best interest of the child must be documented. If the child is placed outside of the state where the child's parents are located, a worker, either from Alaska or from the state where the child is placed, must visit the foster home or institution as the service level indicates. For out-of-state placements, ICPC procedures must be followed.

5. The child's health and education records are also part of the case plan, and must be provided to the foster parent and birth parent or Indian custodian, to the extent that they are available and accessible.

- A. Required health information:
- names and addresses of the child's health providers;
 - record of the child's immunizations
 - child's known medical problems;
 - child's medications;
 - other relevant health information about the child.
- B. Required education information:
- school name and address;

- child's grade level performance (at, above, or below grade level);
 - IEP (Individualized Education Plan), if applicable;
 - report card should be in case record;
 - other relevant education information about the child (including known educational problems, and whether the child is receiving special/remedial services).
6. Within fifteen days of out of home placement the worker must complete application for Medicaid and Title IV-E for the child. If the child has a deceased parent, application for Social Security Benefits must also be completed (see Administration Chapter, section 6.2.1.1 for procedures).
- f. Case planning for Native children will also include the following:
1. If the child has been removed from the tribal community, the social worker will inform the child's tribe of services that must be available for a special needs child before that child can be safely returned to the tribal community.
 2. The worker will discuss with the child's tribe their ability to provide services and whether they can monitor the child's return to the family in the tribal community.
 3. The child's tribe will provide a list of remedial services that are available in the tribal community.
 4. At the request of the worker the child's tribe will define what are acceptable community parenting standards within the tribal community.
- g. Required Time Frames:
1. The plan should be completed no later than 60 days from opening the case. If the child has been removed from home, the case plan must be completed no later than 60 days from the removal. As the services to the family are derived from the case plan, the initial planning should begin within a week of contact with the family. The plan should evolve with the family and should reflect updates as the family progresses or other changes within the family occur.
 2. For native children, the worker, the tribe, the family and the child shall staff the case and develop a case plan no later than sixty days from removal from home or the date the case is opened. The worker shall call the child's tribe to involve them in the process and permit the tribe to participate in the staffing telephonically.

h. Completing the Case Plan:

1. Everyone involved in preparing the plan is asked to sign as soon as it is completed. Parents or Indian custodians, whichever the case may be, can check whether they agree with the plan or not. A few parents or Indian custodians may still refuse to sign, but the worker can check that they participated. If a parent does not sign the case plan, the worker will document on the form efforts made to include the parent in case planning. Efforts to notify the parent of the meeting should also be documented.
2. A copy of the case plan must be given to the parents or Indian custodians. If a child is in placement, the Foster Care Plan and Agreement must also be completed and attached, as it is the part of the case plan which addresses the services to the child and foster parent.
3. If the child is Native, the worker will provide a copy of the case plan to the child's tribe as soon as it is completed.
4. If a child is in placement, only the section of the case plan which addresses the specific child and the signature page is provided to the caregiver.

i. Reviewing and Updating the Plan:

1. The plan should be referred to at each client visit, to measure progress. Be sure to note progress verbally to the family during the review and reflect the progress in the report of contact notes in the case record.
 2. The plan must be reviewed with the client at least every six months, and reviewed at every formally required staffing. Significant changes should be noted whether reflecting progress or lack of progress.
 3. Given the time limits for achieving permanency for the child which are mandated by law, careful attention must be given to the importance of the parents making timely efforts and the division making every effort to ensure that the services which are included in the case plan are provided in a timely manner.
 4. The plan must be rewritten if significant changes have occurred, such as a change in the permanency plan goal or placement options, or updated, if progress continues and no changes are needed. (The update option may only be used once (at the first 6 month review); that is if the case is still open at twelve months the plan must be carefully reviewed and rewritten to reflect either new information or new goals.)
- j. As original objectives are completed, the worker should use restraint in adding additional objectives. If there are many factors originally, on the parent's plan of action the worker should address the top three priorities, then use the fourth space to briefly list

all the issues that will need to be addressed before the child can be returned. This way the client knows all the issues, but isn't expected to address them all at once. The only instance where it is acceptable to add a new objective is when new information that relates directly to the safety of the child comes to the worker's attention, e.g. the child reveals an incident of sexual or physical abuse that was previously unknown.

3.0 PERMANENCY PLANNING/INTRODUCTION

The purpose of Child Protective Services is to identify, treat, and prevent child abuse and neglect, through provision of services to children and families. Reasonable efforts to maintain children in their own homes must be made unless the child is a Native child, in which case active efforts to provide remedial services and rehabilitative programs designed to prevent removal of the child from his/her home must be made. However, if conditions are unsafe for the child, then removal of the child is warranted. From that point forward, casework services should be directed toward permanency for the child, where possible through family reunification. In some cases, reunification is not possible; some parents cannot, or will not, provide security, affection, and continued care for their child, and reunification efforts have failed, an alternative placement plan must be developed and promptly implemented.

Whenever a decision is made to maintain a case open beyond the investigation phase services must be provided to the family.

In-home services:

- address any problems impairing the ability of the family to function at a minimally sufficient level;
- enable the parents or Indian custodian to remain in charge of their children;
- utilized the family system and community;
- utilize the family strengths ;
- utilize the natural resources of extended family;
- periodically assess whether in-home services are adequate to assure protection of the child.

Out-of-home services provide:

- structured, time-limited rehabilitation programs for parents or Indian custodians, to help reunite families as quickly as possible;
- planned, regular visitation between parents or Indian custodians and child;
- decisiveness about the best future placement of the child, including consideration of termination of parental rights when parents are not progressing towards providing a minimally sufficient level of care within one year, and a range of services have been offered;
- a range of permanency planning choices include long-term foster or relative care, guardianship, and adoption, or other plans that may be offered by the child's tribe if the child is Native.

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3.1 FAMILY AND CHILDREN CONFERENCES

INTRODUCTION:

- a. All children and families with open cases will be reviewed at child and family conferences at appropriate times throughout the time it is open, as indicated in this section. The purpose of the division's case conferencing system is to ensure that children's situations are reviewed in a timely and consistent manner, to ensure that decisions are based on the best interests of the child, address the health and safety of the child, and expedite permanency for the child. This intent is facilitated by involving applicable parties in the process. Conferences differ in the specific purpose of the conference, the participants, and the content depending on the length of time the child has been in custody.
- b. The conferences include the following: one completed within the first 90 days; at 6 months, and at 9 months. All conferences may be used to consolidate other local or community review processes for agencies providing services to the family/child.

Following is a short description of each type of conference, and a chart indicating the time lines.

1. Family and Children Early Conference is held within 90 days of the probable cause finding for all children who are in custody and in out-of-home placement. The purpose is to assist in meeting the statutory requirements:
 - for the timelines for permanency and concurrent planning,
 - for notifying parents of timelines for permanency,
 - for providing services to families,
 - for identifying potential barriers that may hinder service provisions to families, and
 - for children not to linger in the system. (see section 3.1.2 Family and Children Early Conference for additional information)
2. Child and Family 6 months Conference is held every 6 months on children who are placed out-of-home. The purpose is to review the continued necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress made towards alleviating or mitigating the causes necessitating placement in foster care. All Child and Family 6 months conferences must have public members, who have completed their required training. (see section 3.1.3 Administrative Review for additional information).
3. Permanency Planning Conference is held between 9 and 10 months of custody, or earlier when requested if the permanency planning goal for a child is to be changed. For all children in out-of-home care, a staffing must be held in preparation for the

permanency court hearing which is held at 12 months. If there has been a prior removal of the child from the home, a permanency planning conference must be held within six months of the second removal. The purpose is to establish the permanency planning goal and discuss permanent placement options for the child. Prior to the permanency planning conference, the worker will complete the reappraisal for out-of-home cases and may propose any changes in the permanency planning goal. The reappraisal documents the worker's thinking regarding the overall permanency planning goal for the child. When the worker recommends that the child's permanency planning goal be changed to adoption or when a termination petition must be filed by law, or when guardianship is the permanent plan but the parties do not agree with the plan, specific termination related issues must be addressed. If termination is considered, a determination must be made whether or not termination is in the child's best interest. If the goal has been changed to adoption and there is a plan for a consent to adopt by parent, a court order will be requested that the child cannot return home, prior to the parent signing the consent to adoption by parent. The worker should request a permanency hearing. (see section 3.1.4 Permanency Planning Conference for additional information).

4. Placement Decision Conference (optional): If there are multiple options for permanent placement, or when there are no options, a placement decision conference is held as soon as adoptive or guardianship home studies are completed and ready for review by the staffing team. The conference is held separately from the permanency placement conference, if needed, but is often combined; for example when home studies have been done at the time of the permanency planning conference. The purpose is to designate the permanent adoptive or guardian home for a child. (see section 3.1.5 Placement Decision Conference for additional information).

5. Out-of-preference placements of Native children without tribal approval will be reviewed every 30 days until the child is placed with a family that meets the ICWA placement preferences; or the tribe approves, in writing, the out-of-preference placement which brings the placement into compliance as a second preference placement for foster care under ICWA; or the child's placement is designated as the permanent placement (adoptive, guardian or permanent foster care) at the Permanency Planning Conference or Placement Decision Conference. The issue may be addressed at any case conference, as appropriate, or at a specially scheduled formal staffing, or may be reviewed informally by the worker and supervisor and/or ICWA specialist. It is recommended that a representative from the child's tribe also be invited to the review. (see section 3.1.6 Out-of-Preference Review for additional information).

Overview of OCS Child and Family Conferences and Court Reviews

Time Line	Event	Applies to all children in custody	Additional for children in out-of-home care
Custody Date	File petition within 24 hours of taking custody	X	
Within 48 hours of petition	Probable cause hearing	X	
Every 30 days after placement	Out-of-preference review ²		X
Within 60 days of probable cause hearing	Pre-trial conference	X	
Within 90 days of probable cause finding	Family and Children Early Conference		X
Within 120 days of probable cause finding	Adjudication hearing	X	
Shortly after adjudication	Disposition hearing (predisposition report due 10 days prior to hearing)	X	
Within 6 months of removal and every six months thereafter	Child and Family 6 months Conference		X
At 9-10 months after removal or whenever the permanency planning goal changes, or when filing of a TPR petition is required	Permanency Planning Conference		X
When adoptive/guardian home studies are completed and there are multiple options for permanent placement, or no options.	Placement Decision Conference (Optional)		X
Within 12 months of probable cause finding, and every 12 months thereafter; and within 30 days of when the court has determined that reasonable efforts for reunification no longer are required or when the court approved permanency plan changes	Permanency hearing ³ (permanency hearing report due 10 days prior to hearing)		X
Within 12 months of the disposition order and annually thereafter	Annual review of supervision order ⁴ (report on annual review due 10 days prior to hearing)	X	
When child has been in foster care for 15 out of the last 22 months, or the court has determined that reasonable efforts for reunification are no longer required	File petition for termination of parental rights		X
Within 6 months of TPR petition	Termination hearing		X
Before custody expires (usually after 2 years and annually thereafter)	Extension of custody hearing (petition due 30 days, and report due 30 days prior to expiration of custody)	X	

² Applies only to Native children in an out-of-preference placement. The review may be done either at a formal staffing or in an informal review.

³ Applies to children under a (c)(1) order

⁴ Applies to children under a (c)(2) order

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3.1.1 CASE PLAN AND CONTACT LEVEL REVIEW, AND REASSESSMENTS OF PROTECTIVE CAPACITIES, NEEDS, AND RISK

AUTHORITY: AS 47.10 Children in Need of Aid

POLICY:

- a. The case plan is a working document that continually reflects the current status of the case. The case plan will be evaluated and updated with family input prior to every scheduled review. Case planning is a continuous process and the case plan is not intended to be updated immediately prior to reviews.
- b. Using structured decision making methods, reassessments are performed at established intervals for all open cases in which the child(ren) are in their own home or are placed out of home and return home remains the permanency planning goal.
 1. Case reassessment ensures that risk of maltreatment and family service needs will be considered in later stages of the service delivery process and that case decisions will be made accordingly. At each reassessment, workers reevaluate the family using procedures that help them systematically assess changes in strengths, needs and risk. Case progress will determine if a case should remain open or if the case can be closed, and permanency decisions.
 2. Periodic reassessment also provides for on-going monitoring of important case outcomes such as new abuse or neglect incidents, changes in each family's service utilization pattern, and changes in the severity of previously identified problems. The routine reassessment of each family at fixed intervals provides workers and supervisors with an efficient mechanism for collecting and evaluating information necessary to effectively manage their cases.
- c. Contact standards are evaluated at every review and when new reports of harm are received. In some cases it may be decided that a higher contact level than the minimum standard is required, as determined by factors such as case status, age of the child, parent protective capacity, risk of future abuse and neglect to the children, client need, and best practice standards.

PROCEDURE:

- a. Reassessment of In-Home Cases:
 1. For all open cases in which all children remain in the home, regardless of custody status, the worker will do a reassessment every six months, or sooner if considering a change in case

- plan, risk level, or case closure.
2. The purpose of the reassessment is to evaluate changes in protective capacities, needs, and risk to determine if the case should remain open or if the case can be closed. Protective capacities and priority needs are used to revise the case plan, as appropriate, for cases that will remain open, and to guide potential referrals for cases that will be closed.
 3. The assessment includes identification of the protective capacities and needs, and a reappraisal of future risk of abuse/neglect:
 - A. Protective Capacities and Needs: For examples, see section 2.2.9 Assessment of Protective Capacities, Needs, and Future risk of Abuse and Neglect. For definitions of priority needs, see the forms instructions for form 06-9769 Structured Decision Making: Reappraisal for In-Home Cases.
 - B. Reappraisal of Future Risk of Abuse/Neglect: Evaluate the impact of services provided to the family during the period assessed or whether certain events in the family have occurred since the last assessment by completing page 2 of form 06-9769 Structured Decision Making: Reappraisal for In-Home Cases. Use overrides when appropriate.
 4. The worker will document the assessment on form 06-9769 Structured Decision Making: Reappraisal for In-Home Cases.
- b. Safety Assessment for In-Home Cases: When a change in circumstances indicates significant change in safety factors in an ongoing case where one or more children remain in the home, the worker will do a safety assessment to determine whether the child(ren) would be safe if remaining in the home, and document the assessment on form 06-9767 Structured Decision Making: Safety Appraisal Form (see section 2.2.5(i) Investigation).
- c. Reassessment of Out-of-Home Cases:
1. For all open cases in which at least one child is in placement and reunification services are legally required, the worker will do a reassessment:
 - A. prior to each child and family six months conference; and
 - B. prior to the permanency planning conference, which is within 9 – 10 months of removal; and
 - C. whenever considering a change in permanency plan goal, or returning child home.
 2. The purpose of the reassessment is to determine if the child is eligible for return home, if reasonable efforts to return home should be continued, or if the permanency plan goal should be changed. The protective capacities and priority needs and permanency plan

recommendation are used to revise the case plan, as appropriate.

3. The assessment includes:
 - A. identification of the protective capacities and needs. (For examples of protective capacities and needs, see section 2.2.9 Assessment of Protective Capacities, Needs, and Future risk of Abuse and Neglect. For definitions of priority needs, see the forms instructions for form 06-9770 Structured Decision Making: Reappraisal for Out-of-Home Cases).
 - B. reappraisal of future risk of abuse/neglect. (Evaluate the likelihood of future maltreatment by completing page 2 of form 06-9770 Structured Decision Making: Reappraisal for Out-of-Home Cases). Use overrides when appropriate.;
 - C. evaluation of the parent(s)' compliance with the visitation plan;
 - D. reunification safety assessment (if return home is being considered. - See 5. below); and
 - E. review of the permanency plan.
4. The worker will document the assessment on form 06-9770 Structured Decision Making: Reappraisal for Out-of-Home Cases.
5. Reunification may be considered when the risk level is low or medium and visitation compliance is fair or good. If reunification is considered, the worker will assess the current harm factors to determine whether any child would likely be in immediate danger of serious harm if safety interventions were not provided in the household under consideration for reunification. The worker will document the assessment on form 06-9771 Structured Decision Making: Reunification Safety Appraisal form and the safety decision on form 06-9770 Structured Decision Making: Reappraisal for Out-of-Home Cases.

d. Review of Case Plan:

1. Discuss and assess the current appropriateness of the case plan with the family, Indian custodian, and the child's tribe when applicable. Review the specific tasks.
 - A. Have the parent(s) jointly developed the case plan with the worker? (note: several items in the case plan may be non-negotiable)
 - B. Is the case plan understandable to the family?
 - C. Has each party complied? If not, what prevented achievement?

- D. Have time frames been met?
 - E. Have resources been utilized?
 - F. If the child has been residing in the home, do the children continue to be safe in the home? Has the parent substantially achieved case planning goals? If so:
 - i. If the child is not in custody, can the case be closed by mutual agreement?
 - ii. If the child is in custody, can a recommendation to the court be made to close the case by mutual agreement?
 - iii. Please refer to the case open guideline matrix (see section 2.2.10.2 Case Decision).
2. If high risk child abuse incidents have surfaced while the family is cooperating with the case plan and the child is not in custody, a safety assessment must be done and appropriate action taken.
 3. Case plan goals must be designed to be measurable and to diminish risk and increase safety for the child(ren).
 4. If the case plan is unsigned, obtain signatures, if possible, from parents or Indian custodian, worker, tribal representative, if the child is Native, and children if age appropriate. Give copies to all appropriate parties (Note: case plans must be reviewed by the worker's supervisor prior to reviews). If parents refuse to sign, document the reason on the case plan.
 5. The reviewer must document participation or lack thereof on the appropriate form for the review.
 6. If significant changes have occurred in the case and are not documented, the case plan should be edited to reflect these, both positive and negative. The reviewer will note the changes and the worker will finalize the case plan edits with the family within five working days and submit the final document to the reviewers and their supervisor.
- e. Review of Contact Level:
1. The minimum contact standard addressed in section 3.2.1 Minimum Contact Standards must be followed. Some cases will require higher levels of contact, as determined by factors such as case status, age of the child, parent protective capacity, risk of future abuse and neglect to the children, client need, and best practice standards.
 2. The contact level of cases will be reviewed at least every three months or if new concerns arise, through supervisory review as well as administrative review. At the review, both adherence to the contact standards and the appropriateness of the current contact level will be assessed.

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3.1.2 FAMILY AND CHILDREN EARLY CONFERENCE

AUTHORITY: AS 47.05.065(5)(c) Legislative Findings Related to Children, AS 47.10.080 Judgments and Orders, AS 47.10.086 Reasonable Efforts, P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980, P. L. 105-89 Adoption and Safe Families Act of 1997

PURPOSE: To review the current status of the case plan, ensure that families' needs have been assessed and that the appropriate services are in place, and to review progress.

POLICY: OCS will hold a Family and Children Early Conference within 90 days of the probable cause finding for all children who are in custody and in out-of-home placement. Each region will have designated review facilitators. All parties attending will have an opportunity to share pertinent information.

PROCEDURE:

- a. Invite the following persons to participate in the conference:
 1. Parents and/or Indian custodian;
 2. Child if age and developmentally appropriate;
 3. Worker;
 4. Supervisor;
 5. Team caseworkers;
 6. GAL/CASA;
 7. Tribal representative (for Native children);
 8. Regional ICWA Specialist (for Native children);
 9. Foster parents or other care providers;
 10. Regional Adoption Specialist (for the following types of cases):
 - when reasonable efforts are not required under AS 47.10.086(c); and
 - any case the supervisor deems appropriate.
- b. Optional invitation (at the worker's discretion):
 1. Attorneys;
 2. AG; Assistant Attorney Generals;
 3. Service providers (including mental health, medical, and educational);
 4. Extended family (address confidentiality issue at the beginning of the review);
 5. Multi-Disciplinary Team member (from investigation);
 6. Investigation worker (see section 6.6.1 Intrastate Case Transfers)
- c. Notification: See section 6.6.3 Notification of Court Hearings and Case Conferences.

- d. Content of the Conference: The following areas will be discussed at the conference:
1. safety and well being issues for the child and family;
 2. protective capacities and priority needs;
 3. case plan;
 4. placement plan;
 5. visitation plan;
 6. relative search status;
 7. paternity status;
 8. efforts to locate absent parents;
 9. ICWA compliance;
 10. permanency goal;
 11. concurrent goal.
- e. Expected Outcome of the Conference:
1. All participants will be advised of time frame requirements for children in custody, and the consequences of lack of progress in resolving issues that brought the children into care.
 2. Recommendations will be made for what should be accomplished in the next three months.
 3. ICWA compliance will be documented.
- f. Documentation:
1. The worker will bring the case file to the review, and ensure that ORCA is updated and current.
 2. The reviewer will document the conference recommendations and decisions in ORCA.
 3. Documentation of notification: See section 6.6.3 Notification of Court Hearings and Case Conferences.
- g. Objections to Recommendations:
1. Any participant in a Family and Child Early Conference who objects to a recommendation made by the conference group is encouraged to address it during the review.
 2. Case workers who object to a recommendation are encouraged to address it within the meeting, or if not appropriate at the time, talk with their direct supervisors within three

working days of receipt of further clarification.

3. Any supervisor who objects to a recommendation is encouraged to contact the Administrative Reviewer for additional clarification and, if necessary, object in writing to the Staff Manager. This must be done within five working days of receiving the recommendations.
 4. If further guidance is needed, the staff manager will consult with the Children's Services Manager and the reviewer for a final decision.
 5. If no objections are noted, the worker will follow through with all recommendations in the time frames provided.
- h. Follow-Up of the Conference: Supervisors will review recommendations from conference with the worker regularly. The follow-through and progress will be addressed at the next case staffing.

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3.1.3 CHILD AND FAMILY SIX MONTH CONFERENCE

AUTHORITY: AS 47.10.080(1) Judgments and Orders, P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980, P. L. 105-89 Adoption and Safe Families Act of 1997

PURPOSE: Provide standards and guidelines for conducting Child and Family Six Month Conferences. The conference is an ongoing opportunity for parents, guardians, child(ren) and/or Indian custodians to have input on the case progress and plan and make changes as appropriate.

POLICY:

- a. For all children in custody and out-of-home placement OCS will review the child's and family's case every six months. This includes children on trial home visits or on runaway status. The purpose of this review is to assess the continuing need for out of home placement, expedite permanency efforts, insure the safety and well being of the child, and review progress on all case plans.
- b. The review will be conducted before an established panel no later than six months from the date of the most recent removal from the home and no later than six months from the date of the last conference. Case reviews must continue every six months until the child is returned home, in a finalized guardianship, or legally adopted.

PROCEDURE:

- a.
 1. Review and update the case plan with the parents (unless their rights are terminated or they refuse involvement), the Indian custodian, the child's tribe if the child is Native, and with the child(ren) as age appropriate, prior to the case review.
 2. Review legal status of the case to assure timely compliance with state statutes and ASFA.
 3. If children re-enter care, review dates are based on the latest removal from home.
- b. Review Panel:
 1. The established panel must include at least three (3) persons, one of whom is not responsible for case management or provision of services to the child or family. Public review designees will be trained for participation.

2. Conferences for Native children will incorporate additional requirements under ICWA including participation by tribal representatives.
3. Other Participants in the Review:
 - A. The following persons must be invited to participate in the review:
 - i. Parents, legal guardian, and/or Indian custodian. These parties have the option of participating via written comments or by telephone, if they are unable to participate in person;
 - ii. Children if age appropriate;
 - iii. GAL;
 - iv. Foster parents, residential care provider, or relative care givers;
 - v. Child's tribe, even if they have not intervened;
 - vi. Other assigned team case workers (secondary workers).
 - B. Optional:
 - i. Attorneys. Parents and tribes may invite their attorneys to attend. The worker may invite the OCS attorney if a parent's or the tribe's attorney is planning to attend;
 - ii. Any other person involved in the case may be invited at the worker's discretion;
 - iii. Native people serving as cultural consultants;
 - iv. Assigned worker's supervisor;
 - v. CASA.
- c. Scheduling: Regional offices must maintain a calendaring system for all children in out-of-home placement which provides notice to supervising workers of upcoming conference dates. Workers are responsible for verifying the accuracy of the schedule upon review of their caseload.
- d. Notification: See section 6.6.3 Notification of Court Hearings and Case Conferences.
- e. Required Content Items: The conference must address the following:
 1. The continued necessity for and appropriateness of the placement.
 2. The extent of parental compliance with the current case and visitation plans.
 3. The extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in out-of-home care.
 4. The reappraisal of safety through use of the SDM Reappraisal for Out-of-Home Cases when reunification of the child is imminent.
 5. The safety, permanency, and well being of the child.
 6. Any alternative caretaker needs not yet addressed to ensure the home continues to be a safe and stable environment for the child.

7. Legal status and required timeframes.
 8. Compliance with contact standards.
 9. Identification of all family members and relative search.
 10. Projection of a likely date by which the child may be returned to and safely maintained in the home or placed for adoption or legal guardianship.
- f. Required Documentation: The worker will bring the most up to date case file to the conference. The information below will be current.
1. Case Plan
 2. Review Checklist.
- g. Suggested Process:
1. Facilitator introduces participants and explains reason for conference. The confidentiality of the proceedings will be discussed at this time and a signed Confidentiality Agreement (06-9463) received from anyone who is not bound by confidentiality laws and regulations in their employment.
 2. Case plans are distributed to participants.
 3. The worker presents a brief case history, including reasons for placement, type of placement, and whether the child is placed in the least restrictive setting and in close proximity to parents. The case plan is also reviewed as to whether the child's needs are being met (both appropriate assessments and services), whether services are being provided to reunify the family or reach another permanent planning goal, and to make certain that appropriate assessments and services have been provided to the parents and the care providers (in relation to the child's needs). Particular attention should be addressed to continued appropriateness of the permanency plan goal and visitation plans. Placement change notices, and other required procedures may also be reviewed. The Administrative Review facilitator is responsible for inquiring regarding compliance with contact standards.
 4. The Administrative Reviewer facilitates both case planning discussion and quality assurance review which includes all participants. Particular care is taken to include birth parents and the child (as age appropriate), and to emphasize rehabilitative services to reunite the family, or as indicated, permanency planning for the child.
 5. In cases where part or all of the family moves to a location in a different venue, the issue of whether venue should be changed should be discussed. (See section 6.6.1, Case Transfers, for information on transferring cases in such situations.)
 6. The panel acts as a resource to workers and supervisors.

7. Recommendations will be implemented prior to the next conference or the worker will be able to justify non-compliance through 3.1.2 g.
- h. Procedures for ICWA cases:
1. Follow all of the above procedures.
 2. Review ICWA placement preference adherence, tribal notification, whether appropriate remedial services are actively being offered, role of Indian custodian, availability of culturally appropriate resources not yet utilized, and potential expert witnesses.
- i. Maintenance of Required Case Documentation:
1. Educational, Medical and Mental Health records are part of the case plan and must be maintained, updated, and provided to the foster parents at each placement. Copies of the records must be filed in the case record. Care providers who participate in person should be asked to bring the child's current records (Placement Packet) so the needed information may be exchanged or mailed in for copying if they cannot participate in person.
 2. Documentation of notification: See section 6.6.3 Notification of Court Hearings and Case Conferences.
- j. Objections to Recommendations:
1. Any participant to a child and family six months conference who objects to a recommendation made by the Administrative Reviewer is encouraged to address it during the conference.
 2. Case workers who object to a recommendation are encouraged to address it within the meeting, or if not appropriate at the time, talk with their direct supervisor within three working days of receipt for further clarification.
 3. Any supervisor who objects to a recommendation is encouraged to contact the Administrative Reviewer for additional clarification and, if necessary, object in writing to their staff manager. This must be done within five working days of receipt of the recommendations.
 4. If further guidance is needed, the staff manager will consult with the Children's Services Manager and the reviewer for a final decision.
 5. If no objections are noted, the worker will follow through with all recommendations

in the time frames provided.

- k. Follow-Up of the Conference: Supervisors will review recommendations with the worker as part of the Supervisory Case Review. The follow-through and progress will be addressed at the next case staffing or review.
- l. The conference will be documented in ORCA.

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3.1.4 PERMANENCY PLANNING CONFERENCE

AUTHORITY: AS 47.10.010 Jurisdiction, AS 47.10.086 Reasonable Efforts, AS 47.10.088 Termination of Parental Rights and Responsibilities, 42 U.S.C. 670-675 Title IV Part E – Federal Payments for Foster Care and Adoption Assistance

PURPOSE: To identify the most appropriate permanency planning goal and to discuss permanent placement options.

POLICY: The Permanency Planning Conference will be held within nine months of the first removal from home or earlier if indicated by court action, or whenever the worker recommends change in the permanency plan. If there has been a prior removal of the child from the home, a permanency planning conference must be held no later than six months after the most recent removal. All the conference participants will be given the opportunity to share relevant information.

PROCEDURES:

- a. Invite the following persons to participate in the conference:
 1. Parents and/or Indian custodian (if rights have not been terminated);
 2. Child if age and developmentally appropriate;
 3. A Regional Representative, preferably the Regional Adoption Specialist;
 4. Worker;
 5. Supervisor;
 6. GAL/CASA;
 7. Tribal representative (for Native children);
 8. Regional ICWA Specialist (for Native children).

- b. Invite at the worker's discretion:
 1. The parents' attorney;
 2. AG; Assistant Attorneys General;
 3. Service providers (including health, mental health, medical, educational);
 4. Grandparents;
 5. Any other assigned worker or OCS specialist.

- c. Notification: See section 6.6.3 Notification of Court Hearings and Case Conferences.

- d. Permanency planning goal options include:
1. reunification;
 2. adoption;
 3. guardianship;
 4. emancipation; or
 5. another planned permanent living arrangement (APPLA).
- e. Required Information: The worker will bring the case file to the review and ensure that ORCA is updated. The worker should be prepared to discuss the child's social history, special needs, and recommended services. A family tree and relative searches should be presented.
- f. Conference Process:
1. The confidentiality of the procedures is discussed and a signed Confidentiality Agreement (06-9463) received from anyone who is not bound by confidentiality laws and regulations in their employment.
 2. The worker presents the case and permanency planning goal recommendations. This presentation must include a social history and worker contact history with the child and family, and services provided to the child and family in the case. Parents' progress on case plan will also be documented.
 3. All conference participants have the opportunity to share their perspectives on the permanency planning options.
 4. The conference members review the relative search information and determine if further search(es) is required.
 5. If the child is part of a sibling group, the conference team will determine:
 - A. If the siblings are to be/remain in placement together;
 - B. If the siblings are not placed together, determine the plan to recruit a placement for the siblings that will keep the siblings together; OR
 - C. Determine why it is in the best interests of the children to be placed separately.
 6. The conference members may recommend that the child be listed on an adoption exchange to facilitate orderly and timely in-state and out-of-state placements (see section 3.16 Adoption Exchanges for further information on the requirements for

listing a child on the exchanges).

7. The conference must address interstate placement options as a permanency option for the child.
8. The conference members may recommend if a concurrent plan should continue or be changed to another permanent placement option. If the concurrent plan changes, the date of the permanent goal change should be documented.
9. The conference members may recommend an appropriate permanent placement for the child, or the recommendation may occur at a later staffing.
10. If the permanent plan is "another planned permanent living arrangement", document the compelling reasons why adoption and guardianship were ruled out. "Another planned permanent living arrangement" is not the preferred goal for children 15 years old or younger.
11. The goal of "another planned permanent living arrangement" must be reviewed at every permanency hearing and 6 month review to determine whether a more permanent option is possible.
12. The conference participants discuss and may make recommendations regarding the appropriateness of continued contact between the child and birth parents after finalization of the adoption or guardianship.
13. Any legal risk placement options will be considered and discussed. (See section 3.15.3 Legal Risk Placements).
14. If the recommended goal is guardianship or adoption, the following issues will be addressed during the permanency planning conference:
 - A. Consult with the AAG about whether OCS has met legal requirements and has a sound legal case for TPR. The consultation is documented.
 - B. Review reasonable or active efforts.
 - C. Review visitation history and quality of the parent-child relationship.
 - D. Discuss the best interests of the child.
 - E. Discuss the legal options of relinquishment, termination of parental rights, or consent to adopt by parent.

F. Adoption or guardianship subsidy determination: If adoption or guardianship is recommended, the conference members will also determine whether the child would qualify for adoption or guardianship subsidy, i.e. the child meets the legal definition of special needs:

- A reasonable, but unsuccessful effort has been made to locate a placement without a subsidy; and
- The child has a specific factor or condition because of which it is reasonable to conclude that the child cannot be placed for adoption without adoption assistance; and
- The state has determined that the child cannot or should not be returned to the home of his parents.

(See sections 6.2.2.6.A Adoption Subsidies and 6.2.2.6.B Guardianship Subsidies for additional information on special needs determinations for subsidies).

15. If the child has been placed out of home for 15 out of the last 22 months and if a decision has been made not to file for Termination of Parental Rights (TPR), compelling reason(s) not to file a TPR petition must be documented at this review. See section 4.4 (i) Termination of Parental Rights for clarification of compelling reasons.

16. If consensus on a permanency goal among OCS staff cannot be reached during the conference, a meeting with the worker, Regional Adoption Specialist, ICWA Specialist, supervisor, and staff manager is required.

g. Outcome of the Conference: permanency planning recommendations.

3.1.5 PLACEMENT DECISION CONFERENCE (OPTIONAL)

AUTHORITY: AS 47.10.010 Jurisdiction, AS 47.10.086 Reasonable Efforts, AS 47.10.088 Termination of Parental Rights and Responsibilities, P. L. 105-89 Adoption and Safe Families Act of 1997

POLICY: The purpose of Placement Decision Conferences is to designate the permanent adoptive or guardian home for a child. The staffing is held as soon as adoptive or guardianship home studies are completed and ready for review by the staffing team and there are multiple options for permanent placement, or when there are no options. The staffing is held separately from the permanency placement staffing, if needed, but is often combined; for example when home studies have been done at the time of the Permanency Planning Conference. The purpose is to designate the permanent adoptive or guardian home for a child.

PROCEDURES:

- a. A Placement Decision Conference is held as soon as adoptive or guardianship home studies are completed and ready for review by the staffing team. If home studies have been done at the time of the Permanency Planning Conference, the two conferences are combined.
- b. Participants:
 1. Worker;
 2. Supervisor;
 3. Adoption/Permanency Planning Specialist;
 4. GAL;
 5. Child's tribal representative, if applicable;
 6. ICWA Specialist, if applicable.
- c. Content: The following issues will be addressed:
 1. Review of adoption/guardianship studies and discussion of families being considered;
 2. Recommendation regarding relative placement (for all children) and ICWA placement preferences (for Native children), if not addressed and finalized at the Permanency

Planning Conference. Discussion of good cause reasons to waive relative placement (for all children) or ICWA placement preferences (for Native children), if not addressed and finalized at the Permanency Planning Conference. For Native children, if the adoptive/guardian placement is out-of-preference, written approval from the tribe is requested. Tribes do provide tribal resolutions approving the placement in some cases. If the tribe does not approve the placement, yet the remainder of the placement staffing team agree that the placement is in the child's best interest, a judicial finding of good cause to deviate from the ICWA placement preferences may be requested from the court."

3. Recommendation regarding placement with sibling or separation of siblings, if not addressed and finalized at the Permanency Planning Conference.
 4. Designation of adoptive/guardian family.
- e. Expected Outcome of the Conference: Designation of a permanent adoptive or guardian home.
 - f. Documentation: The recommendations and decisions made at the conference will be documented in the case file.
 - g. Follow-Up: The worker will follow through with the recommendations and decisions from the conference. The follow-through and progress will be addressed at the next conference or review which is held on the case.

3.1.6 OUT-OF-PREFERENCE REVIEW (ICWA CASES ONLY)

AUTHORITY: P. L. 95-608 Indian Child Welfare Act of 1978 (ICWA), ICWA State-Tribal Agreement

POLICY: Out-of-preference placements of Native children without tribal approval will be reviewed every 30 days for the purpose of monitoring these cases and documenting efforts to bring the cases into ICWA compliance.

The issue may be addressed at any case conference, as appropriate, or at a specially scheduled formal staffing, or may be reviewed informally by the worker and supervisor and/or ICWA specialist. It is recommended that a representative from the child's tribe also be invited to the review.

PROCEDURES:

- a. When Native children are placed outside of the ICWA placement preferences without tribal approval, the issue is addressed at any case conference, as appropriate, or at a specially scheduled formal staffing, or is reviewed informally by the worker and supervisor and/or ICWA specialist. Reviews are done every 30 days until:
 1. The child is placed with a family that meets the ICWA placement preferences; or
 2. The tribe approves, in writing, an out-of-preference placement which brings the foster care placement into compliance as a second preference placement under ICWA; or
 3. The child's placement is designated as the permanent placement (adoptive, guardian or permanent foster care family) at the permanent placement staffing or Placement Decision Conference.
- b. Participants: At a minimum, the worker and supervisor must participate in the review. A representative from the child's tribe must also be invited.
- c. Content: The following issues will be addressed:
 1. ICWA compliance issues regarding the child's placement, and
 2. Recommendations regarding how to bring the case into ICWA compliance.
 3. When a foster home or pre-adoptive placement is out of compliance, written approval

from the tribe is to be requested. Written approval is also requested in an adoptive placement. Tribes do provide Tribal Resolutions approving the adoptive placements in some cases. If the tribe does not support the adoptive placement choice, yet the reminder of the placement staffing team agree that the placement is in the child's best interest, a judicial finding of good cause to deviate from the ICWA placement preferences may be requested from the court.

- d. Expected Outcome of the Review: Placement of the child within the ICWA placement preferences will be expedited.
- e. Documentation: The recommendations and decisions made at the review will be documented in the case file.
- f. Follow-Up: The worker will follow through with the recommendations and decisions from the review. The follow-through and progress towards compliance with the ICWA placement preferences will be addressed at the next out-of-preference review which will be done if compliance has not been achieved in 30 days.

3.2 SERVICES TO ALL CHILDREN AND FAMILIES

3.2.1 MINIMUM CONTACT STANDARDS

AUTHORITY: AS 47.10 Children in Need of Aid, P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980.

PURPOSE: To establish minimum standards for frequency of caseworker contacts with children and families.

POLICY: Parents and children must be seen once every 30 days. Certain cases will require higher levels of contact, which is determined by many factors including case status, age of the child, parent's protective capacity, identified safety threats and risk factors, client need, and best practice standards.

PROCEDURE:

- a. Contacts will be recorded in ORCA visitation activity notes by the date they are completed.
- b. Intake/Investigation Standards (see investigation section): Minimum contact is one face-to-face with parents or caretaker and one face-to-face with child(ren) victim. In addition, as appropriate, one face-to-face contact with other children in the home.
- c. On-Going (In-home or Out-of-home):
 1. All Children in State: Minimum contact with any child with an open case who is placed either in his or her own home or in an out-of-home placement is once a month by an OCS worker. This contact must occur in the home in which the child resides at least once every other month. The contact may occur in an alternate setting (examples include school, during a transport, in the office) every other month. Regardless of setting, the contact must allow for discussion with the child regarding their current placement, activities on the case plan, and any safety or well being issues that have been identified.
 - A. All foster homes and unlicensed relative homes where children are in care will be contacted at least monthly by the worker assigned to the children placed. This contact will be directed at meeting any needs of the substitute care provider as they pertain to the children placed in their home as well as the

individual needs of the child(ren).

- B. Out of Region Placements: Contact standards are the same as stated in this section and collaborative case management (team) applies. Workers who are team-managing a case must communicate directly on a regular basis and exchange information regarding each others' contacts with the family members.
 - C. In-State Residential Placements: Once a month contact with children is mandated. Out of region communication can be telephonic. If the residential facility is within an office's jurisdiction the visits will be face to face.
2. Child in Out-of-State Placement: The same contact standards apply as for in-state residential placements. Once a month telephone contact with the child is mandated. Out of state communication can be telephonic. (ICPC will request monthly visits with written reports quarterly.)
- d. Parent/s (or Indian custodian): Minimum contact with both parents or Indian custodian with an open case in Alaska is once a month by the assigned OCS worker. The contact must occur in the home in which the parent(s)/custodian reside(s) at least once every other month, and may occur in an alternate setting every other month.
 - e. Parents who have egregiously abused or neglected their children will be contacted on a monthly basis or until an order of no further reasonable efforts is signed by the court. (47.10 086(c)) Continue with active efforts in ICWA cases, unless the court rules no further active efforts, as well.
 - f. If the required contact standards cannot be met, the worker must document the reasons why in the ORCA case file.

3.2.2 SERVICE DELIVERY

AUTHORITY: AS 47.10 Children in Need of Aid, P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980

POLICY: In order to reduce risk to the child and achieve a minimally sufficient level of care for children in the family, the worker will provide case management, direct services, and purchased services.

PROCEDURE: Services provided to the family, and goals developed in the case plan, should relate to reducing risk to the child in the family and achieving a minimally sufficient level of care for the child. A case plan is required for all cases.

- a. Minimally sufficient level of care: the minimally sufficient level of care is the point in which a home is adequate for the physical care and emotional nurturing of a child.

If you are concerned for the child's welfare at home, identify the principal area of concern, (i.e. physical safety, inadequate supervision, risk for abuse, emotional neglect, etc.)

Case plan problems and goals must relate directly to achieving the minimally sufficient level of care, and the specific areas of concern and risk, as defined for this particular child. Overly ambitious or "global" plans will only discourage parents or Indian custodians.

- b. Direct services: direct services are those provided directly to the family or child by the agency worker(s). In rural areas, with few outside resources, direct services will form the majority of the service plan. However, even in cities with many resources, certain services, such as home visits, will be provided directly by the agency worker. See minimum contact standards in section 3.2.1 Minimum Service Levels.

Providing direct services ensures that the worker builds a relationship with the family, allows for observing family dynamics and strengths, and provides direct knowledge with which to make case decision.

Direct services include, but are not limited to: crisis intervention; family counseling; teaching parenting skills; teaching daily living and survival skills; role modeling; support for the family; assisting the family in developing alternate support systems; assisting the family in utilizing their natural environment and resources; providing information and referrals; teaching home management skills; case management.

- c. Case Management: CPS workers must act as case managers, in addition to any direct services they may provide. The goal of case management is to ensure that clients receive the services and resources that they need. The worker as case manager is responsible for insuring collaboration of all service providers. This requires the case manager to have a holistic view of the entire case and to focus on both the person and the environment.

Tasks required include:

1. Conducting home visits and foster home visits;
 2. investigation of any new reports of harm on the case (see Intake Chapter, section 2.2 Assignment and Investigation);
 3. gathering and recording relevant data, from client and environment;
 4. locating resources, including family, friends and community and tribes, and meeting with tribal representatives to ensure appropriateness of services;
 5. integrating social, cultural and economic factors;
 6. coordinating resources;
 7. coordinating administrative reviews and staffings;
 8. monitoring and evaluating outcomes;
 9. facilitating communication between relevant resources such as with schools, courts, mental health and treatment agencies, and financial assistance;
 10. using the helping relationship to enhance clients' coping, problem-solving, social interaction, and resource use skills;
 11. assessment of risk on an ongoing basis.
- d. Protective Services Child Care: Protective services child care (day care) is a support service designed to help keep families together. It may be authorized for children at risk of abuse or neglect and for whom child care during the day is part of a family treatment plan. Its objective is to enable the child to remain with his or her biological family or to return the child to the child's own family following an out of home placement.

1. Protective services child care may be authorized when:
 - A. A parent or Indian custodian is unable to cope with child care for the full day, but shows capacity for shorter time periods.
 - B. There are a number of children in the family and a parent or Indian custodian needs to make time for each child individually.
 - C. One or more children have special needs that require extra care.
 - D. A child has experienced abuse or neglect and the child's safety needs to be monitored on a regular basis by someone outside the home.
 - E. A parent or Indian custodian needs appropriate role models to develop parenting skills and is able to spend time in the child care setting.
 - F. A parent or Indian custodian needs to take part in a medical or treatment program.
 - G. A parent or Indian custodian needs some time alone (respite).
 - H. A parent or Indian custodian has special needs or is disabled.
2. Protective services child care **MAY NOT** be used for child care for foster children. The division uses a different system and a budget line for child care for foster children.
3. If the need for child care is not related to child protective service/family preservation issues, parents or Indian custodians should be referred to the state's child care assistance program, which provides child care subsidies for low to moderate income parents who are working or in training or education. Information is available through public assistance offices, Dept. of Community and Regional Affairs, and local child care assistance and child care resource and referral offices.
4. Persons eligible to provide protective services child care: The division may purchase protective services child care from a child care home, child care group home, or child care center. The provider must:
 - A. Have a current child care center, child care home, or child care group home license.
 - B. Have a current Child Care Agreement for Services on file with the division (child care centers 06-9346; child care homes 06-9347; child care group homes 06-9348).

- C. Receive an orientation beyond routine licensing to enable them to participate in the Protective Services child care program and agree to participate annually in protective services child care training, if offered in the provider's community.
5. Orientation/training for providers should include, but is not limited to:
- A. Provider responsibilities in case planning and case review process,
 - B. identifying indicators of abuse and neglect,
 - C. reporting abuse and neglect,
 - D. the special needs of children who have experienced or are at risk of abuse or neglect,
 - E. confidentiality requirements,
 - F. working effectively with parents or Indian custodians.
6. The worker will:
- A. Assess the parents' or Indian custodian's capacity to use child care, including convenience to their home, travel requirements and opportunities for parent/Indian custodian involvement.
 - B. Consider the child's age, developmental level, special needs, and readiness for out-of-home child care.
 - C. Include protective services child care on the Plan of Action in the Case Plan (06-9699), including objectives for child care, and tasks and responsibilities including those of the provider.
7. Parent or Indian custodian and worker select eligible provider.
8. The worker follows payment procedures in Administration Chapter, section 6.2.2.4.A Protective Services Child Care.
9. The worker discusses with the provider the goals to be achieved, brief plan of care for the child, specific responsibilities of the provider, and amount of child care the division is authorizing.

10. The worker confers with the provider to assess progress toward goals in conjunction with the case plan review and as needed.

e. Referral Services:

1. Many communities offer a wide variety of parent and family support services. The worker should carefully consider integrating available local services into the case plan whenever appropriate. Categories include:
 - A. alcohol and drug treatment;
 - B. counseling services;
 - C. educational services;
 - D. placement services;
 - E. medical/dental services;
 - F. parent/child education;
 - G. vocational/employment services;
 - H. day treatment/structured intensive day programs.
2. For Native children, the child's tribe will participate in providing services to the extent possible and to the extent resources permit for native children.
3. The worker will use tribal experts from the child's tribe, when available, in providing services to the family in consultation on cultural issues involving family or child.
4. Release of information. When the service is required in order to solve a problem identified in the case plan, feedback from the provider is required. The worker must include provision for release of information from the provider, in order to check attendance and progress towards meeting goals.
5. Prioritize. To keep a case plan reasonably achievable, avoid the tendency to refer to all possible resources. The worker, family, and tribe, where a Native child is at issue, should select the 2 or 3 services most pertinent to the identified problem, and include them in the plan. Other services could be suggested, but not required.

3.2.3 SERVICES TO THE FAMILY - CHILDREN IN-HOME

AUTHORITY: AS 47.10.081 Predisposition Hearing Reports, AS 47.10.086 Reasonable Efforts, AS 47.10. 990 (11) Definitions ("Family Support Services"), P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980

POLICY: The agency will provide services to children in their own homes when the worker has determined that there is no immediate risk to the child in remaining at home, or returning home, and a minimal sufficient level of care can be provided.

If a court has determined that a child is a child in need of aid, the division will provide time-limited family support services to the child and the child's family in order to offer parents the opportunity to remedy parental conduct or conditions in the home that made the child a child in need of aid and to prevent out-of-home placement of the child. These services are developed in the case plan.

Family support services includes services provided by the community, tribal community, a church, or other service organization, and may include counseling, substance abuse treatment, mental health services, assistance to address domestic violence, visitation with family members, parenting classes, in-home services, temporary child care services, and transportation

PROCEDURE: In-home services also meet the requirement of reasonable efforts to prevent or eliminate the need for removal of the child from their home. Where a Native child is at issue, active efforts must be made to provide remedial services and rehabilitative programs designed to prevent removal of the child and maintain the family unit.

a. Families receive in-home services when:

1. The intake decision is to keep the children in the home, but the case requires ongoing services to resolve the conditions that led to intervention.
2. The child was placed in emergency custody, but the immediate danger that necessitated placement has subsided, (e.g., the molester has moved out of the home and the remaining caretaker is supportive and protective.) In those cases, it may be reasonable to reunite the family and provide in-home services.
3. When one or two children are in emergency or short-term care and others remain in the home, in-home services are provided for the entire family.
4. Parents or Indian custodian voluntarily request services due to self-reported child abuse/neglect, or a belief that high risk for an incident exists.

b. In-home service standards include:

1. The family must be involved in identifying case goals and plans. They may not totally agree with the plan, but they must be aware of it.
2. The worker must maintain regular contact with the family, with minimum levels of service as based on risk assessment stated in the case plan.
3. Treatment options should involve acceptable alternatives, so families can have some choices in how to achieve the goal. Cultural and environmental factors should be included.
4. Creating and utilizing other supports for the family must also be considered.

c. Follow-up on all appointments:

1. It is important to follow-up on missed appointments and to document them in the case record.
2. Parents should understand their responsibility to let the worker or service provider know if they are unable to keep an appointment. Documentation of appointments is an important component of monitoring case plan compliance
3. Contact should be followed-up by a short letter to the parent or Indian custodian (copy in the file), and an entry for future narrative dictation.

3.2.4 SERVICES TO THE FAMILY - CHILDREN IN OUT-OF-HOME CARE

AUTHORITY: AS 47.10 Children in Need of Aid, AS 47.05.065, Legislative Findings Related to Children, AS 47.10.086 Reasonable Efforts, AS 47.10. 990 (11) Definitions ("Family Support Services"), P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980

POLICY: Whenever a child is placed out of home and the permanency plan is reunification, the division will provide time-limited family support services to the child and the child's family in order to offer parents or Indian custodian the opportunity to remedy parental conduct or conditions in the home that placed the child at risk of harm so that the child may return home safely and permanently. These services are developed in the case plan. The division will develop a concurrent alternative permanency plan for the child while also making reasonable efforts to return the child to the child's family. Where a Native child is involved, the division will develop the concurrent alternative plan with the child's tribe, while also making active efforts to return the child to the child's family.

Family support services includes services provided by the community, tribe, a church, or other service organization, and may include counseling, substance abuse treatment, mental health services, assistance to address domestic violence, visitation with family members, parenting classes, in-home services, temporary child care services, and transportation

PROCEDURE: Services to the families of children in out-of-home care follow all other requirements of case planning, case review, and services to families. In addition, the following areas should be considered;

- a. Limits of one year or less, should be set for the change program as a whole. If a court finds at a permanency hearing that the parents or Indian custodian have, for the 12 months preceding the hearing, been offered family support services, but failed to comply with a court order to participate in family support services, the court may decide that efforts to provide family support services are no longer required. At that time, the concurrent permanency plan will be implemented.
- b. Be responsive to reasonable requests. However, remind the parents that while you are willing to rearrange the short-term goals, the long-term goal for family reunification must be met in a reasonable length of time.
- c. Keep track of the parents or Indian custodians. Some parents or custodians move frequently or do not have telephones. For these and other reasons, they often lose contact with the agency. Although time consuming, it is the responsibility of the worker to keep track of elusive parents or Indian custodians by making frequent trips to their residences or the houses of friends and relatives, by telephoning places they are known to frequent, and by

sending letters, registered if necessary, to ask them to come to the office for appointments. This constant effort to involve parents or Indian custodians in treatment is necessary to ensure that every effort is extended to support parents or Indian custodians or to document their failure to work toward providing care.

- d. Provide reasonable support. The degree of support a worker provides a parent depends on the capability, resourcefulness, and sophistication of that parent.
 1. The less capable a parent or Indian custodian, the more help needed with transportation, arranging housing, making appointments with clinics, etc.
 2. The worker must extend himself in every respect to help parents out of temporary financial and emotional despondency, but furnishing a worker full-time to a particular family for an entire childhood is unrealistic.
 3. Prolonged, massive support is unrealistic. If a healthy mother is so despondent and permanently incapacitated that she cannot make a two mile bus trip to the office for a scheduled visit with her children, she probably will not be capable of getting her children to the doctor via the same bus or be able to attend school conferences. Transporting the children each week to the home of a physically healthy mother because she cannot walk 1/2 mile to the office is not appropriate.
- e. Use all available community resources.
 1. Match up the problems of the parents or Indian custodian with available community resources.
 2. The fewer available community resources, the more issues the worker will have to handle. In rural areas, the worker is sometimes the only intervention resource.
 3. Tribal and other culturally appropriate resources should be accessed whenever a Native child is at risk, to supplement other available resources.
- f. Follow-up on all appointments.
 1. It is important to follow-up on missed appointments or visits and to document them in the case record.
 2. It is the parents' or Indian custodian's responsibility to let worker know if they are unable to make visitation; this ought to be clarified to parents. Workers should let foster parents know as soon as possible if a parent will not make a visit. Documentation of visits is an important component of monitoring case plan compliance

3. Contacts should be followed up by a short letter to the parent or Indian custodian (copy in the file) and an entry for future narrative dictation.

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3.3 SERVICE EFFORTS TO PREVENT PLACEMENT AND/OR SERVICES TO RETURN CHILD TO HOME

AUTHORITY: AS 47.10.081(b)(2) Predisposition Hearing Reports, AK 47.10.086 Reasonable Efforts, P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980, P. L. 105-89 Adoption and Safe Families Act of 1997, P. L. 95-607 Indian Child Welfare Act of 1978

POLICY: The worker must make timely reasonable efforts to provide time-limited family support services to the child and to the parent(s), Indian custodian, or guardian of the child that are designed to prevent out-of-home placement of the child or enable the safe return of the child to the family home, when appropriate, if the child is in an out-of-home placement. The worker must make timely active efforts to provide remedial services and rehabilitative programs to prevent the breakup of the Indian family

These services are developed in the case plan. When it has been determined in the Family and Children Early Conference or another conference or staffing that concurrent planning is appropriate for the case, the division will develop a concurrent alternative permanency plan for the child while also making reasonable efforts to return the child to the child's family.

Family support services means the services and activities provided to children and their families, including those provided by the community, a church, or other service organization, both to prevent removal of a child from the family home, and to facilitate the child's safe return to the family. "Family support services may include counseling, substance abuse treatment, mental health services, assistance to address domestic violence, visitation with family members, parenting classes, in-home services, temporary child care services, and transportation.

PROCEDURE:

- a. The department's duty to make reasonable efforts or, for Native children, active efforts, includes the duty to:
 1. identify family support services that will assist the parent, Indian custodian, or guardian in remedying the conduct or conditions in the home that made the child a child in need of aid;
 2. actively offer the parent, Indian custodian, or guardian, and refer the parent, Indian custodian, or guardian to, the services identified under 1. above; the department shall refer the parent or guardian to community-based family support services whenever community-based services are available and desired by the parent or guardian; and

3. document the department's actions that are taken under 1. and 2. above.
- b. Except in ICWA cases, if the court makes a finding at a hearing conducted under AS 47.10.080(l) that a parent or guardian has not sufficiently remedied the parent's or guardian's conduct or the conditions in the home despite reasonable efforts made by the department in accordance with this section, the court may conclude that continuation of reasonable efforts of the type described in (a) of this section are not in the best interests of the child. The department shall then make reasonable efforts to place the child in a timely manner in accordance with the permanent plan and to complete whatever steps are necessary to finalize the permanent placement of the child.
- c. Except in ICWA cases, the court may determine that reasonable efforts of the type described in (a) of this section are not required if the court has found by a preponderance of the evidence that
 1. the parent or guardian has subjected the child to circumstances that pose a substantial risk to the child's health or safety; these circumstances include abandonment, sexual abuse, torture, chronic mental injury, or chronic physical harm;
 2. the parent or guardian has
 - A. committed homicide under AS 11.41.100 - 11.41.130 of a parent of the child or of a child;
 - B. aided or abetted, attempted, conspired, or solicited under AS 11.16 or AS 11.31 to commit a homicide described in (A) of this paragraph;
 - C. committed an assault that is a felony under AS 11.41.200 - 11.41.220 and results in serious physical injury to a child; or
 - D. committed the conduct described in (A) - (C) of this paragraph that violated a law or ordinance of another jurisdiction having elements similar to an offense described in (A) - (C) of this paragraph;
 3. the parent or guardian has, during the 12 months preceding the permanency hearing, failed to comply with a court order to participate in family support services;
 4. the department has conducted a reasonably diligent search over a time period of at least three months for an unidentified or absent parent and has failed to identify and locate the parent;
 5. the parent or guardian is the sole caregiver of the child and the parent or guardian has a mental illness or mental deficiency of such nature and duration that, according to the statement of a psychologist or physician, the parent or guardian will be incapable of caring for the child without placing the child at substantial risk of physical or mental injury even if the department were to provide family support services to the parent or guardian for 12 months;

6. the parent or guardian has previously been convicted of a crime involving a child in this state or in another jurisdiction and, after the conviction, the child was returned to the custody of the parent or guardian and later removed because of an additional substantiated report of physical or sexual abuse by the parent or guardian;
 7. a child has suffered substantial physical harm as the result of abusive or neglectful conduct by the parent or guardian or by a person known by the parent or guardian and the parent or guardian knew or reasonably should have known that the person was abusing the child;
 8. the parental rights of the parent have been terminated with respect to another child because of child abuse or neglect, the parent has not remedied the conditions or conduct that led to the termination of parental rights, and the parent has demonstrated an inability to protect the child from substantial harm or the risk of substantial harm;
 9. the child has been removed from the child's home on at least two previous occasions, family support services were offered or provided to the parent or guardian at those times, and the parent or guardian has demonstrated an inability to protect the child from substantial harm or the risk of substantial harm; or
 10. the parent or guardian is incarcerated and is unavailable to care for the child during a significant period of the child's minority, considering the child's age and need for care by an adult.
- d. If the court determines under (b) or (c) of this section that reasonable efforts under (a) of this section are not required to be provided,
1. the court shall hold a permanency hearing for the child within 30 days after the determination; and
 2. the department shall make reasonable efforts to place the child in a timely manner in accordance with the permanency plan, and complete whatever steps are necessary to finalize the permanent placement of the child.
- e. The department may develop and implement an alternative permanency plan for the child while the department is also making reasonable efforts to return the child to the child's family under (a) of this section.
- f. In making determinations and reasonable efforts under this section, the primary consideration is the child's best interests.

- g. In emergency situations, where it is assessed that the safety of the child precludes preventive services, the worker will document in the case record why such services were not provided.
- h. All efforts to provide preventive/reunification services at the time of intake must be documented in the record.
- i. A summary of efforts made and services provided will be made available to the Court if a petition requesting an order for authority to place the child outside the home is filed.
- j. For Native/Indian children, the division must be able to prove in Court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the break up of the family and that these efforts have proved unsuccessful.

3.4 PLACEMENT OPTIONS

AUTHORITY: AS 47.10.010 Jurisdiction, AS 47.10.087 Placement in Secure Residential Psychiatric Treatment Centers, 7 AAC 50.005-900 Community Care Licensing, 7 AAC 53.010-140 Child Foster Care Payment Regulations, P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980, P. L. 103-382 Multiethnic Placement Act of 1994, P. L. 104-188, section 1808 Small Business Job Protection Act of 1996

POLICY: All division placements will be in the least restrictive setting closest to home, that meets the needs of the child. The court may authorize the division to place a child who is in custody under AS 47.10.080(c)(10 or (3) or 47.10.142 in a secure residential psychiatric treatment center. Considerations of race and ethnicity may not be the sole determinant of a placement and may not lead to a delay in placement. For Alaska Native or American Indian children, the child's tribal affiliation, as opposed to race or ethnicity, will dictate the priority for placement under the Indian Child Welfare Act.

PROCEDURE:

- a. Own Home: When a parent or Indian custodian can provide a minimal sufficient level of care which ensures a level of health and safety, the child will be maintained in the child's own home.
- b. Relative Home: The first option to be considered in any out-of-home placement is a relative's home. Family members can help a child retain ties to his culture and family. If a relative requests to care for the child and the child will not suffer physical or mental injury the child will be placed with relatives, even if parents or Indian custodian object. (See section 2.3.6 Emergency Placement for additional information regarding relative placements).
- c. Emergency Shelter: The term emergency shelter refers to a type of out-of-home care where placement of the child was made with less than 24 hours notice to the foster family or shelter. There are two types of emergency shelters:
 1. A foster home that has a license that meets the criteria for "emergency shelter".
 2. A residential child care facility (RCCF) may also be designated to provide "emergency shelter". These facilities are frequently known as receiving homes. Emergency shelter should be utilized in cases where a child must be removed for a brief period of time until the child can be returned home or long-term placement plans can be made.

3. If a child is placed in emergency shelter care in a residential child care facility, the placement may not exceed 30 days unless there is documentation which shows that continued care is necessary. The need for continued care must be assessed 30 days after admission and every 15 days thereafter by the child's placement worker and provided to the facility to enable the facility to meet licensing requirements. The assessment must include the reasons for continued care, plans for other placement, and barriers to other placement and plans to eliminate the barriers.
- d. Foster Family Care: A foster home is a home licensed to care for a child during the period of time when their own family cannot care for him. Specialized foster care is provided for children who have been assessed as needing a high level of services, by foster parents who have been assessed by the division to be capable of providing the specialized care needed by the child. For Native children, the division will make concerted efforts to train a foster parent within the child's family or tribal community to become capable of providing the specialized care needed by the child.
- e. Out-of-State Foster Care: An out-of-state foster home may be considered at any time for a child in custody if it is in child's interest and appropriate; for example when a child's parent(s) or Indian custodian are out of state and a placement near the parent is appropriate, or when permanent foster parents to a child are moving out of state. In all cases, ICPC procedures must be followed.
- f. Residential Care: RCCF placements are limited to children for whom the division has court-ordered custody. Occasionally RCCF placements for children with voluntary placement agreements may be approved by the Children's Services Manager.
 1. Placement of a child in residential placement is for a planned period of time and occurs only when less restrictive placement resources are unable to meet the child's needs. These placements are for children who have emotional problems requiring counseling from on site staff and who need close supervision and structure. See Administration Chapter, section 6.5.1 Regional Placement Committee for procedures.
 2. Placements shorter than three months must be approved by the supervisor. Any placement exceeding three months should have a written justification from both the worker and the residential facility and must have the approval of the RPC or other group designated by the regional manager to approve such extensions. (See Administration Chapter, section 6.5.1 Regional Placement Committee).
 3. The court may authorize the division to place a child who is in custody under AS 47.10.080(c)(10 or (3) or 47.10.142 in a secure residential psychiatric treatment center (i.e. a lockable, physician-directed residential child care facility) if the court finds, based on the testimony of a mental health professional that

- A. the child is gravely disabled or is suffering from mental illness and, as a result, is likely to cause serious harm to the child or to another person;
- B. there is no reasonably available, appropriate, and less restrictive alternative for the child's treatment or that less restrictive alternatives have been tried and have failed; and
- C. there is reason to believe that the child's mental condition could be improved by the course of treatment or would deteriorate if untreated.

A placement in a secure facility which has been authorized by the court must be reviewed by the court at least once every 90 days, and at the review the court may authorize the division to continue the placement. If the mental health professional responsible for the child's treatment determines that the child no longer benefits from the treatment or that the child's treatment needs could be met in a less restrictive setting, the division will transfer the child to another appropriate placement, and notify the child, the child's parents, Indian custodian, or guardian, Indian tribe and the child's guardian ad litem of the determination and transfer.

- 4. Children for whom residential placement is appropriate:
 - A. Those who have demonstrated an inability to function in a less restrictive setting.
 - B. Those whose emotional problems are such that they require intensive psychiatric treatment and a therapeutic environment not possible in a setting without staff available 24 hours a day.
 - C. Those who exhibit behavior so severe that it endangers themselves or others and so frequent in duration as to be chronic rather than episodic.
 - D. Those for whom the court have authorized placement in a secure residential psychiatric treatment facility (see f.3 above).
- 2. A listing and description of each residential child care facility in Alaska is included in the Residential Child Care Facilities Directory available in each division office.

g. Out of State Placement:

- 1. Residential: Children in custody may be placed in out-of-state residential care only when such care is not available in the state, and all possible alternatives and resources in Alaska, including AYI, have been exhausted. All out-of-state residential placements must be reviewed by the Regional Placement Committee and approved by the Children's Services Manager and the State Office Placement Committee. ICPC procedures must also be followed. See ICPC Chapter, and Administration Chapter, section 6.5.2, Out-of-State Residential Care, for specific procedures.

2. Non-Residential: In situations where a child is in division custody or supervision and the parents or Indian custodian move out-of-state, the child is placed in out-of-state relative care, or the foster parents move out-of-state, see ICPC Chapter, for specific placement procedures.
3. Interstate compact placement procedures will be followed in all out-of-state placements.

3.4.2 PLACEMENT WITH OCS EMPLOYEES

AUTHORITY: AS 47.050.010 Duties of Department

PURPOSE: To determine the circumstances in which OCS employees may be considered as a placement resource for a child in OCS custody.

POLICY:

- a. The Office of Children's Services does not allow OCS employees to be a placement resource for children in OCS custody, except when the OCS employee is a relative to the child. The following criteria must be met when placement with an Office of Children's Services employee is being considered for a relative child in the OCS custody:
 1. The placement preferences set out in federal and state law must be followed (see section 2.7 Placement Preferences), and all other potential relative placements must also be considered.
 2. The reasons must be documented in ORCA why it is in the best interests for child to be placed with a related OCS employee;
 3. The OCS employee who is a placement resource for a related child cannot provide direct or indirect casework or supervisory services to the child or other family members.
 4. The child's caseworker cannot be supervised by the employee's supervisor.
- b. In exceptional cases, where it is in the best interest of a child that a non-related OCS employee become a placement resource for the child, the Director may make an exception to the policy that only related employees may become placement resources. In this situation, all the other requirements and procedures in this section apply.

PROCEDURE:

- a. A Permanency Planning Conference will be held to determine if placement with the OCS employee is the most appropriate placement for the child. (see section 3.1.4 Permanency Planning Conference)

- b. If the PPC recommends that an OCS employee is the preferred relative placement option for the child, a memo will be derived from the PPC members and submitted by the Regional Adoptions Specialist to the child's services manager through supervisory channels. The request must address continuity issues for the child.
- c. The children's services manager will consult with the employee's supervisor and the staff manager to determine whether placement of the child into the employee's care would be in the child's best interest.
- d. The staff manager will develop a plan for case management and supervision, if the employee is selected as a placement option for the child.
- e. If approving the case management and supervision plan, the children's services manager will forward the request to the Director through the field administrator with a cover memo explaining why the placement is in the best interests of the child. The memo will address:
 1. The reasons why the child cannot be placed with another relative.
 2. Documentation that outlines the efforts to:
 - place the child with other relatives;
 - place with other licensed foster care providers.
 3. The plan for supervision of the case, including, if necessary, transfer of the case so that the supervision of the case is not within the same unit or field office. This may include a request to another OCS region to cover the case management and supervision of the case.
 4. Plan for licensure and/or assessment of the employee (an OCS employee who is related to the child may choose between becoming licensed and being assessed as an unlicensed relative). The plan must include timeframes for the completion of the licensure and/or assessment of the employee. The plan must also include assurances that the licensing staff member assigned to the employee's license can remain neutral in their assessment of the employee and the home. The children's services manager and the licensing supervisor will determine which licensing staff member will perform the licensing work. Also, the children's services manager and the licensing supervisor will determine if the licensing file can be neutrally managed within the region or if this responsibility should be assigned to another licensing unit in another region.
 5. Plan to identify, address and minimize any conflicts of interest that would exist in the region were the employee to be a placement resource for the child. Specifically,

these impacts should include all aspects from direct case management and supervision, to case reviews, licensing, eligibility and funding considerations.

- f. Upon receipt of the request for approval of placement, the Director will respond with approval or non-approval (contingent on an approved resource family assessment or unlicensed relative study) within seven working days.
- g. OCS Employees Who Were Placements Prior to Employment with OCS
 - 1. In the event the OCS should hire an existing foster parent to be an OCS employee, the child will not be removed from the employee's home; however, the OCS employee will not be considered a future placement option for any other non-related child in OCS custody during the employment period. The license should not continue to be maintained from the same region.
 - 2. All pertinent policy and procedures under 3.4.2 will be applied to the existing placement as well as any future placement of one of the employee's relatives.

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3.5 PLACEMENT PROCEDURES

AUTHORITY: AS 47.10.010 Jurisdiction, AS 47.10.080(q) Judgments and Orders, AS 47.10.093(b)(3) Disclosure of Agency Records, 7 AAC 50.300(f) Admission, 42 U.S.C. 670-677 (P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980), 42 U.S.C. 622(b) (P. L. 103-382 Multicultural Placement Act of 1994), P. L. 103-432, 42 U.S.C. 1996b (P. L. 104-188, section 1808 Small Business Job Protection Act of 1996), 25 U.S.C. 1901-1923 (P. L. 95-608 Indian Child Welfare Act of 1978)

POLICY: Placement procedures will reflect the special needs and best interests of the child.

PROCEDURE:

a. Considerations in choosing placement settings:

1. Needs of the child in relation to the following should be considered in selecting a placement setting:
 - A. Age and developmental level.
 - B. Education needs.
 - C. Social adjustment: can child be placed with older or younger children or will child benefit more from being the only child in the placement setting?
 - D. For Native children, culture and tribal affiliation will receive priority attention pursuant to ICWA.
2. Placement decisions should be based on the best interest of the child and tailor made for that particular child. Efforts will be made to place siblings together if it is in the best interest of the children. Except for Native children, where cultural concerns and tribal affiliation predominate pursuant to ICWA, race cannot be taken into account in a placement decision, except under rare, individualized circumstances. It is important to document carefully all instances where race is considered in a placement decision, and it is equally important that a decision to consider race in no way delays placement. For Native children, the placement preferences in the Indian Child Welfare Act must be followed absent good cause to the contrary. (See Intake Chapter, section 2.7 Placement Preferences).
3. Where reunification is the permanent plan, the placement should be in close proximity

to biological parents or Indian custodian to facilitate parent-child relationship. If a child is placed a substantial distance from the home of the parents or Indian custodian, or in a different state, the reasons why the placement is in the best interest of the child must be documented

If the child is placed outside of the state where the child's parents or Indian custodian are located, a worker, either from Alaska or the state where the child is placed, must visit the child in the foster home or institution no less frequently than once per year.

4. Efforts should be made to ensure the child's continued attendance at the school at which the child was enrolled at placement.
5. The placement setting should be available for the duration of the placement, if possible. Moves from one setting to another can be damaging to a child, repeating the painful experience of separation and creating mistrust.

b. Selection of a Foster Home:

1. Selection shall be based on the assessed needs of the child and the abilities of the foster parent to meet the identified service needs of the child.
2. The worker, prior to placement, will check the license conditions to be sure that the foster home is licensed to provide care for the child(ren) they want to place.
3. The worker must consider
 - A. The extent to which the foster family can accept the child's relationship with his family and can deal adequately with situations which may arise from that relationship.
 - B. Proximity of the foster home to specialized services or facilities which the foster child may need.
 - C. The compatibility of the child with other children in the home.
 - D. If the child being placed is an adolescent parent, the ability of the foster parents to also accept their child in the foster care setting and assist this child with parenting issues.
4. The worker will discuss with the foster parents the child's strengths and limitations, and reasonable accommodations to meet the child's needs, including medical supervision or nursing care.

- c. Information which can be shared with Foster Family: Information regarding the child may be shared to assist the foster family in making an informed decision regarding whether to accept a particular child, to help the foster family anticipate problems which may occur during the child's placement, and to help the foster family meet the needs of the child in a constructive manner.

Worker may NOT reveal specific information regarding the parents, Indian custodian and/or other siblings in the case to the foster family. However, the foster parent needs to know the circumstances as they relate to the child. If, while the child is in care, it is necessary to share information regarding parental status to enable the foster parent/relative to provide appropriate care for the child and protect the child's safety, the scope of information to be released should be staffed with the supervisor prior to any discussion with the foster parents. If foster parents are to be involved working directly with the child's family, this activity must be described in the case plan and signed off by all parties.

The worker will provide the following information to the foster family:

1. The strengths, needs, and general behavior of the child.
 2. Important life experiences and relationships which may affect the child's feelings, behavior, attitudes, or adjustment.
 3. Medical history, to include third party coverage which may be available to the child.
 4. Education history, to include present grade placement and school, special strengths, weaknesses.
 5. Delinquent activity, including activity which was alleged although not fully adjudicated.
 6. Other information as may be necessary to enable the foster parents or relatives to provide appropriate care for the child, to protect the safety of the child, and to protect the safety and property of family members and visitors of the foster parents or relatives.
- d. Preplacement Staffing: If possible, a preplacement staffing will be conducted. This staffing will include the child, the child's worker, the licensing worker when possible, the ICWA or tribal worker, and the prospective foster parent(s). The previous care provider may also participate as well as the child's parent(s), Indian custodian, or guardian, if feasible and desirable. The purpose of this staffing is to formalize the referral to the particular foster home, share pertinent background information and develop the case plan. Preplacement visits may be initiated either before or after this staffing. If it appears that this is an appropriate home, the Foster Care Assessment may be completed at this time.

- e. Other placement procedures required by the policy and procedures manual will also be followed. See Administration Chapter, section 6.5 Placement for further details.

3.5.1 ASSESSMENT OF UNLICENSED RELATIVE HOMES (EMERGENCY PLACEMENT)

AUTHORITY: AS 47.14.100 Powers and Duties of Department over Care of Child

PURPOSE: To ensure that placement with a relative can occur in an emergency situation.

POLICY: An abbreviated safety assessment and background check must be completed before an emergency placement is made in an unlicensed relative home.

PROCEDURES:

- a. When a relative is a potential placement resource for a child who needs to be placed on an emergency basis the worker will ask whether or not the relative is interested in becoming licensed. If a relative chooses to be licensed, refer to section 3.5.4 Resource Family Assessment (Emergency Placement).
- b. Based upon the outcome of the home visit, the worker will give final approval for the placement. Prior to or at the time of placement, a home visit must be completed to assess safety. The home visit may be made by the OCS worker, the ICWA worker, or law enforcement.
- c. An APSIN computer check will be conducted on each household member who is 12 years old or older. Child protection records (both in ORCA and Prober), JOMIS, and the Sex Offender registry must also be checked for household members 12 or older. The worker will obtain permission in writing from each household member where this applies. If permission is granted telephonically, there must be two witnesses and documented that permission was given telephonically. Results of the APSIN check, the CPS check, the JOMIS check, and the Sex Offender Registry check will be documented in ORCA within 48 hours after placement is made. After hours and on weekends a background check will be obtained through law enforcement, if available (see section 6.8.4(a)(2)). When that is not possible, ask family about criminal background and get references. An APSIN computer check must be completed the next working day.
- d. After completing all necessary checks and OCS has given approval, the child may be placed. As soon after the emergency placement as possible and no later than 30 days, providing the child stays in that placement, the worker will complete the assessment required in non-emergency situations of placement in an unlicensed relative home.

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3.5.2 ASSESSMENT OF UNLICENSED RELATIVE HOMES (NON-EMERGENCY PLACEMENTS)

AUTHORITY: AS 47.14.100 Powers and Duties of Department over Care of Child

PURPOSE: To establish standards for placement with unlicensed relatives.

POLICY:

- a. If a child in OCS custody needs to be placed out of home and a relative by blood or marriage requests placement of the child in the relative's home, that relative will be given priority consideration as a placement resources unless it is determined that placement of the child with the relative is not in the child's best interest (see section 2.7 Placement Preferences). The use of relative placements requires careful consideration of safety and well being of the child.
- b. Agency staff will actively engage families and tribes in identifying potential extended family members to provide care should children need out-of-home placement services.
- c. In the case of any placement of a child into an unlicensed relative home, the worker will complete a relative study.

PROCEDURES:

- a. A Relative Study must be completed on any family when a relative chooses not to be licensed. The outline that follows this policy will guide the worker in completing the study. For relatives who want to be licensed, see section 3.5.3 Resource Family Assessment.
- b. If a relative being considered for placement has a significant medical or mental health history that may impact their ability to safely care for the child, releases for appropriate records must be signed by the relative. An evaluation may be required to make a decision.
- c. A Child Protective Services check, APSIN computer check, JOMIS check, and Sex Offender registry check will be completed prior to placement. Fingerprints will be submitted for processing prior to placement and must follow the procedures in section 6.8.4(e) Criminal Record Check. All background check information will be documented in ORCA within 48 hours after placement is made.

- d. A summary of the fingerprint results will be documented in ORCA.
- e. An unlicensed relative would be screened in ORCA as a home inquiry. Once procedures a through c are completed, the relative would be made a home provider in ORCA.
- f. The worker will thoroughly document how the OCS made the decision to place the child or not place the child in this relative's home.
- g. All placement decisions require supervisory approval.
- h. Relative Study Outline

Caseworker _____

Today's Date _____

Child(ren) for whom study is being completed:

Name	DOB

Relative caregivers:

	Name	DOB	Relationship to child	Tribal affiliation
# 1				
# 2				

Address: _____

Telephone: _____

Marital History: _____

Other Members of Household:

Name	Age	Relationship to relative caregiver

STUDY TOPICS

The topics below will be considered for all care-giving adults in the home, and a summary will be documented in ORCA.

1. The relative's ability to meet the child's basic needs for food, clothing, shelter, supervision and protection.
2. This family's history, including family of origin, related to child abuse or neglect, substance abuse or domestic violence. If there are issues, consider how they have been resolved.
3. The relative's understanding of the special needs the child might have due to the child's age and the trauma they have experienced and how the relative will meet those needs.
4. The relative's understanding about the specifics of the abuse and neglect and the role of the child's caregiver in the abuse.
5. The relative's ability to manage the conflicting loyalties that caring for and protecting the child would create given the nature of the relative's relationship to the parent who has abused or neglected the child.
6. What the relative knew (if anything) about the abuse and neglect before our intervention and what they did with that knowledge.
7. What the relative plans to do should the abusive or neglectful parent try to disrupt the placement in some way, and evaluate how realistic that plan is.
8. The ability of the relative to participate in and/or support rehabilitation/reunification efforts.
9. How the caregiver relates to and views the child.
10. What the caregiver's relationship to the child has been. (Frequency of contact and quality of contact.)
11. The relative's normal disciplinary techniques and the impact that those techniques may have on the child given the abuse and neglect the child has experienced.
12. The caregiver's expectations of what it will be like to have this child in their home.
13. Does the child:
 - Express and/or demonstrate a positive reaction to the relative? (describe)
 - Express or demonstrate any concern or anxiety about the relative? (describe)
 - Express an opinion about living with the relative? (describe)

NOTE: Please see the ICPC guidelines for completing studies on children covered by the Compact.

FIRE SAFETY / HOME SAFETY CHECKLIST

Placement Name: _____ Date: _____
Address: _____

Any safety concerns will be explained in "Conclusions..." below)

The Mandatory Standards Are:

1. **No Combustible Materials Near a Fire Source:** No materials that could catch fire within 3 feet of a wood stove, fireplace, furnace, or the top burners of a stove.
 Yes No
2. **No Exposed, Live Electrical Wires:** No live electrical wires hanging out of the walls, floors, or ceilings that a child could reach.
 Yes No
3. **No Excessive Clutter:** No clutter that would prevent a person from easily and safely getting from one room to another in case of emergency, fire, darkness, etc. or prevent a person from getting to an exit such as a door or a window. Also, there can be no clutter on stairways that can cause tripping.
 Yes No
4. **Working Smoke Detector:** There is at least one working smoke detector installed in the living quarters part of the home. The worker will test it to insure it is working.
 Yes No
5. **Medicines, Poisons, Hazardous Materials, Household Cleaners:** These items are locked up or stored in a place that is inaccessible to young children.
 Yes No
6. **Firearms:** All items are unloaded and locked up. Ammunition is locked up separately from guns.
 Yes No
7. **Animals/Pets:** Household pets are a potential danger to children.
 Yes No

Optional / Other:

What is the family's escape plan and do they practice it? How regularly?

Conclusions Regarding Relative Placement or Kinship Care Plan:

Basis for the Placement Decision:

3.5.5 BACKGROUND CHECKS FOR PLACEMENT RESOURCES AND INTERSTATE REQUESTS FOR CHILD PROTECTION RECORDS CHECKS

AUTHORITY:

AS 12.62.160	Release and Use of Criminal Justice Information,
AS 45.05.310	Criminal History; Criminal History Check; Compliance,
AS 47.10.093	Disclosure of Agency Records,
AS 47.14.100	Powers and Duties of Department over Child,
AS 47.17.040	Central Registry; Confidentiality,
AS 47.32.030	Powers of Department; Delegation to Municipality,
7 AAC 10.930	Request for a Variance,
7 AAC 10.9500	Purpose and Applicability,
7 AAC 32.010(c)	Purpose and Applicability,
7 AAC 54, Art. 1	Privacy of Client Records: Child protection Services,
13 AAC 68	Central Repository of Criminal Justice Information,
42 U.S.C. 671	State Plan for Foster Care and Adoption Assistance (Title IV-E)

PURPOSE: To promote safety of children in out-of-home care by conducting background checks on placement resources.

BACKGROUND INFORMATION:

A. Federal Requirements

1. Federal law requires background checks for prospective adoptive parents.
 - a. The background checks include:
 - 1) criminal record checks; and
 - 2) child and abuse registry checks in each state where the prospective adoptive parents have lived in the preceding five years.
 - b. The criminal background checks must be fingerprint based. If a name-based criminal background check is done due to rejected fingerprint cards and the fingerprints were rejected solely because the fingerprint impressions were of low quality due to lack of technological capacity or use of improper techniques, the federal requirement for a criminal background check is not met and a federal adoption subsidy may not be approved for a child adopted by the family.
 - c. Although state regulations allow the department to grant a variance for an individual convicted of certain permanent barrier crimes, the federal safety requirements under Title IV-E are not met if an adoptive parent has been convicted of a crime addressed in 7 AAC 10.930(g)(2)(i) or (iii), and a federal

adoption subsidy may not be approved for a child adopted by the family, regardless of whether a variance is granted.

2. Federal law prohibits Title IV-E reimbursement for adoption assistance costs for a child who is placed in an adoptive home where a prospective adoptive parent has committed any of the following crimes:
 - a. A felony conviction at any time for
 - 1) child abuse or neglect;
 - 2) spousal abuse;
 - 3) a crime against children (including child pornography);
 - 4) a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery; or
 - b. a felony conviction within the past 5 years, for physical assault, battery, or a drug-related offense.
3. Federal law requires states to respond to requests from other states for child abuse and neglect registry checks.

B. State Requirements

1. State law requires background checks of unlicensed placement resources (unlicensed relatives and prospective adoptive parents and guardians) prior to placement of a child in the home.
 2. In the event that fingerprints are rejected a name-based criminal background check is done through the Department of Public Safety (DPS). If the name-based check reveals no evidence of a prohibited crime, the results are considered as satisfying the state requirement of a DPS criminal background check.
 3. Variances for fingerprint requirements are not allowed. However, AS 47.05.310(e) allows the department to waive the requirement for fingerprint submission if an individual is unable to provide fingerprints due to a medical or physical condition that is documented by a licensed physician.
- C. Procedures for child protection and criminal background checks for foster home license applicants and household members are addressed in chapter 600 of the Community Care Licensing Manual.
- D. Confidentiality of Criminal Justice Information: Under state and federal laws and regulations, criminal justice information is confidential and may not be released to any other individual or agency except that some information may be released to perform licensing and adoption activities. See Community Care Licensing Manual section 610.4. Copies of criminal justice information may not be provided to the individual who is subject to the criminal justice

information.

- E. Confidentiality of Child Protection Records: Under federal law, Child Abuse and Neglect Registry information obtained from another state for the purpose of conducting background checks in foster and adoptive placement cases may not be used for any other purpose.

POLICY:

- A. Prior to placing a child in an unlicensed home, the following background checks will be conducted:
1. Child Protection/Juvenile Offender Management Information System (JOMIS)/Sex Offender Registry Checks
 - a. Child protection records (Prober and ORCA).
 - 1) For placements with an unlicensed relative, a check will be conducted prior to placement on each household member who is 16 years old or older.
 - 2) For adoption and guardianship studies, a check will be conducted on each household member who is 16 years old or older. If any of the adults in the household has lived in another state in the preceding 5 years, information from that state's child abuse and neglect registry will be requested.
 - b. JOMIS
 - c. Sex Offender Registry
 2. Criminal background checks
 - a. Emergency placements with unlicensed relatives: An APSIN computer check will be completed prior to placement (see section 6.8.4 Inquiries to Alaska Public Safety Information Network (APSIN)).
 - b. Non-emergency placements with unlicensed relatives: Fingerprint based checks on all individuals in the household 16 years of age or older will be conducted prior to placement.
 - c. Adoptive/Guardian Homes:
 - 1) For new adoptive and guardian applicants, a fingerprint based check on all adults in the household is required. If the adoptive/guardian family resides out-of-state, the criminal background check must include both a statewide check for the state where the family resides and a national check (FBI check).
 - 2) If the adoptive or guardian applicants previously have undergone fingerprint based checks as unlicensed relative caregivers or are licensed

foster parents, new fingerprint-based checks must be conducted on all adults in the household, including the applicants.

- 3) The application will not be approved until the results from the criminal background check identified in 1) and 2) have been received by the OCS.
 - d. If an applicant's fingerprint cards are rejected by DPS, OCS may request a name-based check from DPS after the third rejection.
- B. If another state requests child abuse and neglect information from Alaska's registry, the requests will be forwarded to the OCS APSIN Unit for research and response.

PROCEDURE:

A. Child Protection/JOMIS/Sex Offender Registry Checks

1. Requirements for All Individuals: ORCA, Prober, JOMIS, and the Alaska Sex Offender Registry are checked for all individuals. In emergency situations where it is not possible to complete the checks prior to placement, the checks will be done the next business day.
2. Additional Requirements for Individuals Who Have Lived in Another State in the Preceding Five Years
 - a. In addition to the checks listed in (A)(1) above, if the prospective adoptive parents or any other adult living in the home has lived in another state in the preceding five years, OCS will request information from the child abuse and neglect registry from each state of residence during the five year period.
 - b. The worker will ask each affected individual to complete an Authorization for Release of Information from Child Abuse and Neglect Registry (06-9799) for each state where they have lived in the preceding five years.
 - c. Upon receipt of the signed form, the worker will complete either a Child Abuse and Neglect Information Request (06-9798) form or a written request on OCS letterhead and submit it, with the Authorization form attached, to the other state(s), and use the response from the other state in the decision of whether to approve the adoption/guardian home study.
 - d. If the other state denies the request because they do not maintain a registry, the worker will document this in a case note in ORCA, and no further attempts to obtain child abuse or neglect information from the other state are required.

B. Criminal Background Checks**1. Placements with Unlicensed Relative Caretakers:**

- a. Emergency Placements: In addition to the child protection, JOMIS, and Sex Offender Registry check, the assessment for emergency placement with an unlicensed relative includes an APSIN computer check on each household member who is 16 years old or older. All unlicensed relatives must complete fingerprint-based checks on each household member who is 16 years old or older as soon as possible after placement.
- b. Non-emergency Placements: In addition to the child protection, JOMIS, and Sex Offender Registry check, fingerprints must be submitted for all members of the household 16 or older. APSIN checks cannot be done by the APSIN Unit, and the criminal background check will be conducted through the fingerprint process once the fingerprint cards are submitted to DPS.
- c. OCS may decide not to place the child in the relative's home if the relative is known to OCS to be ineligible for a foster home license due to the relative's criminal record or substantiation as a maltreater of child abuse or neglect. If the decision is made to not place the child in the home, see section 2.7 Placement Preferences.

2. Prospective Adoptive Parents and Guardians

- a. As part of the adoption/guardianship study process, the worker will confirm that child protection, JOMIS, Sex Offender Registry, and criminal background checks have been done and that the results of the check do not preclude approval of the home. These results must be summarized in the adoptive/guardianship study. If a check has not been done, it must be done prior to approval of the adoptive/guardianship placement and, if the adoption/guardianship will be subsidized, before the subsidy payments start.
- b. If the criminal justice information that becomes available through the criminal justice information check reveals that the prospective adoptive parent(s) or guardian(s) or another adult member of their household has a record of one or more of the offenses prohibited under Title IV-E, the applicants will not be approved. If a child is already placed in the home, the adoptive/guardian placement may not be approved, and the child may be removed from the home and placed in another adoptive/guardian home. If continued placement in the home, with good cause, is approved, the child will not be eligible for a Title IV-E adoption subsidy, even if all the other eligibility requirements are met.

3. Rejected Finger Print Cards:

- a. If the applicant provides fingerprint cards later rejected by DPS, the worker must ask the applicant to complete new cards. The applicant must agree to provide new cards within 30 days.

- b. In the event that the second set of prints is also rejected, a third set must be submitted.
- c. If the third set is rejected, OCS can request a name-based check through Department of Public Safety (DPS). The worker will:
 - 1) Complete the DPS "Name Search Request Form", and submit to DPS, for the criminal background check;
 - 2) Track for timely receipt of name-based results.
- 4. Waiver of Fingerprint Requirement: If an individual in a foster or adoptive home who is required to be fingerprinted is unable to provide fingerprints due to a medical or physical condition that is documented by a licensed physician, the licensing worker/caseworker will contact the Resource Family Section in OCS State Office for directions.
- 5. On-Going Checks for Unlicensed Relatives or Placement of Child with Adoptive/Guardianship Home – The APSIN Flag System
 - a. When a child has been placed with an unlicensed relative or in an adoptive/guardianship home, the worker will
 - 1) Make sure that the Person Management page of each Provider Member includes date of birth (if available), SSN, Alaska Drivers License number, APSIN ID number, and AKA names; and
 - 2) Complete the Unlicensed Relative APSIN Flag Set/Remove Form (06-9796) and send the completed form to the OCS APSIN Unit mailbox. The APSIN Unit will flag the home and as a result will be notified by Department of Public Safety if a member of the relative's household has contact with law enforcement concerning a crime they have committed.
 - 3) When the fingerprint results are received back, the worker will document the results on the Background Check tab of the Person Management page.
 - b. When a child is removed from the home of an unlicensed relative, the worker will follow the procedures in (B)(5)(a) above to notify the APSIN Unit that the placement has ended and that the APSIN Flag for the household members needs to be removed.
 - c. If a worker is notified by the APSIN Unit that a member of the relative's household has had contact with law enforcement, the worker will assess the safety of the child who is placed in the home and consult with the supervisor to determine whether the child should to be removed from the home.

C. Responding to Child Abuse and Neglect Information Requests from Other States

1. All requests from other states will be immediately forwarded to the OCS APSIN Unit supervisor. The request will be reviewed to assure the request is an official state request.
 - a. The APSIN Unit will review ORCA and PROBER for potential history concerning the identified individual and will research to validate the information.
 - b. The APSIN Unit will also contact the department's Background Check Unit for any additional information contained in the Centralized Registry.
2. The APSIN Unit, after completing the research, will respond to the requesting state. Information returned to the requesting state has limitations:
 - a. If a state requests information due to an on-going CPS investigation conducted by that state, the APSIN Unit will release the requested information to the requesting child protection agency.
 - b. If a state requests information for a purpose other than a CPS investigation, the APSIN Unit will release the requested information only if a release authorization signed by the subject of the request is provided.

3.6 PLACEMENT PLANNING

3.6.1 PLACEMENT PREPARATION

AUTHORITY:

42 U.S.C. 675(5)(D) Definitions (Title IV-E)
AS 47.10.010 Jurisdiction
AS 47.10.080(q) Judgments and Orders
AS 47.10.093(b)(3) Disclosure of Agency_Records

PURPOSE: To establish procedures to prepare child, parents, and caregiver for out-of-home placement.

BACKGROUND INFORMATION:

- A. Federal Law: At the time of a child's placement in foster care a copy of the child's health and education records must be provided to the foster parents with whom the child is placed.
- B. State Law:
1. When a child is placed in foster care, the Office of Children's Services (OCS) is required to provide the foster parents with a copy of the child's medical, mental and education records.
 2. Foster parents are responsible for the following:
 - a. maintaining and updating records regarding medical, mental, educational, and behavioral services provided to children in their care;
 - b. returning all records described above to the department when the child leaves the foster home placement; and
 - c. maintaining the confidentiality of records regarding a child placed in the foster home except when disclosure of the records is allowed under regulations of the department or when disclosure is reasonably necessary to ensure continuation of care for the child through appropriate medical, mental, educational, and behavioral services.

POLICY: When the decision is made to place a child in full time care, there should be a period of preparation for placement, whenever possible. The preplacement process is used to provide support to parents or Indian custodian as well as the child being placed, to best prepare the child for separation, to help full time care providers, including foster parents, to understand the child's needs and the goals of placement.

PROCEDURES:

A. Preparation of a Child for Placement:

1. It is important that the worker takes sufficient time to talk to the child about the following:
 - a. why the child is being removed;
 - b. where the child is going to live;
 - c. how the child feels about these events;
 - d. the arrangements for visitations with the biological family and siblings that have been made;
 - e. who they feel safe with and who they may have stayed with in the past;
 - f. expectations for living away from his/her parents.
2. A clothing inventory should be taken and arrangements made for all usable clothing to accompany the child as outlined in section 6.2.2.8 Clothing. In cases where emergency shelter placements are made, this inventory may be done by the care provider upon arrival at the foster home or residential child care facility.
3. All children deal with new, unfamiliar situations more readily if they take some personal possessions with them, i.e. teddy bear, doll, stereo, any culturally-important possessions, etc.

B. Preparation of Parents or Indian Custodian for Placement:

1. Discuss the reasons the child was unsafe and required out of home care with the parents or Indian custodian.
2. Review the placement plan with the parents or Indian custodian. Give clear explanations with respect to the possible consequences in later court action and the continuing right of the parent to visit and otherwise maintain contact with the child.
3. Whenever possible, help the parent or Indian custodian talk with the child about the decision in regard to placement. The child can adjust to the alternative placement with maximum benefit if he knows that his parents or Indian custodian have made or agreed with this plan for him, based upon concern for his welfare.
4. Even with preparation for placement, most parents or Indian custodians will need assistance at the time of placement and immediately thereafter to deal with their conflicts about the placement, as well as discussing their own feelings about separation from the child.

5. For Native parents or Indian custodians, OCS will ask someone from the tribal community to meet with the parent or custodian to help them cope with the removal of the child.

C. Preparation of the Care Provider:

1. Whenever possible, foster parents and other out-of-home care providers should participate in preplacement visits, and should be given information about the child's likes, dislikes, and interests.
2. Residential facilities and group homes should prepare other children in the placement for the arrival of the child, as appropriate for the facility.
3. It is important that the worker discusses the following areas extensively with full time care providers prior to placement:

a. Length of Placement:

- 1) what the purpose of the placement is;
- 2) how long the placement is expected to last;
- 3) obstacles that may change the length of placement, such as biological family situation, child's needs, etc.;
- 4) consequences to a child of moving him from one placement setting to another.

b. Health of Child:

- 1) any special emotional or mental health needs, including cultural needs for Native children;
- 2) any special needs and/or health problems the child may have, including allergies;
- 3) any medications the child may need - where and how it can be obtained;
- 4) OCS policy regarding medical/dental care;
- 5) name of any special physician or facility which must be used (such as military hospital for dependents or the Alaska Native Health Services (ANHS) for Native children);
- 6) foster parent's responsibilities if the child must receive medical attention when worker can't be reached;
- 7) what emergency measures foster parents can take and under what

circumstances.

- c. Any Known Special Needs of the Child, Including:
 - 1) any physical or medical condition that will necessitate special attention and effort from the foster parents;
 - 2) any special equipment the child needs such as ramps, wheelchair, etc.;
 - 3) any mental health needs (ongoing services and supports to meet these needs);
 - 4) therapy the child may need.
- d. School:
 - 1) where the child is to attend school, maintaining the child in their current school whenever possible;
 - 2) whether school records have been sent to this school;
 - 3) how the child is to get to school - bus, walk, etc.
 - 4) any information about the child's educational needs, including special education services and supports.
- e. Biological Family:
 - 1) major reason the child is in foster care;
 - 2) visiting rights of each biological or extended family member (for Native children, anyone acknowledged as extended family has visiting rights);
 - 3) anticipated frequency and location of visits;
 - 4) situations that may arise when biological family visits. (Refer to section 6.5.6 Parental Visiting).
 - 5) If known, the child's tribal heritage and tribal resources that may be able to assist the foster parent with continuing the child's connection to their Tribal culture.
- f. Safety: Appropriate information as may be necessary to enable the out-of-home care provider to provide appropriate care for the child, to protect the safety of the child, and to protect the safety and property of family members and visitors of the out-of-home care provider. Copies of the information must be provided to the foster parent.
- g. Copies of the following information must also be provided to the foster parent:

all initial, updated, and revised case service plans for the child, court orders relating to the child, and the child's medical, mental, and education reports prepared by or for the department, including reports compiled before the child was placed with the foster parents; and supplements to such plans, orders, and reports.

- h. The worker will inform the care provider of their responsibility for maintaining records, and confidentiality.

3.7 CHANGE OR TERMINATION OF A PLACEMENT/TRIAL HOME VISIT/RETURN HOME

AUTHORITY:

AS 47.10.10 Jurisdiction
AS 47.10.080(s) Judgments and Orders
45 CFR 1356.21(e) Trial Home Visits (Title IV-E)

PURPOSE: To provide change of placement protocol.

BACKGROUND INFORMATION:

A. Federal Law: Trial Home Visits

1. A trial home visit may not exceed six months in duration unless a court orders a longer home visit. If a trial home visit extends beyond six months or the time period ordered by the court, or if custody is released or changed to supervision during a trial home visit, the child is considered to have been returned home.
2. If a child is considered to have been returned home and is later removed from the home even though the Office of Children's Services (OCS) still has custody of the child, a new Title IV-E eligibility determination must be made and the court must address the new removal. After the removal a judicial determination must be made in the first court order that it is contrary to the welfare of the child to remain in the home. Within sixty days of the removal a judicial determination must be made that reasonable efforts were made to prevent the removal.
3. A new IV-E eligibility determination and court order is not required when a child is removed from home while on a trial home visit.

B. State Law: Placement Changes

1. When OCS has custody of a child, OCS has the authority to transfer the child from one placement setting to another, assuring it is in the child's best interest.
2. The child, the child's parents or Indian custodian or guardian, and the child's foster parents or out-of-home caregiver, GAL, attorney, and tribe are entitled to advance notice of a non-emergency transfer.
3. A party opposed to the proposed transfer may request a hearing and must prove by clear and convincing evidence that the transfer would be contrary to the best interests of the child.
4. A foster parent or out-of-home caregiver who requests a non-emergency change in placement of a child is required to provide OCS with reasonable advance notice of the requested change.

POLICY: Services provided during the transition period are designed to prepare all parties for the separation and help them cope with their feelings about it.

- A. Placement Changes: Moving a child from one full time care provider to another full time care provider is only explored when it appears that the placement is not meeting the child's needs or when the care provider requests the child's removal.
- B. Termination of placement occurs whenever the goals of placement have been achieved, or it is determined that placement is not meeting the child's needs or at the request of the caregiver.
- C. Trial Home Visit/Return Home:
 - 1. While OCS has custody of a child, a placement in the child's own home following an out-of-home placement is considered a trial home visit for the first six months or a different time period if ordered by the court.
 - 2. If a trial home visit lasts for longer than six months or the time period ordered by the court, or if custody is released, the child is considered to have been returned home.
 - 3. Child and Family 6 Months Conferences and permanency hearings must continue during trial home visits according to the schedule.

PROCEDURE:

- A. Changes or Termination of a Placement/Trial Home Visit/Return Home: The worker should take the following steps to prepare the child, the parent or Indian custodian, and the provider at least two weeks prior to any change in placement, termination of a placement, or trial home visit/return home:
 - 1. Explain and discuss the reasons and circumstances for the intended move.
 - 2. Acknowledge and provide help for any conflicting feelings about the change which the child or provider may have.
 - 3. Include the out-of-home care provider in planning for the child's departure (not only the physical departure but preparation for the emotional separation that will occur).
- B. Placement Changes: The worker will use the following guidelines when a child's placement is changed:
 - 1. When possible, a team conference between the worker, the care provider, and the social work supervisor is to be held to discuss why moving the child is being considered. (The child and other relevant persons, i.e., parents, guardians ad litem, treatment professionals, tribe, may be included if appropriate).

2. During the team conference, other actions and options that could be taken to prevent the movement of the child will be explored and considered.
 3. If no other option can be found, the child and the care providers are prepared for the move as described in procedure A of this section, and procedures A and C of section 3.6.1 Placement Preparation.
 4. The child, the child's parents or Indian custodian or guardian, and the child's foster parents or out-of-home caregiver, GAL, attorney, and tribe are entitled to advance notice of a non-emergency transfer. The worker will notify the parties by sending out a Notice of Non-Emergency Transfer (06-9762), and will make every effort to provide notification at least ten working days prior to the intended transfer.
 5. For emergency transfers, the worker will notify the parties by sending out a Notice of Emergency Transfer (06-9761), and will make every effort to provide notification no later than five working days following the removal.
 6. The worker will document in a case note in ORCA:
 - a. the reasons for the move;
 - b. what other options were considered; and
 - c. which parties were notified and the notification dates.
 7. At any time a child runs away from a placement, the worker must notify parents or Indian custodian immediately of the situation.
 8. When a child is returning to full time care from a failed parental placement (trial home visit/return home) or relative placement, every effort will be made to identify the previous care provider and return the child to the known environment unless such placement is documented to be contrary to the best interests of the child.
 9. The worker will assist the child in maintaining contact with prior care providers if the child so desires and there is no documentation that such contact would be contrary to the best interests of the child.
 10. Special planning may need to be done for the developmentally disabled child about to be released from custody. At least six months prior to the child being released, or as soon as it is known that the child will be released from custody, the worker contacts the permanent placement staffing team (worker, supervisor, GAL/CASA, and tribal representative and ICWA Specialist for Native children), which reviews the case. The local adult protection worker and any other professionals who could be helpful in the area of adult services for older teens or services to the developmentally disabled should be included in the team meetings.
- C. Trial Home Visit/Return Home: Use the following guidelines to decide when to place a child in his own home for a trial home visit in preparation for a permanent return home. Prior to a child's trial home visit, the decision-making process should include the biological

parents or Indian custodian, and, whenever possible, the out-of-home care provider, the GAL, and the child's tribe if the child is Native.

1. The safety threats that lead to the need for out of home care and goals of the placement have been reached.
2. A team conference considers and recommends this decision (to include worker, supervisor and other relevant persons).
3. The parents or Indian custodian have demonstrated that they are able to provide the necessary minimum level of care in their home. They are willing to utilize the help of support activities such as child care, homebased services, regular visits from the public health nurse, or other in-home service providers.
4. The parents or Indian custodian can talk about alternatives to dealing with their anger, crisis handling and child rearing, and have demonstrated the ability to use appropriate child care skills.
5. The parents or Indian custodian speak in positive terms about the child.
6. The parents or Indian custodian interact positively with their child during supervised visits, and the visitation plan has moved to unsupervised visits and the issues that brought the child into custody have not manifested during the unsupervised visits.
7. The child is not fearful of the parents or Indian custodian.
8. The parents or Indian custodian have asked for help during crises.
9. Interpersonal relationships have improved.
10. In abuse cases, the following guidelines also apply:
 - a. maltreater is out of the home permanently; or
 - b. psychiatric re-evaluation finds that the parent or Indian custodian is no longer dangerous;
 - c. the parents or Indian custodian no longer live in chaos or with multiple ongoing crises;
 - d. the parents or Indian custodian are cooperative about therapy, utilizing therapy (i.e. denial gone), and the perpetrator has shown adequate improvement;
 - e. specific improvements have been documented by the worker or other professionals.
11. In preparation for a child's trial visit to his own home, the worker will:
 - a. Discuss with the child and his parents or Indian custodian the achievement of

the plan goals for him to live with them again. If therapists are involved with the family, solicit their help.

- b. Give the child an opportunity to work out his feelings about his parents or Indian custodian and his return home.
 - c. If the child has not been able to have regular contact with his parents; plan for his trial visit in preparation for his return home should, whenever possible, include prior visits of the parents to the child in placement and preliminary visits of the child to his parent's or Indian custodian's home. Foster parents should assist with reunification if they are willing.
 - d. If a court hearing is necessary to effect the child's trial visit in preparation for his return home, inform the parents or Indian custodian about the recommendations and the various decisions that are within the authority of the court.
 - e. Develop a new or revised in-home case plan (case review) prior to the child's return home.
12. Post-placement Services for Trial Home Visit or Return Home: Reunification of families when a child has been in an out-of-home placement can be exceptionally stressful time for parent or Indian custodian and child. The child may be mistrustful of the fact that the parents want him back, and may act out and do everything he can to test the limits of parental endurance. Similarly, the parents or Indian custodian may be uncertain and unaccustomed to child care routines and restrictions. The worker will:
- a. Continue follow up until the parents have demonstrated an ability to continue to care for the child.
 - b. Maintain telephone contact and face-to-face contact at least on a monthly basis with the parents or Indian custodian and child.
 - c. Provide child care or other support as necessary.
 - d. Make a referral to any other needed community resource, i.e. public health.
 - e. If the parents have been receiving services from providers during placement, clarify the responsibility of each service provider in the provision of further help.
 - f. If the Court requests the Department to continue supervision of the child after the placement is terminated, determine the parent's willingness to continue involvement with OCS and/or other support services. A definite time limit should be established with the Court.

D. Removals from Trial Home Visit or Return Home:

1. If a child is removed from the home when a trial home visit has exceeded six months or a different time period ordered by the court, and OCS still has custody of the child, the worker will complete an affidavit that addresses the removal and ensure that a

motion for removal findings is filed with the court.

2. Before the new placement is documented in ORCA, a Discharge Date and Discharge Reason must be entered and approved on the previous placement.
3. The worker will also do the following:
 - a. complete the Eligibility Basic Tab in ORCA;
 - b. insure that a Parent's Self-Declaration of Income and Resources form (06-9794) is completed and the information entered into ORCA; and
 - c. complete a Title IV-E/Medicaid application on line in ORCA and refer the application to the Eligibility Technician who will make new IV-E and Medicaid eligibility determinations based on the provided information.

3.8 REUNIFICATION EFFORTS (Successful or Failed)

AUTHORITY: AS 47.10.083 Review of Orders, Requests for Extension and P. L. 96 - 272 Adoption Assistance and Child Welfare Act of 1980

POLICY: When it is not possible to protect and maintain a child in their own home, and removal is necessary for the child's safety, the goal of casework services is henceforth directed towards permanency for the child through family reunification, where possible. If reunification is not possible, an alternative permanent plan for the child is developed. Reunification efforts are not only required by federal statutes, but are also a priority for the division.

PROCEDURES:

- a. Services will be provided to the family as described in section 3.2.4 Services to the Family - Children in Out-of-Home Care. (For a description of types of services, see section 3.2.2 Service Delivery.).
- b. All attempts to offer services and all referrals for service will be documented in the case file.
- c. If reunification services are successful and the child can return to his own home, see section 3.7 Termination of a Placement.
- d. If reunification efforts fail, and an alternative permanent plan is needed, a Permanency Planning Conference will be held.

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3.9 PREPARATION FOR RELINQUISHMENT OF PARENTAL RIGHTS/CONSENT TO ADOPTION BY PARENT

3.9.1 PREPARATION FOR RELINQUISHMENT OF PARENTAL RIGHTS

AUTHORITY: AS 25.23.180 Relinquishment and Termination of Parent and Child Relationships, AS 25.23.130(c) Effect of Adoption Decree, AS 47.10.089 Voluntary Relinquishment of Parental Rights and Responsibilities, 25 U.S.C. 1913 (a) & (c), 1915 (P. L. 95-608, Sec. 103(a)(c), Sec. 105 (a)(c)(d)(e); Indian Child Welfare Act of 1978).AS 47.10.

PURPOSE: To provide guidelines for the voluntary relinquishment by a parent.

POLICY: All relinquishments must be executed in writing and take place either before a judge with the knowledge and approval of the department, or in the presence of the attorney who represents the parent or in the presence of the social worker and another witness to which the parent agrees. For parents of children who are covered by the ICWA, the OCS will ensure that the requirements of the ICWA have been met, and no written relinquishments signed outside the presence of the judge will be accepted.

PROCEDURES: Refer to the Court Procedures section 4.4. In addition:

- a. The child's adoption team, which can consist of the worker, supervisor, Regional Adoption Specialist, GAL, and AAG, will assess the plan of relinquishment, and explore alternatives to relinquishment and the legal ramifications of relinquishment with parents.
- b. If the parent has decided to relinquish parental rights, the worker will request a new permanency planning conference to determine if the decision to relinquish is appropriate and the permanency goal needs to be changed.
- c. Discuss the parent's wishes regarding the placement of their child. A written affidavit of the parent's wishes for placement of their child may be signed at the relinquishment hearing and filed with the court. Adult family members must be considered as the first option for placements. This possibility should be thoroughly explored with the parent(s). However, while OCS will make every attempt to follow the parent(s) wishes, the parents must be informed that the best interests of the child must be paramount.
- d. Discuss parents' interest in maintaining visitation or other kinds of contact after the adoption. A statement regarding visitation rights must be included in the relinquishment.

- e. Discuss the current law regarding confidentiality and the exchange of information between biological parents and adult adoptees. See section 3.22 Requests for Information - Confidentiality.
- f. If the child is Native, discuss OCS' responsibility to give required notice to the tribe and to comply with the placement preferences established in ICWA. ICWA requires that records be maintained on placements documenting the efforts to comply with the ICWA placement preferences. Those records shall be made available at any time upon the request of the child's tribe.
- g. A relinquishment may be withdrawn within ten days after it is signed or the child is born, whichever is later. For Native children, a relinquishment will not be valid if it is executed within the first 10 days after the birth of the child. Parents of children covered by the ICWA may withdraw a relinquishment at any time prior to the entry of a final order of termination of parental rights.
- h. When parents have relinquished their parental rights with the understanding that their child will be adopted by a specific person, the worker will notify them if the proposed placement fails. The requirement to notify the parents applies from the time of the relinquishment until the adoption is finalized, even after termination of parental rights. After receiving notice that the proposed placement has failed, a parent may notify OCS, in writing, of a desire to withdraw the relinquishment. If the parent does not submit such notice to OCS within 30 days of being notified of the failed placement, OCS is not required to have any further contact with the parent. The parent's request to withdraw the relinquishment is not automatically granted. OCS decides whether to consent to the withdrawal or not, based on the circumstances of the case. Consents for withdrawal must be approved and signed by the Children's Services Manager.
- i. Relinquishments out of court will preferably take place in the presence of the parent's attorney. All relinquishments must be executed in writing and take place either before a judge or in the presence of the attorney who represents the parent or in the presence of the social worker and another witness to which the parent agrees. Examples of witnesses are attorneys, Guardian ad Litem, social workers of other jurisdictions, Notaries Public, etc.

3.9.2 CONSENT TO ADOPTION BY PARENT

AUTHORITY: AS 25.23.060 Execution of Consent; consent as power of attorney, AS 25.23.070 Withdrawal of Consent, AS 47.10.086(b) Reasonable Efforts, 25 U.S.C. 1913 (P. L. 95-608 Indian Child Welfare Act of 1978).

PURPOSE: To provide guidelines on the Consent to Adoption by Parent process as an alternative to a relinquishment.

DEFINITION: Consent to adoption by parent(s) is a voluntary agreement signed by the child's parent in which the parent agrees that adoption is best for the child. The child's birth parent does not relinquish their rights to the child; instead the parent is able to formally consent to the adoption of their child. The consent to the adoption by the parent is often a thoughtful decision by the parent who feels that the child will benefit from adoption.

POLICY:

- a. With the knowledge and approval of the department, all consents for adoption for children in OCS custody that are signed by the parent must be executed in writing and take place before a judge or in the presence of the attorney who represents the parent or in the presence of the social workers and another witness to which the parent agrees. For Indian Child Welfare Act (ICWA) cases, the consent to adoption by parent must be signed or affirmed in state court, as opposed to Tribal court.
- b. For ICWA cases, the parents may change their mind and withdraw the consent to adoption anytime before the finalization of the adoption. This must be done through a written notice to the department, or to the court.
- c. For non-ICWA cases, the parent has ten days from the time of the signed consent to adoption by parent to change his or her mind and withdraw the consent to adoption. This must be done through a written notice to the department, or to the court if it is an ICWA case.
- d. In the consent to adopt, the parent will retain residual rights to the child up to the finalization of the adoption. Once the decree for adoption is signed by the court, the birth parent's rights are terminated at the same time.
- e. The decision to consider consent to adoption by parent rather than a relinquishment or termination of parental rights must be based on what is in the best interest of the child. Additionally, the decision to pursue consent to adoption by parent must be discussed by the Permanency Planning Conference team.

PROCEDURES:

- a. At the point the worker believes reunification is no longer possible, and it is in the child's best interest that a different permanent plan be considered, the worker will staff the case with the supervisor and the Permanency Planning Conference team. If the team agrees that reunification is no longer possible and recommends a permanency plan of adoption, a decision should be made how to plan for the child's adoption. The three alternatives are:
 1. acceptance of a relinquishment of parental rights, followed by a termination of parental rights order which is based on the relinquishment;
 2. termination of parental rights through a termination trial; or
 3. acceptance of a consent to adoption by parent.
- b. Consent to adoption by a parent can be considered in cases in which there is agreement on the child's adoptive placement. Any contacts after the adoption between the child and birth parents are at the discretion of the adoptive parents, unless otherwise legally agreed upon between parties.
- c. If the Permanency Planning Conference recommends an adoption subsidy for the child, a judicial determination (court order) is needed to qualify the child for an adoption subsidy. The judicial determination must include language that reasonable efforts to reunify the child with the parent have been made by the OCS but the efforts have been unsuccessful and the child cannot or should not return home. The necessary language may be stipulated in the consent to adoption agreement that is signed by the child's parents; however this language needs to be ordered by the court based on the conditions as they are stipulated in the consent for adoption signed by the child's parents.
- d. The OCS will work with the parent(s) and the parent's attorney to have the parent sign the consent to adoption by parent. The parent must be fully informed that in signing the consent to adopt by parent, the parent is consenting to the permanent adoption of the child with an identified adoptive family. Additionally, the worker will inform the parent that the residual rights to consent to marriage, military enlistment, non-emergency medical care, visitation, and adoption, as well as the residual responsibility of child support continue until the point that the adoption is finalized. The parent must also be fully informed that once the adoption is finalized, the parent's rights to the child are terminated based on the decree of adoption or birth certificate.

3.10 PREPARATION FOR TERMINATION OF PARENTAL RIGHTS

AUTHORITY: AS 47.10.080(c)3 and AS 47.10.080(o) Judgments and Orders, AS 47.10.088 Termination of Parental Rights and Responsibilities, P. L. 95-608 Indian Child Welfare Act of 1978

POLICY: Termination of parental rights means the legal severance of the parent-child relationship. This is a serious decision and is considered only when it is in the best interest of the child; and the conditions exist which are described in section 4.4.i, Termination of Parental Rights.

The decision to terminate parental rights must be staffed by the Permanency Planning Conference team. The staffing must include the Children's Services Manager or their designee.

It must be remembered that while the division may recommend that the court terminate parental rights, the court will weigh the evidence and make the decision.

A petition for termination of parental rights must be filed in certain situations and in accordance with the timelines required by state and federal law. (see section 4.4.i, Termination of Parental Rights).

PROCEDURE: The decision to petition for termination of parental rights must always be based on the child's best interest. For that reason, as well as the need for building a good court case, thorough case planning and case work is essential in termination cases.

- a. Thorough documentation of services offered in the past, including utilization of services or failure to utilize offered services
- b. At the point the worker believes reunification is no longer possible, and it is in the child's best interests that a permanent placement be made, the worker will staff the case with the supervisor and the Permanency Planning Conference team. If the team agrees that reunification is no longer possible, and recommends a permanency planning goal that would require termination of parental rights, the termination staffing will be scheduled. If the worker and team members are prepared, the termination staffing may sometimes occur at the same staffing, or the termination staffing may be scheduled for the near future.
- c. The worker will contact the Department of Law for assistance in determining if sufficient evidence for termination (including documented efforts at reunification) exists. Some regions may request the attorney general to participate in the termination staffing. This early communication will facilitate preparation for court and expedite court action. The attorney general will advise the worker about documentation needed for court and the steps of legal proceedings.

- d. The worker will prepare a petition for termination of parental rights. (See Court Procedures Chapter, section 4.4.i, Termination of Parental Rights). The attorney general and the worker will decide if information from other agencies would be useful in addition to information from the case file.

With Native children, the division must in addition prove, by evidence beyond a reasonable doubt, that custody by the parent is likely to result in serious emotional or physical harm to the child; and this evidence must include testimony from a qualified expert witness. The division will not petition for termination of parental rights whenever the only grounds for such a petition is evidence of community or familial poverty, crowded or inadequate housing, or alcohol abuse on the part of a parent or Indian custodian where the alcohol abuse does not place the child at risk of serious emotional or physical harm or otherwise make the child a child in need of aid.

Each parent's rights must be terminated in order for a child to be legally free for adoption. If the grounds for termination is different for each parent, they have to be proven separately, although it can be done in the same hearing.

- e. The worker will keep thorough records of the progress of the case. All contacts, improvements, failures in following through, etc. will be recorded. Attorneys will expect the worker to be able to provide the following:
1. ROCs, and presentation of the information in ROCs in a way which can be quickly assimilated.
 2. Witness list from the ROCs, with a brief explanation about what the witness can testify about, and how the witness can be reached. Provide the broadest list possible, and include information about reservations a witness may have about testifying.
 3. Chronologies - chronologies need to include date of contact, nature of contact, and date of occurrence. All information in the chronos must be documented in the case record. There are often breaks in the record for periods when the division has not been involved with the child, but sometimes information about those time periods can be obtained from parents or from other agencies. A thorough social history is very helpful.
 4. Visitation history - based on ROCs. How often did parents visit; were the visits regular or in spurts? If there are gaps, did the gaps depend on the division or on the parents?
 5. Termination position - The worker will be a key witness , and therefore the worker needs to be able to state the reasons why they think that termination is appropriate.
 6. Testimony about all the types of services which have been offered to the family, and how they have been utilized by the family.

- f. Termination proceedings should not be delayed due to the lack of the permanent placement for the child.

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3.11 RETURN TO BIOLOGICAL PARENTS AFTER TERMINATION OF PARENTAL RIGHTS

AUTHORITY: AS 25.23.180(g) Relinquishment and Termination of Parent and Child Relationship, AS 47.10.080(f) Judgments and Orders, P. L. 95-608, Sec. 106(a) Indian Child Welfare Act of 1978,

POLICY: If circumstances change to the extent that the best interest of the child would be served by returning the child to the biological parents even after their parental rights have been terminated, this option will be explored.

PROCEDURES:

a. Native Children:

1. The Indian Child Welfare Act gives biological parents the right to withdraw consent to termination of parental rights for any reason up to the entry of a termination order. After entry of the order, parents have the right to petition for the return of an Alaska Native/American Indian child before an adoption has been finalized or after an adoption has been vacated or set aside or the adoptive parents voluntarily consent to the termination of their parental rights. When a worker has knowledge that an adoptive placement has failed, the worker will, as soon as practicable, notify the child's tribe in writing and attempt to notify the biological parents.
2. In ICWA cases, after the entry of an adoption order, parents have the right to withdraw consent to termination of parental rights on the grounds that the consent was obtained through fraud or duress.

b. All Children:

1. In considering the return of a child to the biological parents after parental rights have been terminated, the worker will follow the same placement procedure as followed in other cases.
2. The decision to return the child to the biological parents is made by the Permanency Planning Conference team. The staffing team will use the following criteria when considering the return of a child to the biological parents:
 - A. The parents meet the basic criteria as outlined in section 3.15.6.g.

- B. The return is in the overall best interest of the child.
- C. The family has resolved the problems which originally led to the termination of parental rights.
- D. The child wants to be returned to their parents.

3.12 GUARDIANSHIP

AUTHORITY: AS 47.10.084 Legal Custody, Guardianship, and Residual Parental Rights and Responsibilities, AS 13.26.030 Status of Guardian of Minor; General, AS 13.26.035 Testamentary Appointment of Guardian of Minor, AS 13.26.045 Court Appointment of Guardian of Minor; Conditions for Appointment, AS 13.26.070 Powers and Duties of Guardian of Minor; AS 47.10.115 Permanent Fund Dividend, 7 AAC 53 Child Foster Care Payments, Subsidized Adoption and Subsidized Guardianship Payments

PURPOSE: To establish a permanent placement for children in OCS custody when permanency through adoption is not an appropriate permanent plan for the child.

POLICY:

- a. A plan for guardianship may be considered for all children in OCS custody who are in an alternate family living situation that appears to be safe and permanent as documented in an approved homestudy. Guardianship carries some legal risk of the arrangement being reversed. Consequently guardianship is not the preferred permanent plan for children under age 10. Certain guardianships may be subsidized. (See Administration Chapter, section 6.2.2.6.B Guardianship Subsidies for procedures.)
- b. Adoption is the preferred permanent plan for children, regardless of age, when reunification with the parents is not possible. When adoption is not an option for permanency, guardianship may be considered. Guardianship must be the permanent plan for the child, not a temporary arrangement for reunification with the parents pending changes in parental behavior. Open contact with birth parents in guardianship arrangements is encouraged in all cases except where birth parents would seriously interfere with the permanence of the placement or present a danger to child and guardian.
- c. In a legal guardianship, the biological parents retain the following residual parental rights and responsibilities, unless the parental rights have been terminated, or any residual parental right or responsibility has been delegated to the guardian by court order:
 1. reasonable visitation;
 2. consent to adoption;

3. consent to marriage;
 4. consent to military enlistment;
 5. consent to major medical treatment except in cases of emergency;
 6. the responsibility for support.
- d. When to consider a legal guardianship for a child: Guardianships should be implemented only in limited circumstances, and these circumstances have been reviewed at the permanency planning conference. The following circumstances will be reviewed when considering a plan for guardianship.
1. Every effort has been made to place the child with a relative who wants to adopt. If not available for adoption, then a relative has been identified as the proposed guardian and they agree to safely and permanently parent the child until majority.
 2. The social worker has demonstrated efforts to place the child for adoption, this includes:
 - A. counseling for the prospective permanent family and child around the issues of guardianship and adoption;
 - B. a completed relative search has explored potential relative adoptive placements, and is documented in ORCA;
 - C. the worker has documented in ORCA discussion of adoption plan vs. guardianship plan with prospective permanent family;
 - D. if no relative resource exists; efforts to identify an adoption placement have been explored and documented in ORCA.
 3. Other special circumstances for guardianship will be reviewed and approved by the regional adoption specialist and State Office adoption staff.
 4. The legal opinion by the AAG does not support termination of parental rights, based on the facts of the case.
- e. Requirements for Families: In order to become guardians, the guardian must:
1. have cared for the child a minimum of six months, or have previously cared for the child at least six months, in order to assess adjustment and attachment in the family; and

2. agree to assume guardianship duties and responsibilities and provide a stable home for the child until he/she reaches age 18; and
3. receive an approved guardianship homestudy; and
4. if applicable, sign the Guardianship Subsidy Agreement; and
5. agree to make reports to the court on an annual basis.

f. Duties and Responsibilities of a Legal Guardian

1. The rights and responsibilities of the guardian are specified in the court order appointing the guardian. Generally, the guardian is responsible for the child's property, and can apply for assistance and/or benefits on behalf of the child. The guardian is also usually responsible for the physical care and control of the child, the determination of where and with whom the child will live, the right and duty to protect, train and discipline the child, and the duty of providing the child with food, shelter, education and medical care.
2. Any Permanent Fund Dividends for the child that are held in trust by the OCS during the period of time that the child is in OCS custody, will remain in trust until the child reaches the age of 18 years of age. Once the child reaches 18 years of age, the Permanent Fund Dividends held in trust will be released to the child. See 6.2.3.2.B Releasing PFD Trust Account.
3. The guardian is responsible for applying for Permanent Fund Dividends on behalf of the child for any and all years subsequent to the finalization of the guardianship, so long as the child remains eligible for the Permanent Fund Dividend benefit.
4. The guardian may be removed from the guardianship duties and responsibilities only by court order.
5. As required in AS 13.26.070 (4), the guardian must file a brief annual report to the court on the welfare of the minor and the condition of the minor's estate.

PROCEDURES:

- a. Recommendation to, and approval by, the Permanency Planning Conference of guardianship as the goal. For children under 10 years of age, the Director or designee must approve the goal of guardianship for the child. (See section 3.12(i)(4)).

- b. After a permanency planning conference has determined a goal of guardianship, the worker will review the plan with the child, when age appropriate, and complete discussions with the child, the proposed guardians, and the birth parents to ensure agreement with the plan of guardianship.
- c. The social worker will obtain a guardianship homestudy that will be approved by the regional adoption specialist.
- d. If a subsidy is recommended for the child at the Permanency Planning Conference, negotiate the guardianship subsidy with the guardian family (See Negotiating Subsidies 6.2.2.6.C).
- e. Review Court Procedures chapter, section 4.1(i) Guardianship of Minors for information about court procedures for guardianship.
- f. Contact the AAG for direction in filing appropriate legal proceedings. If time constraints prevent the AAG from taking action, proposed guardians may obtain their own attorney and file the court action.
- g. Be sure guardians understand their legal obligations as guardians, as well as the fact that after the guardianship is finalized and OCS custody ends, the AAG can no longer represent the case. Any subsequent court actions would require the guardians to obtain their own attorney.
- h. Department staff may not stipulate to a guardianship until:
 - 1. A Permanency Planning Conference has been held approving the goal of guardianship, and
 - 2. If applicable, the guardianship subsidy has been approved by the Director or designee.
- i. The child must also meet one of the following criteria to be eligible for a guardianship:
 - 1. For children over the age of ten, in order of preference, which is based on the highest degree of permanence for the child:
 - A. The child is not legally free for adoption, but desires a guardianship plan and the birth parents agree and/or prefer guardianship; or
 - B. The child is legally free for adoption but does not want to be adopted; or guardianship is preferred over adoption due to compelling cultural or

other reasons as outlined in P&P 4.4.(i)(5)(B).

- C. The child is not legally free for adoption and agrees to guardianship, and the birth parents, although they will not agree, are not likely to interfere with the guardianship plan (as based on previous experience with the birth parents.)
- 2. Children under the age of ten will only be considered for guardianship if:
 - A. Guardianship is the recommended permanency plan for the child as documented in the permanency planning conference in ORCA, and the plan has been approved by the Director or designee; and
 - B. The child is part of a sibling group where one or more children is over the age of ten and the plan is for the sibling group to remain together under the guardianship with the proposed guardian; or
 - C. There are compelling cultural or other reasons which make guardianship the preferred choice over adoption as outlined in P&P 4.4.(i)(5)(B).
 - 3. All subsidized guardianships of children under the age of ten must be pre-approved by the Director's designee after the Permanency Planning Conference has made the recommendation. The primary factor to be considered is whether the plan will reasonably assure permanence for the child until the age of 18 years.
 - 4. Approval Process for Children under Age 10:
 - A. Guardianships for children under the age 10 do not reflect best practice for placement of young children. Careful consideration must be given for implementation of a guardianship plan for children under age 10.
 - B. The worker will write a memo to justify why the guardianship is in the best interest of the child, and document efforts made toward a plan of adoption. The documentation in the Permanency Planning Conference in ORCA should reflect why the goal of guardianship is most appropriate (instead of adoption). This should also be referenced in the memo.
 - i. It is expected that the memo should be sent within 10 working days of the permanency planning conference.
 - ii. The memo and Permanency Planning Conference form will be routed to the Director or designee, through the S.W. IV, S.W. V, and the Regional Adoption specialist.

- C. When the State Office review of the request has been completed, the Director or designee will document approval or disapproval of the guardianship plan within 10 working days in an activity note in ORCA.
- j. If approval for guardianship is not granted, the worker will need to schedule a permanency planning conference to discuss an alternate permanency plan for the child and the guardianship family.
- k. Legal Issues: When parental rights have not been terminated, it is necessary to exercise caution and implement the plan only after careful consultation with parents, AAGs, and the proposed guardians to assure that either the biological parent agrees with the plan or will not interfere with the permanence of the guardianship arrangement. Contested guardianships should only be entered into after careful consultation with AAG and Permanency Planning Conference. The worker should include in the guardianship petition the request to transfer residual parental rights, if any, to the guardian. The worker should also ensure that the order provides for notice to OCS in the event that the parent seeks to have the guardianship set aside.
- l. Disruption of Placement: The possibility of disrupted guardianships exists. Birth parents may challenge the guardianship legally, after it is awarded by the court. This risk needs to be clear to the guardians, although the birth parents would have to obtain the services of an attorney and file action in the court. A Guardian ad Litem would be appointed, but the guardians would have to hire their own attorney.

3.13 PERMANENT FOSTER CARE

AUTHORITY: AS 47.10.010 Jurisdiction

POLICY: If approved by the Permanency Planning Conference team, permanent foster care by formal agreement is a permanency planning option for certain children in division custody, when other more permanent options are not feasible. This option is considered the last resort for permanency.

PROCEDURE:

- a. Formalized permanent foster care may be appropriate when it would allow the child to remain in a stable placement which has exceeded one year.
 1. Clear documentation in the case record indicate that services have been provided to the family, but the child is unlikely to return home.
 2. Adoption is not feasible, after careful casework/counseling, documented in case file, has determined that the child refuses to be adopted or a Permanency Planning Conference has determined that another compelling reason exists for not filing a petition for termination of parental rights.
 3. Guardianship is not feasible, after careful casework/counseling, documented in case file, has determined that the child refuses to accept a guardianship arrangement.
 4. The child is Native and it is not in his/her best interest to sever the parent-child relationship, and a guardian is not available.
- b. Implementation:
 1. The worker discusses this option with the foster parents and child, determining that the foster parents are definitely willing to commit to raising the child until adulthood and the child wants to stay.
 2. The worker presents the case to the permanent planning staffing team and permanent foster care is approved by the team as the most appropriate permanent plan for the child. Additionally, the Children's Services Manager must review and provide statement of support. If permanent foster care is selected as the permanent plan instead of adoption or guardianship, the reasons for the decision must be documented.

3. The worker, child, foster parents, and tribal representative, if a Native child, sign a formal agreement clearly stating that the child will remain with the foster family on a permanent basis. The signing of the agreement is conducted with everyone present, including the foster family's own children, and is presented to the child as an important accomplishment for permanency.
4. The worker will also request that a permanency hearing be scheduled to formalize the placement as the permanent placement for the child.

3.14 INDEPENDENCE AND SELF-SUPPORT

3.14.1 LIFE SKILLS ASSESSMENT

AUTHORITY: 42 U.S.C. 675(1)(D) (Title IV-E - Definitions)

PURPOSE: To ensure that the life skills of youth in custody are assessed prior to release from custody.

BACKGROUND: As youth in foster care become older and approach the age of majority, it is important that they learn the necessary life skills that will help them achieve self-sufficiency as adults. Acquisition of these skills is necessary even if the youth will achieve permanency through adoption or family reunification.

POLICY: It is the policy of the Office of Children's Services to ensure that children in custody age 16 and older who are placed out-of-home are assessed for independent living skills, and that services are provided to assist them in developing skills needed to live independently. Youth in out of home placement are to complete the Ansell Casey Life Skills Assessment (ACLSA), at least annually at the latest from the age of 16 until release of custody.

ABOUT THE ANSELL CASEY LIFE SKILLS ASSESSMENT (ACLSA):

a. Life Skill Areas Assessed:

1. Career Planning;
2. Communication;
3. Daily Living;
4. Home Life;
5. Housing; Money Management;
6. Self-Care;
7. Social Relationships ;
8. Work Life;
9. Work & Study Skills.

b. The assessment may be taken electronically or on paper. It takes about 15 to 30 minutes to complete. Both a primary caregiver (i.e. a foster parent, residential care staff, or worker) and the youth complete separate assessments, and the results are scored automatically. The

scores and responses in the ACLSA reflect a youth's strengths as well as areas for growth. This information can be useful in case planning.

- c. Completing the assessment electronically is preferred, as the answers to the assessment are scored automatically and the results can be sent to the social worker via e-mail. The ACLSA can be accessed via the Internet at <http://www.caseylifeskills.org/>. The procedure for taking the assessment is quite simple, and instructions are available on-line. When it is not feasible to complete the assessment online, it can be completed on a paper form and sent to the Alaska Center for Resource Families (ACRF) for data entry and scoring.
- d. The ASCLA website contains information about activities and exercises to teach life skills to youth, activities for foster parents, and a comprehensive guidebook for using the assessment in developing a case plan.
- e. The ACRF can help foster parents with the administration of the assessment as well as provide resource materials for improving life skills.

PROCEDURE:

- a. Youth in out-of-home placement, age 16 and over, are to complete the ACLSA annually. The Individual Report is used to work with the youth in the development of a transition or exit plan and is filed in the youth's case file.
 - 1. The assessment must be completed by the youth. It is preferred that a primary caregiver complete the assessment on the youth as well.
 - 2. It is not necessary that the youth and caregiver complete the assessment at the same time, so long as both are done within 30 days of each other.
 - 3. The assessment may be administered more frequently if desired.
- b. The worker will ensure that the ACLSA is discussed with the foster care provider and youth, including how it is used, how the results will be incorporated into the transition and exit planning process, and whether the assessment will be done online, on a paper form, or telephonically (that decision will be based on the youth's and care provider's access to a computer and the Internet, and their preference). If the youth or foster care provider have questions or concerns regarding the assessment, they may contact the OCS Regional Independent Living Specialist or the ACRF.

c. Completing the ACLSA:

1. Assigning the Organization ID, Youth ID, and e-mail address.

A. The worker will provide the Organizational ID, Youth ID, and e-mail address to the youth and caregiver completing the assessment. The Organizational and Youth ID are required to match the youth and caregiver responses for the individual report. The e-mail address provided is where the individual report will be sent if the assessment is completed electronically.

B. Organizational ID: The Organization ID will consist of the code: AKOCS followed by a space and the region code. The region codes are as follows:

Anchorage Region: AKOCS AR
Northern Region: AKOCS NR
South Central Region: AKOCS SCR
Southeast Region: AKOCS SER

Example: For a youth completing the assessment from the Anchorage Region, the Organization ID would be: AKOCS AR.

C. Youth ID: The youth ID is the young person's social security number.

D. E-mail Addresses: There are four slots available for e-mail reports of the youth's assessment:

- The "matching e-mail" slot should be used if the youth and caregiver are taking the test together. This slot will give the youth and caregiver score information on the same report.
- There are three slots that can be used for additional e-mail addresses: One slot should be used to notify the youth's social worker so assessment scores can be added to the case file.

2. For Online Administration: The youth and care provider will complete the following steps:

A. From the ACLSA homepage <http://www.caseylifeskills.org/>, click on the **Assessments** tab and select **Proceed to Assessments**.

B. Choose the assessment you want to complete. The assessments are grouped by chronological ages:

- ACLSA-I: (ages 8-9)
- ACLSA-II: (ages 10-12)

- ACLSA-III: (ages 13-15)
- ACLSA-IV: (ages 16+)

Specific youth and developmental levels may require use of the ACSLA different from chronological age. Then select either the youth or caregiver version of the form. Click the **Begin** button.

- C. Read the Terms and Conditions and accept by clicking the **Yes, I Agree** button.
- D. Enter the Organization ID, the Youth ID, and the assessment e-mail address. **In order to have both youth and caregiver scores appear on the individual report, it is very important that the youth and the caregiver enter the same Organization ID, Youth ID, and e-mail address.**
- E. Read the assessment instructions and answer the assessment questions.
- F. When finished, click the **I'm Finished** button.
- G. A copy of the Individual Report will be sent within moments to the e-mail addresses that were provided.
- H. It is important to note that assessments are submitted and scored only after the **I'm Finished** button on the last page of an assessment is clicked. Users are not able to complete part of the assessment and then return to it at a later time. If more than 40 minutes lapses between user responses, the assessment will "time out." Users will need to begin a new session to complete the ACLSA. If a user needs more time than the ACSLA online permits, a printed copy should be completed.

3. For Hard-Copy Administration:

- A. The worker is responsible for ensuring that the youth and care provider get copies of the assessment form. The hard copy ACLSA form can be printed from the ACLSA homepage <http://www.caseylifefskills.org>, or can be obtained from the ACRF. Be sure that the ACLSA version is the appropriate one to be administered: the ACLSA is grouped by ages and has different versions for the youth and the caregiver.
- B. The worker will provide the forms to the youth and care provider in one of the following ways:
 - i. Refer the youth or care provider to the Regional Independent Living

- Specialist or the ACRF; or
 - ii. Mail or give the appropriate assessment forms to the youth and the care provider, with a stamped envelope which is addressed to the Regional Independent Living Specialist or the ACRF.
- C. The youth and care provider will complete the following steps:
- i. Read the assessment instructions and answer the assessment questions.
 - ii. When finished, return the hard copy to the ACRF. Note the youth's name, foster care provider, and OCS social worker on the form. The ACRF will enter the answers of the ACLSA online and mail the youth and the worker a copy of the Individual Report.
- d. Failure to Complete the ACLSA: If an assessment is not completed, the worker must document the reason and the attempts that were made.

RESOURCES

The Alaska Center for Resource Families

Ansell-Casey Life Skills Assessment: <http://www.caseylifeskills.org>

OCS Independent Living Web Page: <http://www.hss.state.ak.us/ocs/IndependentLiving.htm>

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3.14.2 RESOURCES FOR YOUTH IN CUSTODY AND YOUTH NO LONGER IN CUSTODY

3.14.2.1 TRANSITIONING OUT OF CUSTODY

AUTHORITY: AS 13.26.090. Purpose and basis for guardianship, AS 13.26.165 Protective proceedings, AS 47.10.080 Judgments and orders, AS 47.18.300 – 390 Foster Care Transition Program, 7 AAC 53.350 Independent Living, 42 U.S.C. 677 John F. Chafee Foster Care Independence Program

PURPOSE: To prepare youth for the transition to adulthood.

BACKGROUND INFORMATION:

- a. Youth may leave state custody without being released to a parent or other adult. Other youth may exit custody through adoption, guardianship, or release to a parent or relative. Regardless of their permanency plan, all youth at age 17 can benefit from a plan that focuses on how the youth will successfully transition into adulthood and self-sufficiency.
- b. Conservatorship: A conservatorship is similar to a type of limited guardianship dealing only with issues of money and property. A young person is not declared “incapacitated” as under the guardianship statute. A conservator proceeding should be initiated if it is determined that without a conservator:
 1. the young person has receive funds or property that will be “wasted or dissipated” unless proper management is provided; OR
 2. funds are needed for the support, care and welfare of the young person or those entitled to be supported by the person and protection is necessary or desirable to obtain or provide funds.

POLICY:

- a. An Exit Plan shall be developed for every 16-year-old youth in custody. The Exit Plan becomes part of the case plan and identifies goals and programs, services, knowledge, skills, and supports which will help prepare the youth in their transition from foster care. The exit plan should be completed in tandem with educational and mental health planning, and both the child’s worker and the Independent Living Specialist should be involved in the

development of the plan. An Exit Plan outline is located in the CPS Forms subdirectory of the Statewide Forms Directory.

- b. Independent Living funds are available for foster youth.
 - 1. In order to successfully facilitate the transition from out-of-home care to independent living, youth in custody who are 16 years of age or older may access funds for goods and services to support goals, action plans, and other identified needs.
 - 2. Goods and services must meet criteria established in the published "Benefits Charts" for use of IL funds.
- c. Education or training voucher (ETV) funds for post-secondary education or vocational training are available for foster youth.
 - 1. ETV funds may be accessed based on identified needs. Youth must have received their high school diploma or GED certificate, or a diploma or GED certificate must be part of their post-secondary education or vocational training program.
 - 2. ETV funds must be used for education or training costs from an institution of higher education and must meet criteria established in the published "Benefits Charts" for use of ETV funds.
- d. For youth reaching the age of majority, the young person's ability to live self-sufficiently will be assessed. Disabilities, mental health issues, or developmental delays may mean that the person will require ongoing supportive services after release from foster care. For youth unable to live self-sufficiently:
 - 1. Special planning may need to be done for children who need developmental disability services and are about to be released from custody. Starting at least one year prior to the child being released, the worker will ensure that the child's case plan addresses services that the child will need upon release from custody. When possible, application/request for the services will be made prior to release from custody, to facilitate a smooth transition. The local adult protection worker and any other professionals who could be helpful in the area of adult services for older teens or services to the developmentally disabled should be included in the planning. The Guardian ad litem should be involved in this process.
 - 2. Special planning may be needed for youth who have a need for adult guardianship. A protective proceeding should be initiated if it is determined that without a guardian:
 - A. health care, food, shelter, clothing, personal hygiene, and protection without which serious physical injury or illness is more likely than not to occur; OR

- B. the young person's ability to receive and evaluate information or to communicate decisions is impaired for reasons other than minority to the extent that the person lacks the ability to provide the essential requirements for the person's physical health or safety without court-ordered assistance.
- e. The young person's ability to manage their financial affairs and property will be assessed and when appropriate action will be taken to get a conservator appointed.

PROCEDURE:

- a. An Exit Plan will focus on the following:
 - 1. Assess the young person's educational needs. If he or she is still in high school, OCS recommends that custody be extended until the youth completes high school (See Court Proceedings 4.1.g). If he or she has not attained a high school education and is not currently enrolled in high school, programs or services that assist in attaining a G.E.D must be identified in the youth's exit plan.
 - 2. Assess and document the young person's ability for self-support.
 - 3. The worker and the Regional Independent Living Specialist will work with the young person to build an exit plan - an individual case plan around leaving state custody and transitioning to self-sufficiency. The exit plan should include details of how the young person, after leaving custody, will:
 - A. Basic needs (i.e. shelter, transportation);
 - B. Obtain health care;
 - C. Obtain other necessary services;
 - D. Pay for the above;
 - E. Handle any funds received from the Permanent Fund Trust account or Native corporation(s);
 - F. Obtain employment, post-secondary education, or vocational training;
 - G. Re-establish connections with birth families, if appropriate;
 - H. Identify adults who can act as mentors; and

- I. Return to their home/community, if appropriate.

- b. The worker will work with the Regional Independent Living Specialist to provide or arrange for the provision of appropriate or identified independent living skills and services, including:
 1. completing education through high school or G.E.D.;
 2. a financial plan for any Permanent Fund Dividend Trust account money;
 3. provisions to apply for any unclaimed Permanent Fund Dividend money. If a parent or guardian forgot to file a PFD application for an individual, the young person may file for missed dividends within one year after he or she turns 18 years old or is otherwise emancipated. See section 6.2.3.2.C Failure to File PFD Applications.;
 4. vocational or other training, including tribal educational or vocational funding and support services, and post-secondary education through an accredited education program;
 5. obtaining and maintaining a residence;
 6. home management;
 7. money management, including handling funds received from Native corporations;
 8. obtaining health care, including Indian/tribal health care services;
 9. education regarding human sexuality;
 10. completing at least one session with mental health counselor regarding birth family issues, leaving state custody, etc;
 11. obtaining and maintaining employment;
 12. referral to organizations that can help in social, emotional and spiritual development;
 13. assistance in obtaining or compiling documents including:
 - A. birth certificate;
 - B. social security card;
 - C. death certificate(s) of parents, if one or both are dead;

- D. list of all residential placements including addresses and contact numbers;
 - E. high school diploma or G.E.D.;
 - F. list of all schools attended and transcripts if applicable;
 - G. Medicaid or other health insurance eligibility documentation ;
 - H. personal and family medical record, including a list of all clinics, doctors, or hospitals where health care was obtained;
 - I. driver's license or state ID, insurance, etc. (follow procedures in Administration Chapter, section 6.5.12 Driver's License/Driver's Privileges/Driver's Education);
 - J. driver's insurance;
 - K. resume;
 - L. reference letters for work and housing;
 - M. list of known relatives, addresses, phone numbers;
 - N. emancipation papers (if applicable);
 - O. e-mail address;
 - P. a list of healthcare services that are easily accessible;
 - Q. a list of emergency phone numbers, such as crisis hotlines, police, fire, drug and poison information;
 - R. a list of easily accessible counseling services;
 - S. a list of contacts for employment and vocational training;
 - T. a list of contacts for housing services;
 - U. an exit plan summary that includes options for follow-up;
 - V. For Native children:
 - i. tribal enrollment documentation;
 - ii. certification of Indian blood;
 - iii. shareholder documentation.
- c. If a minor is to be emancipated, see section 3.14.3 Emancipation.
- d. For youth reaching the age of majority, the worker will assess the young person's ability to live self-sufficiently and, if applicable, take action in accordance with the policy in this section.
- e. Assess the young person's ability to manage their financial affairs and property. After the caseworker has discussed the issue with the youth's guardian ad litem (GAL) or court appointed special advocate (CASA) and/or the Office of Public Advocacy (OPA). it may be determined that a conservator should be appointed. If such a decision is made, the caseworker will ask the GAL to initiate a conservatorship proceeding.
- f. Financial Assistance:
- 1. Independent Living Funds: See section 6.2.2.11 Request for Independent Living Individual Funds for Youth in Custody and Youth No Longer in Custody, for procedures and for a more detailed description of services and goods that may be

authorized.

2. Education or Training Voucher (ETV) funds for post-secondary or vocational training: The worker will assist the youth in completing the ETV application, gathering the supporting documentation, and forwarding the information to the Regional Independent Living Specialist or the Independent Living Program Coordinator. Additional information can be found on the OCS web site or obtained from the Regional Independent Living Specialist.

- g. Before release of custody, notify the Division of Public Assistance of change of address and custody status to ensure continuity of services to the young person.

NOTE: Resource material:

The Alaska Center for Resource Families

Ansell-Casey Life Skills Assessment: <http://www.caseylifeskills.org>

OCS Independent Living Web Page: <http://www.hss.state.ak.us/OCS/IndependentLiving.htm>

3.14.2.2 RESOURCES FOR FORMER FOSTER YOUTH

AUTHORITY: 42 U.S.C. 677 John F. Chafee Foster Care Independence Program

PURPOSE: To assist former foster youth to adjust to independence.

POLICY:

- a. Independent Living funds are available for former foster youth.
 1. Youth who were in custody on or after their 16th birthday for six consecutive months and not yet age 21 may access independent living funds.
 2. Goods and services must meet criteria established in the published "Benefits Charts" for use of IL funds.
- b. Education or training voucher (ETV) funds for post-secondary education or vocational training are available for former foster youth.
 1. Youth must have been in custody on or after their 16th birthday for a period of six consecutive months, have started their post-secondary education by age 21, and not yet have reached age 23. For a youth who started post-secondary education by age 21, funds may be provided until age 23.
 2. ETV funds must be used for education or training costs from an institution of higher education and must meet criteria established in the published "Benefits Charts" for use of ETV funds.

PROCEDURE: If a worker is contacted by a former foster youth in need of independent living services or funds, the client should be referred to the Independent Living Program Coordinator in OCS State Office or the Regional Independent Living Specialists. Information regarding eligibility and services is also available on the OCS web site.

NOTE: Resource material:

OCS Independent Living Web Page: <http://www.hss.state.ak.us/OCS/IndependentLiving.htm>

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3.14.3 EMANCIPATION

AUTHORITY: AS 9.55.590 Removal of Disabilities of Minority, (See Court Proceedings chapter, section 4.1.j Emancipation for legal definition),

POLICY: Emancipation may be an option for youth in division custody who are at least 16, are living separate and apart from the parents or guardian, are capable of sustained self-support and management of their own financial affairs, and want to be emancipated. The worker may develop a plan for legal emancipation with the youth, when appropriate. A plan of emancipation must be approved by the Permanency Planning Conference and submitted to the Field Administrator for final approval.

PROCEDURE: Emancipation is a major step in a young person's life. It has serious and immediate consequences. The responsibilities of adulthood can be overwhelming for a person who does not have a stable living situation and a steady income. For this reason, emancipation will only be granted to a minor who is living responsibly on their own.

- a. Review Court Procedures Chapter, section 4.1.j. Emancipation is governed by statutory requirements.
- b. Assess and document the child's ability for self-support.
- c. Build an individual case plan around emancipation.
- d. Provide or arrange for the provision of services to assist the youth. This should include, but not be limited to counseling in:
 1. completing education through high school or GED;
 2. apartment living/home management;
 3. money management;
 4. obtaining health care;
 5. referral for Family Planning counseling;
 6. obtaining employment;
 7. obtaining driver's license, insurance, etc. (follow procedures in Administration

Chapter, section 6.5.12 Driver's License/Driver's Privileges/Driver's Education);

8. referral to organizations that can help in social, emotional and spiritual development;
 9. make sure there is a clear understanding of the new legal status/rights of emancipation and reason for the agency's involvement;
 10. assist the youth through the legal process in obtaining an emancipation. (See Court Proceedings chapter). A guardian ad litem should also assist in this aspect;
 11. when working with pregnant teens eligible for emancipation, consider all of the above and in addition, review Administration Chapter, section 6.2.2.3.C. Pregnant and Parenting Teens.
- e. After the Permanency Planning Conference where emancipation has been approved as the permanency goal, the worker will request Field Administrator approval of the goal by sending a copy of the Permanency Planning Conference form (06-9718) to the Field Administrator.
- f. Independent Living or Education Voucher funds may be available to the youth: see section 3.14.2 Transitioning out of Custody.
- g. Provide or arrange for adequate supervision of clients in independent living situations. See section 6.2.2.7 Request for Funds, for payment procedures.

3.15 ADOPTION

AUTHORITY: AS 25.23 Adoption, P. L. 105-89 Section 202 Adoption and Safe Families Act of 1997

POLICY: Adoption is the preferred option to providing permanency for children when reunification is not possible. Adoption provides a legally permanent family for the child. The division's goal is to provide the best placement for the child, preferably with relatives, that can meet the child's needs and to provide that permanency within a reasonable time. The division will recruit homes and remove barriers to permanent placement, including permanent placement in another jurisdiction within and outside Alaska, such as recruitment through the Alaska Adoption Exchange. It is the policy of the division to follow the placement preferences of the ICWA.

Prospective adoptive families, including relatives and foster families, are entitled to careful preparation, assessment, placement and follow up services. The children should be carefully prepared for placement. In many cases continued contact between parent and child, in an open adoption arrangement, is in the best interests of the child. Placement preferences are outlined in Section 3.15.2 of the CPS Manual. If the adoption is to be subsidized see Administration Chapter, section 6.2.2.6.A Adoption Subsidies for procedures.

PROCEDURE: Each region has appointed a regional adoption specialist, to act as regional coordinator for adoption services and liaison with other regions and State Office. The role of the regional adoption specialist includes, but is not limited to, the following:

- a. Knowledge of all aspects of adoption: recruitment, child preparation, family preparation, home study and assessment, placement, follow up and post-finalization, and availability to consult with staff on adoption and guardianship issues.
- b. Review all adoption forms from the region, including exchange adoption registrations, for completeness, not only of the form but of the process, before submission to the adoption coordinator in State Office.
- c. Participate in all Permanency Planning Conferences especially where adoption or guardianship is the goal, to consult regarding placement planning.
- d. Attend regular statewide adoption meetings and training.
- e. Promote the efforts in the region to do consultation with social workers on adoption and guardianship issues, recruitment, promoting child specific recruitment, and family orientation efforts.

- f. Coordinate with ICWA and permanency planning specialists and other permanency staff in the region and other regions.
- g. All other duties referred to in Chapter 3: Permanency Planning.

3.15.1 SUBSIDIZED ADOPTION

AUTHORITY: AS 25.23.190 Adoption Assistance, AS 25.23.210 Amount and Duration of Subsidy Payments, AS 25.23.220 Annual Reevaluation, AS 25.23.240(7) Definitions, P. L. 96-272, Sec. 473 Adoption Assistance and Child Welfare Act of 1980

POLICY: Under federal and state law a subsidy may be provided to families who would not be able to offer an adoptive home to a hard-to-place/special needs child without continuing financial and/or medical assistance. A "hard-to-place"/special needs child is defined as a minor who is not likely to be adopted by reason of physical and or mental disability, emotional disturbance, recognized high risk of physical or mental disease, age, membership in a sibling group, racial and or ethnic factors, or any combination of those conditions. For procedures, see Administration Chapter, section 6.2.2.6.A Adoption Subsidies.

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3.15.2 PLACEMENT PREFERENCES FOR LEGAL-RISK AND ADOPTIVE PLACEMENTS

AUTHORITY: AS 25.23.127 Adult Family Member Preference to Adopt, AS 47.10.088 Termination of Parental Rights and Responsibilities, AS 47.10.990 Definitions, AS 47.14.100 Powers and Duties of Department over Care of Child, P. L. 95-608 Indian Child Welfare Act of 1978, P. L. 103-382 Multiethnic Placement Act of 1994, P. L. 104-188, section 1808 Small Business Job Protection Act of 1996, P. L. 105-89 Adoption and Safe Families Act of 1997.

PURPOSE: To define placement preferences for adoptive placements.

POLICY:

- a. Placement settings will always be selected on the basis of the best interests and needs of the child.
- b. The order of placement preference specified by Alaska law will be followed (see procedures (b)(1)). Placement of Alaska Native, American or Canadian Indian children will follow the preference of the Federal ICWA and any ICWA State - Tribe Agreement, unless there is good cause to the contrary or the child's tribe issues a resolution re-ordering the placement preferences. See procedures (d)(1).
- c. Placement may not be delayed pending completion of a search for a preference placement, except that placement of Native children will follow the requirements of the ICWA. It is expected that the search for adult family members or other relatives for potential placement will begin at the time of the initial placement.
- d. Every effort should be made to place siblings together.
- e. All appropriate potential placement resources will be considered, regardless of whether the placement resource is located within or outside of Alaska. You may not exclude potential placement resources located in another jurisdiction inside and outside of Alaska.
- f. OCS will place children in a timely manner, seeking to remove barriers that delay permanent placements.

PROCEDURES:

- a. When formulating recommendations regarding legal-risk and adoptive placement, the

Permanency Planning Conference participants must consider that siblings should be placed together, unless there is substantial documented evidence that such a plan would be damaging to the children. Separating siblings because of the children's special needs, requires the approval at the Permanency Planning Conference. Continued and planned contact between siblings should be maintained. This will be a important criterion in the selection of the permanent families.

b. All Children:

1. The following order of preference applies to adoptive placements of children in OCS custody:

A. Adult family member.

- i. "Adult family member" is defined as a person who is 18 years of age or older and who is related to the child as the child's grandparent, aunt, uncle, or sibling or is the child's sibling's legal guardian or parent.
- ii. If an adult family member who has had physical custody of a child for at least 12 consecutive months before the parental rights to the child have been terminated, petitions to adopt the child, the court must grant the petition unless:
 - the court finds that the adoption would not be in the child's best interest; or
 - the child is 10 years of age or older and does not consent to being adopted by the family member.

B. Family friend who meets the foster care licensing requirements.

C. Licensed foster home

2. Placement Search

A. Before identifying a placement of a child in an adoptive home, OCS will attempt to locate all living adult family members of the child, and provide to all adult family members who have been located written notice of the adult family member's rights and of the procedures necessary to pursue custody of the child.

B. If an adult family member expresses an interest in adopting a child, OCS will investigate the adult family member's ability to care for the child and will approve the request unless there is good cause not to approve.

C. The requirement to provide written notice does not apply to a parent of the child whose parental rights are being or have been terminated, or to an adult family member who is known to OCS to be ineligible for a foster care license due to the

person's criminal record or substantiation as a perpetrator of child abuse or neglect.

- D. For the purpose of determining whether the home of a relative meets the requirements for placement of a child, the department shall conduct a criminal background check from state and national criminal justice information available under AS 12.62.
 - i. The department may conduct a fingerprint background check on any member of the adult family member's household who is 16 years of age or older when the relative requests placement of the child. See section 6.8.4 Criminal Record Check.
 - ii. For family friends, a fingerprint background check is required for all household members 16 or older, in accordance with the requirements for foster care licensing. See Community Care Licensing Manual Chapter 600.
- E. An individual decision must be made regarding each child. These needs must be evaluated along with the child's other needs, such as the child's developmental, educational, medical, and psychological needs, the child's attachment to current caretakers, and the child's interests, personality, and abilities.
- F. All factors that are considered in placement decisions must be documented in the case file.
- G. When it has been determined that placement with an adult family member or when not available, a family friend, is not in the best interests of the child, the relevant facts must be documented in a relative/placement search activity note in ORCA, and if an adult family member or family friend had requested the placement, then OCS must inform the family member or family friend of the basis for denial and the right to request a hearing to review the decision.
- H. Any placement outside these preferences requires the approval of the Permanency Planning Conference members. The approval must be obtained prior to the placement, unless the child is already living in the home.

d. Placement Preferences for Native Children:

- 1. Special considerations and procedures are required for adoptive placements of Native children. The Indian Child Welfare Act specifies an order of preference for the adoptive placement of Native children (P. L. 95-608). The ICWA order of preference supercedes the order of preference specified in Alaska law. The ICWA placement preferences are:

A. First Placement Preference: A member of the Native child's extended family.

“Extended family member” will be defined by the law or custom of the Indian child’s tribe. Indian tribes have a broad definition of family, in some cases extending to the entire clan or tribe. In the absence of such law or custom, it will be a person who has reached the age of eighteen and who is the Indian child’s grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparents. NOTE: Extended family includes non-Indian relatives. If a member of a child’s extended family cannot be located or shows no interest in adopting the child, or is inappropriate, then the next alternative is.

- B. Second Placement Preference: Other members of the Native child’s tribe.
 - C. Third Placement Preference: Other Native families. Whenever possible, the other Native family should be a similar Native/Indian heritage and language group. For example, a Tlingit child should be placed with a Tlingit family , rather than with an Eskimo family. An Inupiat Eskimo child should be placed with an Inupiat Eskimo family, rather than a Yupik Eskimo family. If all attempts to find a family of similar Indian heritage and language fail, then move on to consider an Indian family of dissimilar heritage such as an Athabascan child with an Eskimo family. Indian families in other parts of the United States from other cultural or language groups also fall under this preference.
 - D. The order of preference applies unless the child’s tribe establishes a different order of preference by resolution.
2. Conduct a diligent search for a Native home that meets the preference criteria. A diligent search includes the following:
- A. The worker should obtain as complete a family tree as is feasible, and workers continue to add to it as the case develops.
 - B. The worker should first conduct a relative search and to notify the child’s village/tribe in writing and to request assistance in finding a placement.
 - C. All relatives should be contacted. If the relatives are not nearby contact the child’s tribe and the ICWA Specialist or the OCS worker closest to the village or tribal community to assist you by making a personal contact. If the tribe does not respond, contact the Bureau of Indian Affairs (BIA) for help.
 - D. Permanency Planning Conference will be completed at the six month review. Placement staffing will occur at the one year administrative review. Permanency planning is an ongoing process and can occur more than one time.

- E. Native Social Service agencies are an additional contact resource. They may be aware of other relatives or tribal members who can be resources, or they may assist you with relative contacts. Every effort should be made to include tribal representation in all decision making for the placement of Native children.
 - F. Children needing resources should be listed on the Alaska Exchange as well as Regional and Native Exchanges.
3. A biological parent's wish for anonymity should be honored to the extent possible, but it does not outweigh the child's right to grow up in an Indian family or the child's tribe's right to be involved. Anonymity usually can be preserved while following ICWA notice requirements, but if not, the right to notice and the child's right to grow up in a Native family prevail.
 4. Document all efforts towards finding a preference home in a relative/placement search activity note in ORCA. All contacts should be documented.
 5. The relative search should continue until: a) a relative resource is found, or b) contacts with all possible relatives suggested by the family or the tribe have been made or attempted. The search normally would continue for six months, (until the next Permanency Planning Conference). The Permanency Planning Conference team may choose to extend the time for the search if not satisfied that all possible contacts have been made. If the worker believes they have completed the search before the six months, he can request an earlier Permanency Planning Conference.
 6. The division shall not place a Native child in a legal-risk or adoptive home outside the placement preferences unless there is "good cause to the contrary". As outlined in the Federal Register (Vol. 44, No. 228), good cause to modify or waive the placement preferences shall be based on one or more of the following considerations:
 - A. The request of the child when the child is of sufficient age.
 - B. The extraordinary physical or emotional needs of the child cannot be met by anyone within the placement preferences as established by testimony by a qualified expert witness.
 - C. The unavailability of a suitable family for placement after a diligent search has been completed for families meeting the preference criteria.
 7. The burden of establishing the existence of good cause not to follow the order of preferences is on the division, but the validity of a claim for good cause is in the end determined by the court. Relevant facts must be documented in a relative/placement search activity note in ORCA.

8. The tribe must be advised of the planned out-of-preference placement by means of a certified letter, followed by a telephone call or personal contacts from an OCS employee if a written response is not received within 2 weeks. It is advisable to ask the ICWA specialist from the region of the tribe to make this contact, or recommend an employee to do so, in order to utilize developed relationships. The purpose of the contact is to verify receipt of the letter and ask for a response. The response will be recorded in ORCA.

The tribe's involvement in the planning process will be documented in ORCA.

9. The tribe may respond by opposing the placement or concurring with it. In some instances, placement preferences are changed/modified by the tribe, either for all placements or for a specific placement. Documentation of concurrence usually consists of a letter from the tribe, while placement preference changes usually is in the form of resolutions.

Preference changes must be documented in ORCA at the time the adoption subsidy is requested, or, for non-subsidized adoptions, when consents are requested.

10. Approval of Placements Outside the First Preference:
 - A. Any placement outside the first preference requires the prior approval of the Permanency Planning Conference members.
 - B. Throughout this chapter the term "Native" is used and applies to both Alaska Native and American Indian children.
11. Failed Adoptions: Whenever an adoption of a Native child is vacated or set aside or the adoptive parent voluntarily consents to termination of parental rights, the biological parent or prior Indian custodian may petition for return of custody of the child/children. The court must grant the petition unless there is a showing that return of custody is not in the best interests of the child. In a hearing on such a petition, the requirements of the ICWA apply.

3.15.3 LEGAL RISK PLACEMENTS

AUTHORITY: AS 47.05.010 Duties of Department, AS 25.23.190 Adoption Assistance, AS 25.23.200 Investigation, 7 AAC 53.200 - 7 AAC 53.250 Subsidized Adoption and Subsidized Guardianship Payments, P. L. 96-272, Sec. 473 Adoption Assistance and Child Welfare Act of 1980

POLICY: It is the policy of the division to facilitate the permanent placement of children in a timely manner and to achieve optimal opportunities for bonding with their permanent family. In order to provide for the permanent placement of certain children prior to the time all legal issues pertaining to parental rights have been resolved, the division may place children pending resolution of these legal issues.

PROCEDURES:

- a. A legal risk placement is appropriate only when adoption is already the intent of the relinquishing parent or it has been determined that the possibility of returning the child home is no longer the case plan.
- b. A Permanency Planning Conference should be held as soon as the worker has determined that a child may benefit from a legal-risk placement. The decision to place a child in a legal-risk home is made by the staffing team.
- c. Legal-risk placements are adoptive placements and require approval for adoption with a completed adoption study. The following conditions and considerations apply to all legal-risk placements:
 1. Legal-risk placements will often include cooperation regarding visitation between the child and the biological family, participation in court hearings, and coping for a lengthy period of time with the legal uncertainties of the case. Legal-risk families must be accepting of the possibility that their identity will become known to the biological family, especially with older children who are visiting with their parents and/or relatives.
 2. Legal-risk families must acknowledge and be able to accept the fact that the biological parents have rights and interests in the child which have not been legally terminated. The division cannot assume liability or make guarantees that the parental rights will ever be legally terminated. The legal-risk adoptive parents may have to cooperate with the division toward the return of the child to the biological parents, if that is the ultimate resolution of the case. At the same time, they are required to make a strong

commitment to adoption and to proceed with that plan if and when the child becomes legally free for adoption.

- d. If foster care payments are needed to meet the child's needs, the legal-risk family should be licensed as foster parents. The placement will be considered as foster care with age appropriate foster care payments until parent rights are terminated and the placement becomes an adoptive one.
- e. If the staffing team has determined that the child is eligible for a subsidy and the family is requesting subsidy payments, subsidized adoption payments will begin as soon as the parents rights are terminated, there is a positive home study, and the subsidized adoption agreements are signed and approved in State Office. (See Administration Chapter, section 6.2.2.6.A. Adoption Subsidies)
- f. The child's worker will:
 1. Personally inform the prospective legal-risk adoptive family of the legal risks involved, and, in legally complex cases, recommend that the family consult with their own attorney to obtain their opinion on the risks to the placement.
 2. Inform the family that their attorney may consult with the division's attorney regarding the legal issues.
 3. When the legal-risk placement is made, have the family sign the Legal Risk Placement Agreement form (06-9721).
 4. Continue to work toward the resolution of those legal issues that constitute a risk to the placement.
 5. Explain to the child, if old enough to understand, the exact procedures that need to take place.
 6. Maintain primary responsibility for the case until parental rights are terminated, but coordinate with the regional adoption specialist to provide supportive services to the child and family.

3.15.4 ADOPTION BY THE FOSTER FAMILY

AUTHORITY: AS 25.23.190 Adoption Assistance, AS 25.23.200 Investigation, P. L. 96-272 Sec. 473 Adoption Assistance and Child Welfare Act of 1980, P. L. 105-89, section 106 Adoption and Safe Families Act of 1997

POLICY: The decision to continue the placement of the child in a legal-risk or adoptive basis with the foster family is made by the permanent planning staffing team.

PROCEDURE:

- a. The staffing team will use the following criteria when considering the foster parents as legal-risk or adoptive parents:
 1. The family meets the basic criteria for adoptive parents outlined in section 3.16.6 Adoptive Placements with Non-Relatives. Such placement appears to be in the overall best interests of the child.
 2. Updated criminal background check for adult household members, and Prober check for household members age 16 to 18. See section 6.8.4 Criminal Record Check.
 3. Psychological bonding has been firmly established.
 4. The family has demonstrated that they can deal in a positive manner with possible contact with the biological family.
 5. The child wants to be adopted by the foster family.
- b. An adoption home study is required for all adoptive placements, even when the child has been in foster placement with the adoptive family. The purpose of the study is to assess and prepare the family for the change in their role. See Format for Adoption Home Study, section 3.23.5 Adoption Study and Assessment of Adoptive Applicants. Any special waivers for adoption need consultation and approval by the state adoption coordinator.
- c. If the staffing team recommends that the placement of the child with the foster family should continue as an adoptive or legal-risk adoptive placement, and an adoptive homestudy has been completed and approved, the worker will:
 1. Follow all applicable procedures outlined in section 3.15.6 Adoptive Placements with Non-relatives. Even though the child is already in placement with the foster family,

have them sign the Adoptive Placement Agreement form (06-9722); or the Legal-Risk Placement Agreement form (06-9721), if it is a legal-risk placement.

2. If the placement is legal-risk, follow the procedures in 3.15.3 Legal-Risk Placements.
 3. If the adoption will be subsidized, follow the procedures in Administration Chapter, section 6.2.2.6.A Adoption Subsidies. As soon as the subsidy agreement is signed and approved, subsidy payments will be initiated. Immediate initiation of adoption subsidy is strongly encouraged as it assists the family in defining their new role as adoptive parents. Subsidy agreements cannot be signed until parental rights are terminated. (Note that the monthly subsidy payments cannot exceed the foster care rate for which the child would be eligible). State Office closes foster care payments for subsidy payments.
 4. If the adoption will not be subsidized, foster care payments will be terminated as soon as the Placement Agreement is signed and parental rights have been terminated. The adoptive parents are henceforth financially responsible for the child.
- d. If parental rights are already terminated, the child has been in placement with the foster family for at least six months, and an adoption homestudy has been completed, the placement team will make a recommendation regarding whether or not an additional supervisory period is necessary before the adoption is finalized.

3.15.5 ADOPTIVE PLACEMENT WITH RELATIVES

AUTHORITY: AS 47.05.010 Duties of Department, AS 47.10.088(i) Termination of Parental Rights and Responsibilities, AS 47.14.100 Powers and Duties of Department over Care of Child, P. L. 95-608, Sec. 105(a)(1) Indian Child Welfare Act of 1978, P. L. 105-89, section 106 Adoption and Safe Families Act of 1997

PURPOSE: To ensure that adult family members and other relatives are given first consideration for adoption purposes.

POLICY: Priority for adoption will be given to relatives. This applies to both Native and Non-Native children.

PROCEDURE:

- a. The decision to place a child with relatives is made by the Permanency Planning Conference team.
- b. The staffing team must give preference, for both Native and non-Native children, to placement with adult family members or other relatives, unless it is not in the child's best interests or the criminal background check reveals prohibited crimes. "Adult family member" is defined as a person who is 18 years of age or older and who is related to the child as the child's grandparent, aunt, uncle, or sibling or is the child's sibling's legal guardian or parent. See sections 3.15.2 Placement Preferences for Legal-Risk and Adoptive Placements and 6.8.4 Criminal Record Check.
- c. Adult family members or other relatives who wish to adopt a child in OCS custody must be approved for adoption with a completed adoption study. However, Native families who have already adopted the child through the custom of their tribe may contact the Bureau of Vital Statistics regarding obtaining a new birth certificate under the customary adoption regulations, which do not require a court order, but do require a tribal statement.
- d. The staffing team will use the following guidelines when considering relatives as legal-risk or adoptive parents:
 1. The family meets the basic criteria for adoptive parents outlined in section 3.23 Adoption Study.
 2. Extended family members, including biological parents are supportive of the

placement or the family has the ability to handle and protect the child from the possibility of interference from the biological parents.

3. The family can interpret in a positive way the reasons why the biological family cannot continue to parent the child.
4. The family will not make unfair or inappropriate comparisons of the child with biological parents.

3.15.6 ADOPTIVE PLACEMENTS WITH NON-RELATIVES

AUTHORITY: AS 25.23.040(5) Persons Required to Consent to Adoption, AS 25.23.150(b) Confidential Nature of Hearings and Records in Adoption Proceedings, P. L. 95-608, Sec. 105(a)(b)(c) Indian Child Welfare Act of 1978, P. L. 96-272, Sec. 473 Adoption Assistance and Child Welfare Act of 1980, P. L. 105-89, sections 106 and 107 Adoption and Safe Families Act of 1997

POLICY: The division seeks to complete a permanent plan for all children in State's custody, when children must be placed out of their home and no relative is available, then non-relative placements are sought. For Native children, there will be a priority preference for a Native non-relative family placement.

PROCEDURE:

- a. If parental rights are terminated, or are soon to be terminated, and the child is not already in a permanent placement, a Permanency Planning Conference should be held.
- b. The decision to place the child in a non-relative adoptive home is made by the staffing team.
- c. All adoptive families must be approved for adoption with a completed adoption study and approved criminal background check. See section 6.8.4 Criminal Record Check.
- d. Referral for adoption:
 1. The worker will refer the child to the regional adoption specialist for the identification of possible adoptive families. The worker will provide the regional adoption specialist with the social history that was provided at the Permanency Planning Conference to be used in searching for and identifying adoptive possibilities. The worker will document all recruitment efforts in case file and court reports.
 2. The worker will provide to the regional adoption specialist a completed adoption exchange form and the required photographs. (See section 3.16 Alaska Adoption Exchange).
 3. It will be the regional adoption specialist's responsibility to refer the child to the Alaska Adoption Exchange for registration and for the identification possible adoptive families.
- e. If the child is 10 years or older, the child must consent to their adoption.

- f. Preparation of the child for adoptive placement: The child's worker will be responsible for preparing the child for the adoption. The worker will:
1. Discuss with the child the reasons he/she needs an adoptive family and why he/she cannot live with their own parents. If the child is in therapy, these discussions should be carefully coordinated with the therapist.
 2. Prepare with the child a history of their life through the preparation of a Lifebook.
 3. If the child is old enough, discuss with him/her their view of how they picture a new family and adoption. The child's input regarding the type of family he/she wants may be helpful. However, the child must not be given the impression that he/she will be in the position of choosing their own family. It is not realistically possible for a child to choose their own home and they may become frightened and anxious if they think that their behavior controls the situation. The worker must remember that a child age 10 or older must consent to his own adoption.
 4. Help the child resolve their feelings regarding separation from the biological family and from the foster family.
 5. For Native children, the worker will solicit help from the child's tribe to prepare child for adoption
- g. Preparation of the foster family: The child's worker is responsible for preparing the child's foster parents for the child's departure and placement in an adoptive home. The worker will:
1. Inform the foster parents both in person and in writing, that the child is going to be placed for adoption.
 2. Because foster parents can be a great help in talking with the child about what is happening, let them know what you are telling the child and how you are explaining things.

Selection of an Adoptive Family:

- A. The child's worker will make recommendations to the staffing team regarding which family appears to best meet the needs of the child to be adopted. The staffing team will make the final decision, although the worker's input is a primary basis for the decision. For Native children, the tribe will be urged to participate in making recommendations and providing primary input if the tribe is willing.

- B The selection should be made solely on the basis of the needs of the child and on the premise that every child has a right to:
- i. live in a safe and secure environment;
 - ii. a family who is emotionally and physically able to provide a loving home and has the capacity to parent the child until he/she reaches the age of majority;
 - iii. a family who can provide financial security, keeping in mind that an adoption subsidy, continuing Medicaid, or ATAP are legitimate resources. In rural areas, financial standards may differ in that subsistence living and bartering provide for many family needs;
 - iv. a family who will provide appropriate medical care;
 - v. a family who will provide education commensurate with the child's ability;
 - vi. a family who is flexible in their expectations for the child;
 - vii. a family who will allow the child to develop at their own rate and to reach their own potential;
 - viii. a family who is accepting of the child's family history and genetic background - for Native children, a family who can immerse the child in his/her culture;
 - ix. a family who will allow the child to know about himself and his background and will help the child understand and accept this knowledge;
 - x. a family who will provide the child positive racial and/or cultural identity;
 - xi. a family who will allow continuing sibling contact if siblings are not placed together and if such contact is in the child's best interests;
 - xii. a family who will allow continuing contact with biological family members, if such contact is in the child's best interests;
 - xiii. a family whose other children are supportive of the plan to adopt.

3. Whenever possible and appropriate, consideration should be given to the wishes of the biological parents/family. In some cases the parent(s) may be involved in choosing the family for their child.

h. The placement process:

1. When a family has been selected, the child's worker will:
 - A. Notify the regional adoption specialist that a family has been selected.
 - B. Coordinate with the family on decisions regarding placement visits, sibling contacts, foster parent involvement, etc.
 - C. share with the family's worker.
 - i. child's social history;
 - ii. pictures;
 - iii. psychological's, etc.
 - D. Arrange for the family to meet with the child's therapist, doctor, teacher, etc., if appropriate and possible.
 - E. Arrange for the transfer of school records and medical records.

In the placement of an infant, where confidentiality has been requested, the worker will whiteout the child's name on the medical record and fill in the adoptive name. These records will then be transferred to the physician chosen by the adoptive parents.

- F. Plan a placement schedule that allows sufficient visitation and interaction that the child is able to begin attachment to their new parents.
- G. Clarify with the family the legal responsibilities of adoption and the purpose of post-placement services.
 - i. There must be a clear understanding with the adoptive parents that these will be a supervisory period of at least six months before the adoption can be legally finalized, at which time the written consent of the Department to the adoption is necessary. The supervisory period may be longer than six months, and in the case of older children with severe problems, a longer period may be necessary. Also, older children who must give consent to

their own adoptions, may not feel ready or able to commit to an adoption within a six month time frame.

- ii. It must also be understood that circumstances may arise during the supervisory period which make it necessary to terminate the placement, either at the request of the adoptive parents or upon the decision of the Department as guardian of the child. This should occur rarely and hence should not be a cause for anxiety on the part of the adopting parents.
 - iii. Unless the adoption is subsidized, during the supervisory period and pending finalization of the adoption, the adoptive parent will be expected to assume full financial responsibility for the child, including the provision of medical, dental, and hospital care. Travel costs related to pre-placement visits and placement will usually be the responsibility of the adoptive parent.
 - iv. The adoptive parents must be advised that the child is still in the custody of the Department. Therefore consent for non-emergency major medical care must be obtained before the care is provided. Also, authorization must be obtained to travel out-of-state with the child. See the Authority to Transport a Minor form (06-9717).
- H. When the placement is made, have the adoptive family sign the Adoptive Placement Agreement form (06-9722).
2. To prepare the child for the impending move, the worker will:
- A. Discuss the child's feelings about the move and about his prospective parents.
 - B. Give the child current pictures of the prospective adoptive parents , their house, pets, etc. Possibly arrange a phone contact.
 - C. Be aware of the fact that the child's feelings toward his biological parents, may re-surface and need to be resolved.
 - D. Help the child anticipate saying good-bye to his foster family and help him to deal with his separation anxiety.
 - E. For Native children, the worker will solicit the help of a tribal representative to aid in preparing the child.
3. To prepare the foster family for the impending move, the worker will:

- A. Continue to keep them advised of planning, of their role, and of what is expected of them.
 - B. Tell the foster parents about the adoptive parents in a positive way.
 - C. Be sensitive to foster parents feelings and perceptions about the child. They will need support and understanding throughout the placement process.
 - D. Help foster parents give the child their "permission" to have a new mother and father. At the same time, help them understand that it is good for the child to know that they are sad to see him go and will grieve for him.
 - E. Ask the foster family to prepare a written statement covering the child's schedule, daily routine, eating habits, likes and dislikes, methods of effective discipline, fears, etc.
4. In facilitating the placement, the child's worker will:
- A. Arrange for the foster parents to meet the adoptive family, to discuss the child and to relay the written information.
 - B. Follow through on steps 1 through 3 of the placement process (h).
- i. Termination of the placement process:
- 1. If there are problems during the placement process which jeopardize the placement, the worker will work with the family towards resolving the problems. When appropriate, the referrals will be made to outside services, e.g., counseling. For Native children and Native homes, the worker will seek help from the child's tribe or a Native professional to resolve the problems. If the problems cannot be resolved despite these efforts, and removal is in the best interest of the child, the placement may be terminated.
 - 2. The child's worker will:
 - A. Evaluate whether the child will need to be temporarily relocated to another placement or if the child may remain in the home until identification of a new adoptive home is made.
 - B. Help the child and the family deal with their feelings around the termination.
 - C. Notify the family's worker and provide information so that appropriate follow-up will occur with the family.

- D. Provide needed follow-up with the child and foster family; coordinate with the therapist, tribe, etc.
- E. If the termination of the placement will result in the consideration of families outside the placement preferences, reconvene the Permanency Planning Conference team to consider alternatives for the child.
- F. If the termination occurred because of new or relevant facts that may effect the placement needs of the child, reconvene the planning staffing team to re-evaluate the placement option.
- G. Initiate the process to locate another adoptive family.

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3.16 ADOPTION EXCHANGES

AUTHORITY: AS 47.10.080(l) Judgments and orders, AS 47.10.086(d) Reasonable efforts, AS 47.10.088(i) Termination of parental rights and responsibilities, AS 47.10.090(d) Court Records, AS 47.14.100 Powers and duties of department over care of child, 42 U.S.C 675 Title IV Part E – Federal Payments for Foster Care and Adoption Assistance – Definitions

PURPOSE: To establish the process for referrals to the Alaska Adoption Exchange, the Northwest Adoption Exchange, and the AdoptUsKids exchange and meet the federal requirement to facilitate orderly and timely in-state and out-of-state placements.

BACKGROUND INFORMATION:

Many children who have a permanency goal of adoption are in an identified permanent home when that goal is established. However, there are also children who are freed for adoption, but do not have an identified permanent home. The Alaska Adoption Exchange (AAE) was developed to recruit an approved adoptive family for children in the legal custody of the OCS who have a permanency goal of adoption and no identified permanent home.

The AAE provides a photo listing of the child as well as a listing of the child's hobbies, interests and strengths, so that prospective adoptive families have information to decide if they wish to be considered as an adoptive home for the children. Additionally, the AAE features Alaska families who are available to adopt a child from the OCS. The listing offers OCS workers additional placement options for children in need of a permanent home. Thus, workers can view families located in other regions in the state. The AAE is a resource to facilitate in-state and out-of-state placement resources for children where adoptive placements are required interjurisdictionally.

The Northwest Adoption Exchange provides photo listings of children waiting for adoption and families with adoptive home studies from all over the United States.

The AdoptUsKids national adoption web site lists children available for adoption and prospective adoptive parents.

POLICY:

- a. Children. Children in the OCS custody will be registered on the Alaska Adoption Exchange as soon as adoption has been identified as the permanent plan when any of the following circumstances exist for the child:

1. The child is legally free for adoption with no identified permanent home,
 2. The child is not yet legally free, but has adoption as the permanent plan and for whom termination of parental rights is planned, and who currently have no identified permanent resource. The children can be registered with the exchange if the child's worker has a court order to search for an adoptive family, including listing on the Alaska Adoption Exchange.
- b. Registration on the Northwest Adoption and AdoptUsKids Exchanges:
1. If a legally free Alaskan child is listed on the Alaska Adoption Exchange, he or she will automatically be listed on the Northwest Adoption Exchange, and the AdoptUsKids national adoption website.
 2. Children who are not legally free will not be registered on the Northwest Adoption or the AdoptUsKids exchanges.
- c. Approved Families. Exchange staff will register all legal-risk or adoptive families who have a completed, approved special needs adoption home study on file. Only families who are approved for the following types of children will be registered:
1. Minority children of varied ages.
 2. Children of varied ages with significant physical, emotional, intellectual, or mental handicaps, which require special care.
 3. Sibling groups.
 4. Children for whom there are certain legal risks inherent in the placement.
- Families who are interested in adopting a child with minimal, mild or correctable special needs, or who only wish to adopt healthy infants will not be listed on the Alaska Adoption Exchange. To the greatest extent possible, these families should be referred to private adoption agencies for further assistance with adoption.
- d. Registration of Families: Families may be registered by OCS workers, Tribal organizations, private providers recommended by the State Office Resource Family Section, private adoption agencies, and child placement agencies. Only families with a current, completed, approved special needs adoptive or legal risk home study may be registered. All family home studies must be first approved by the Regional Adoptions Specialist for the region in which the family resides.

1. Requirements for Home studies:

- A. Positive home studies done by the OCS staff, private adoption agencies, Tribal organizations, and private providers recommended by the State Office Resource Family Section, and which meet the requirements in section 3.23.5 Adoption Study and Assessment of Adoptive Applicants, will be approved. A CPS check and criminal background check (FBI and State fingerprint checks) are a required component of the home study.
- B. In order to remain current, home studies must be updated annually for the first two years after they were completed; and at any time that there is a significant change in the family's situation, i.e. a move, or a change in type of child they will consider, etc. At the end of the third year a complete home study is needed.

PROCEDURE:

- a. Registration of children: Only the OCS staff may register children on the exchange.
 - 1. Within fourteen days after the Permanency Planning Conference has recommended that a child be registered on the exchange, the Regional Adoptions Specialist will notify the OCS State Office Resource Family Section of the recommendation to place a child on the Exchange. Additionally, the child's OCS worker will:
 - A. Complete an Alaska Adoption Exchange Child Registration Form.
 - B. Include three original prints (or digital, electronic copies) of a photograph of the child to be listed on the Exchange. The photographs need to be clear and well focused, with good contrast, against a simple background.
 - C. If the child is Alaska Native/American Indian, notify the tribe in writing that the child is being registered on the exchange.
 - D. Notify the child's Guardian ad Litem of the child's registration on the Exchange.
 - E. Send the completed registration form and photos to the Regional Adoption Specialist.

2. The Regional Adoption Specialist will sign the registration form and forward it with the photos to the Alaska Adoption Exchange. If information or photos are missing, the Regional Adoption Specialist will not delay the registration on the Alaska Exchange waiting for the information/photos.
3. The State Office Adoption Exchange staff will:
 - A. Send an acknowledgment to the worker within seven days of receipt of the child registration. If additional information or photos are needed, Exchange staff will contact the child's worker directly.
 - B. Write a child profile based on the information provided on the registration form and other submitted information, and enter the profile and the child's picture on the photo listing website.
 - C. Send a copy of the child's profile to the child's worker.
 - D. Send a copy of the child's profile to the child's tribe, if the child is Native.
 - E. Send a copy of the child's profile to the child's Guardian ad Litem.
 - F. Enter the date of registration and the child's AAE profile into an Activity Note in ORCA.
 - G. Forward a copy of the registration form and photograph for further listings on the Northwest Adoption and the AdoptUsKids Exchanges.
- b. Registration of Families:
 1. Registration of Families by OCS workers: When an OCS worker is contacted by or finds out about a family wanting to adopt, and the family has a completed, approved special needs adoption home study and a child has not already been identified for placement with the family, the worker will refer the family to the regional adoption specialist for follow-up with the exchange registration requirements.
 - A. When the registration form has been completed, the regional adoptions specialist will submit the completed registration form, the home study, and photos of the family to the Resource Family Section in State Office.
 - B. Resource Family Section staff will:
 - i. complete CPS checks;
 - ii. contact the provider/agency that did the home study and request that they

have a face-to-face meeting with the family to discuss the issue if the CPS check reveals problems;

- iii. insure that the photos of the family are attached;
- iv. set up a file for each approved adoptive family.
- v. send an acknowledgment to the worker within seven days of receipt of the family registration;
- vi. contact the family to get permission to list the family on the exchange website;
- vii. complete the family profile and list the family on the website if permitted to list the family; and
- viii. complete the family profile for the family's file if the listing of the family on the website is not permitted by the family.

2. Registration by Other Agencies:

- A. Tribal organizations, private providers recommended by the State Office Resource Family Section, private adoption agencies, and child placement agencies may register families who meet the requirements under "Approved Families" above and who want to get registered on the exchange. These organizations will be referred to as private organizations.
- B. The private organization staff will provide the family with an Alaska Adoption Exchange Family Registration form and follow the procedures for registration described in b.1(A) above.
- C. To keep the information about the family current, private organization staff will notify Exchange staff of changes/update information as described under c.2(B) and (D) below.

c. Notification of Changes/Keeping the Information Current:

- 1. To keep the child and family information on the exchange current, exchange staff will:
 - A. When a child has been registered on the exchange for one year, send a notice to the child's worker, requesting updated information about the child and current photos.
 - B. When a home study update or new home study is due for a family registered on the exchange, send a notice to the family that an update/home study is due, and that in order for the family to remain registered on the Exchange, an update/home study must be submitted to the Regional Adoptions Specialist or State Office within two months.

If confirmation that a positive home study update/new home study has been done is not received by the exchange within two months of sending the notice to the worker, exchange staff will remove the family from the exchange.

2. The worker who registered the child or family will:
 - A. Notify exchange staff directly within ten days after the placement if the child is placed in a permanent placement or if a child is placed with the family, or if the worker wants a hold placed on inquiries for the child.
 - B. Contact the exchange if new information about the child or family becomes available which necessitates a revision of the child's or family's profile, for example any significant changes in the family's situation, i.e. a move, a change in type of child they will consider, etc, or changes in the child's placement needs.
 - C. Upon request, provide the exchange with updated information about the child and current photos if the child has not been placed after having been registered on the exchange for one year.
 - D. When receiving home study updates or new home studies on registered families, forward the update/home study to the Resource Family Section in State Office.
3. Resource Family Section staff will check the recommendation on the update/home study, and if approving the update/home study send a notice to the Exchange confirming that a positive home study update/new home study has been received.

d. Distribution and Use of the Exchange:

1. The exchange will be available on a restricted web site on the Internet, which will be updated continuously by Resource Family Section staff.
2. Resource Family Section staff will direct interested and qualified potential placements to the child's worker and /or regional adoptions specialists.
3. The name and phone number of the child's worker or the worker who registered a family and the worker's supervisor is listed on that child's or family's page profile. A worker who is exploring a potential placement will contact that worker or supervisor directly.

3.17 POST-PLACEMENT - PRE-FINALIZATION

AUTHORITY: AS 47.05.010 Duties of Department

POLICY: All adoptive families will receive post-placement services.

There must be a supervisory period of at least six (6) months before the adoption can be legally finalized. The supervisory period may be longer than six months, and in the case of older children with severe problems, a longer period may be necessary. Also, older children who must give consent to their own adoptions may not feel ready or able to commit to an adoption within a six month time frame.

PROCEDURE:

- a. For post-placement services it is important that the same worker remain on the case. This provides continuity to the child and maintains the relationship with the child during this transition.
- b. The worker or workers providing post-placement services will:
 1. Make at least the minimum number of home visits that would be required by service level standards during the period of post-placement supervision. However for any special needs adoptive placement, the worker should make as frequent contact as is indicated by the needs of the child and the family. For some families, this may mean weekly contact during the first weeks and at certain points during the placement. Frequent phone contact is also recommended.
 2. Initiate discussion about potential problems to enable resolution before they develop into a crisis which may lead to placement disruption
 3. Coordinate with the child's and/or family's therapist.
 4. Assist the adoptive parents in working with the school to accommodate the special needs of an adoptive child.
 5. Utilize other successful adoptive families to provide support for the family. In larger areas, consider the possibility of an agency-sponsored support group. For Native families, the worker will solicit help from the adoptive family's tribal community for follow-up contact and support.

6. Consider the use of respite foster care to provide a "break" for adoptive parents of extremely demanding, hard-to-manage children. The former foster family should be considered as a possible resource for this service.
7. Maintain a record of contacts in the case file that address:
 - A. the adoptive family's and child's adjustment;
 - B. the child's physical, emotional, and social growth;
 - C. how child has been incorporated into the established family unit;
 - D. difficulties or problems;
 - E. an assessment of how the placement is working.
8. A final report will include pertinent information about the readiness of the child and the family for completion of the adoption.
9. If problems in the placement develop that the supervision worker or workers cannot resolve, the Permanency Planning Conference team will be reconvened. The worker may wish to include the adoptive parents, the child's previous worker, or former foster parents in the staffing.
 - A. The staffing team will:
 - i. review the case and the presenting problems;
 - ii. confer with consultants, therapists, etc.;
 - iii. explore alternatives and make recommendations.

3.18 ADOPTION/GUARDIANSHIP DISRUPTION/DISSOLUTION

3.18.1 ADOPTION/GUARDIANSHIP DISRUPTION

AUTHORITY: AS 47.05.010 Duties of Department

POLICY: Disruption of an adoptive or guardianship occurs PRIOR to the finalization of the adoption or guardianship. When a pre-adoptive or guardianship placement disrupt, the division will continue permanency planning for the child through convening the permanency planning team.

PROCEDURE:

- a. The Department must address any disrupted adoption or guardianship as a report of harm and investigate the situation as indicated under section 2.0.
- b. The worker will notify State Office adoption staff of any removal of a child in a pre-adoptive placement or if the worker has knowledge that the child is no longer in the pre-adoptive home. The written notification will include the child's name, DOB, the name(s) of the adoptive parent(s)/guardian, any known previous names, and the most recent address and phone number for the pre-adoptive parents, if known.
- c. State Office adoption staff will determine if the child is receiving an adoption subsidy, and if the family has an active adoption subsidy, State Office adoption staff will evaluate the continued need for a subsidy based on the reunification plan for the child.
- d. The Department should make efforts to keep the family intact and offer services to the family as outlined in section 3.2.2.Service Delivery.
- e. If services offered to reunify the family and reduce the risk of harm to the child are unsuccessful, the worker and supervisor should consult with the AG and the worker should request a permanency planning conference, to determine if continued efforts with the pre-adoptive family are necessary.
- f. Worker is to follow the requirements for a Permanency Planning Conference as listed in section 3.1.4. Termination of a legal-risk or pre-adoptive or pre-guardianship placement requires the written approval at the permanency planning conference.

- g. The field office serving the community where the family resides will be responsible for long-term planning in the event of placement failure.
- h. The permanency planning conference will:
 - 1. Evaluate the immediate needs of the child:
 - A. assess available placement resources;
 - B. plan for the least traumatic transfer of the child, including recommendations regarding type of placement, pre-placement visits, etc.
 - 2. Evaluate the long-term needs of the child:
 - A. The worker will assess the child's special needs, if any, and determine how they might impact permanent placement;
 - B. provide recommendations as to the most appropriate type of future permanent placement.
- i. The worker or workers will:
 - 1. carry out the decisions of the staffing team;
 - 2. coordinate with the child's previous worker, or another worker or supervisor from that field office, if possible;
 - 3. coordinate with the child's therapist, if applicable;
 - 4. assist the family in preparing the child for the move;
 - 5. if reunification is not possible or in the child's best interest, discuss the need for a permanent placement with the Regional Adoption Specialist. Children with the permanency goal of adoption should be placed in a legal risk or adoptive home as soon as possible. If an appropriate home is not readily available, the worker will make recruitment efforts and list the child on the Alaska Adoption exchange (see section 3.16).
 - 6. notify State Office adoption staff if reunification is no longer the plan.
 - 7. assist child in expressing emotional reactions and in dealing with their feelings;
 - 8. record in detail reasons the placement failed, permanency planning conference

recommendations, and if the child has been moved to an emergency placement, the replacement process;

9. provide ongoing services to current adoptive family to help them:
 - A. deal with their feelings of inadequacy, anger, disappointment, etc.;
 - B. refer them to a therapist, if appropriate;
 - C. determine if they will be a resource for other children.
- j. If reunification is no longer the plan and there is an adoption subsidy, State Office adoption staff will notify the adoptive parent that they can no longer claim adoption subsidy payments on behalf of the child, if the adoptive parents are no longer legally responsible for the child or the child no longer receives support from the adoptive parent.

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3.18.2 ADOPTION/GUARDIANSHIP DISSOLUTION

AUTHORITY: AS 47.05.010 Duties of Department

POLICY: The dissolution of an adoptive or guardianship home occurs AFTER the finalization of the adoption or legal guardianship. When an adoptive or guardianship home disrupts or dissolves, the division will reinstitute permanency planning for the child through convening the permanency planning team.

PROCEDURE:

- a. The Department must address any request for dissolution of adoption or guardianship as a report of harm and investigate the situation as indicated under section 2.0. This would include any request for a relinquishment of parental rights.
- b. The worker will notify State Office adoption staff of any removal of a child in a guardianship or adoption, or if the worker has knowledge that the child is no longer in the adoption/guardianship home. The written notification will include the child's name, DOB, the name(s) of the adoptive parent(s)/guardian, any known previous names, and the most recent address and phone number for the adoptive parents or guardians, if known.
- c. State Office adoption staff will determine if the child is receiving an adoption or guardianship subsidy, and if the family has an active adoption/guardianship subsidy, State Office adoption staff will evaluate the continued need for a subsidy based on the reunification plan for the child.
- d. The Department should make efforts to keep the family intact and offer services to the family as outlined in section 3.2.2. Service Delivery.
- e. The following procedures apply:
- f. Adoptions Only
 1. In cases where adoptive parents wish to voluntarily suspend their legal rights to the child temporarily, the Supervisor, Staff manager and Children's Services Manager, will determine if a voluntary placement can be made as indicated in section 2.6.1 Voluntary Placements, or the Department may assume emergency custody of the child as listed in 2.3.5 Emergency Custody Orders, if there are legal grounds to assume custody.

2. During the voluntary or custody placement period, case planning reunification services should be offered to the family as indicated in section 3.2.2 Service Delivery.
3. If services offered to reunify the family and reduce the risk of harm to the child are unsuccessful, the worker and supervisor should consult with the AG and the worker should request a permanency planning conference.
4. The worker is to follow the requirements for a Permanency Planning Conference as listed in section 3.1.4. Termination of a legal-risk or adoptive or guardianship placement requires the written approval of the permanency planning conference.
5. The field office serving the community where the family resides will be responsible for long-term planning in the event of placement failure. If a child resides in an adoptive placement outside of Alaska and the adoption has been finalized, the division has no responsibility or legal authority to provide services.
6. The permanency planning conference will:
 - A. Evaluate the immediate needs of the child:
 - i. assess available placement resources;
 - ii. plan for the least traumatic transfer of the child, including recommendations regarding type of placement, pre-placement visits, etc.
 - B. Evaluate the long-term needs of the child:
 - i. assess the child's appropriateness for a future adoptive placement;
 - ii. provide recommendations as to the most appropriate type of future permanent placement.
7. The worker or workers will:
 - A. carry out the decisions of the staffing team;
 - B. coordinate with the child's previous worker, or another worker or supervisor from that field office, if possible;
 - C. coordinate with the child's therapist, if applicable;
 - D. assist the family in preparing the child for the move;

- E. if reunification is no longer the plan, notify the Regional Adoption Specialist of the need for an adoptive placement. Children with the permanency goal of adoption should be placed in a legal risk or adoptive home as soon as possible. If an appropriate home is not readily available, the worker will make recruitment efforts and list the child on the Alaska Adoption exchange (see section 3.16 Alaska Adoption Exchange).
- F. notify State Office adoption staff if reunification is no longer the plan.
- G. assist child in expressing emotional reactions and in dealing with their feelings;
- H. record in detail reasons the placement failed, permanency planning conference recommendations, and if the child has been moved to an emergency placement, the replacement process;
- I. provide ongoing services to adoptive family to help them:
 - i. deal with their feelings of inadequacy, anger, disappointment, etc.;
 - ii. refer them to a therapist, if appropriate;
 - iii. determine if they will be a resource for other children.
- J. If reunification is no longer the plan and there is an adoption subsidy, State Office adoption staff will notify the adoptive parent that they can no longer claim adoption subsidy payments on behalf of the child if the adoptive parents are no longer legally responsible for the child or the child no longer receives support from the adoptive parent.

g. Guardianship Only

1. If a guardian contacts a court to set aside a legal guardianship (for a child who was in OCS custody prior to the guardianship), the court will notify the AAG, who will notify the field office that is responsible for the child. If the child no longer resides in that region, the worker will notify the jurisdiction where the child resides and State Office adoption staff.
2. If a guardian contacts State Office to set aside a legal guardianship (for a child who was in OCS custody prior to the guardianship), State Office adoption staff will notify the jurisdiction where the child resides and advise the guardian about legal procedures.
3. If a guardian contacts a division field office to set aside a legal guardianship (for a child

who was in OCS custody prior to the guardianship), the worker will advise the guardian to contact State Office and the court, and the worker will notify State Office adoption staff.

4. The court may contact the division field office for recommendations.
5. If the court sets aside the guardianship order and orders placement, the subsidy case is closed (subsidies do not transfer from party to party).
6. When the court grants a petition to vacate guardianship, custody is often granted to the legal parents of the child. The Department should determine through the investigation process if placement with the legal parent is safe or if the Department should take further legal actions.
7. The worker will notify State Office adoption staff when a guardianship order is set aside. State Office will close the subsidy.

3.19 DEATH OF A CHILD IN ADOPTIVE PLACEMENT

AUTHORITY: AS 47.05.010 Duties of Department

POLICY: If a child should die while in adoptive placement and prior to finalization, the following procedures apply.

PROCEDURE:

- a. The worker will inform the Children's Services Manager of the death immediately, and the Children's Services Manager will notify the director or director's designee, and the child's tribe.
- b. The director or director's designee will alert the serious injury and fatality team.
- c. The social service worker will have certain responsibilities and will need to coordinate with a number of people who may be affected by the death.
- d. See Administration Chapter, section 6.5.11, Death of a Child in Out-of-Home Care.

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3.20 CLOSING CASES

3.20.1.A CLOSING CPS FAMILY AND POST-TERMINATION OF PARENTAL RIGHTS CASES FOR REUNIFICATION, EMANCIPATION OR REACHING THE AGE OF MAJORITY

AUTHORITY: AS 47.10 Children in Need of Aid, 42 U.S.C. 675 Title IV Part E - Definitions

PURPOSE: To establish case closure protocols when permanency is achieved through reunification, emancipation, or reaching the age of majority while in OCS custody.

POLICY:

- a. Cases will be closed when the child and family no longer needs the protective services of the OCS. The following criteria will be used when making a determination about whether a case should be closed:
 1. A thorough assessment has occurred and it has been determined that the child will not be subjected to further maltreatment or safety threat(s) because the needs and problems that contributed to the maltreatment or unsafe situation have been addressed and eliminated; or
 2. The child has been placed into another permanent family situation in which there are no threats of child safety; or
 3. The child has been emancipated; or
 4. The child will reach the age of majority (age 18) and it is determined that there is no reason to request extension of custody past the child's 18th birthday; or
 5. The child is older than age 18 and the extension of custody has expired.
- b. Cases will be closed once these criteria have been met.

PROCEDURES:

- a. For CPS family cases, the progress made towards meeting the case plan goals is evaluated continuously while working with the family and the case plan is reviewed at case conferences and court hearings.
- b. The worker will take steps to close the case at the point in time that the permanency goal for the child has been met, and
 1. The child is in a stable permanent placement (for example their own home, an adoptive home, guardianship placement, or other permanent placement); or
 2. The child has been emancipated (see section 3.14.3 Emancipation); or
 3. The child will reach the age of majority (age 18) and it is determined that there is no reason to request extension of custody past the child's 18th birthday (see section 3.14 Independence and Self-Support); or
 4. The child is older than age 18 and the extension of custody has expired (see section 3.14 Independence and Self-Support); and
 5. The worker has determined that the child's safety is assured in his current placement and no further services are needed.
- c. The worker will:
 1. Discuss closure of the case with the supervisor to obtain the supervisor's approval;
 2. Discuss the pending closure of the case with the child and parents,
 3. If the family and the supervisor agree that the case should be closed, the worker will discuss closure with the parties of the case;
 4. If the parties agree with the recommendation to close the case, the worker will report to the court that the permanency goal for the child has been met and recommend that the child be released from OCS custody or supervision. See section 4.4(m) Release of Custody.
- d. When the court has terminated the OCS' custody or supervision, the worker will, within 30 days of release of custody/supervision, take the following steps to close the case:
 1. Request release of the child's PFD trust account. See section 6.2.3.2.B Releasing

Permanent Fund Dividend (PFD) Trust Account Funds; and

2. If a youth leaves custody by reaching the age of majority or is emancipated, provide a copy of the health and education record to the youth; and
3. If benefits for the child, for example SSI or survivor benefits, are being paid to the OCS, see section 6.2.1.1 Benefits for Care and Maintenance of Children paragraphs (g) and (h); and
4. Notify Division of Public Assistance and Child Support Services Division, by submitting a Report of Change within 10 days of the release of custody, that the OCS no longer has custody of the child; and
5. Send a formal notice to the family that the case is closed; and
6. For Alaska Native children, notify the child's tribe that the case is closed; and
7. Close the case in ORCA. (See the Case Closure How Do I guide)

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3.20.1.B. CLOSING CPS FAMILY AND POST-TERMINATION OF PARENTAL RIGHTS CASES FOR ADOPTION AND GUARDIANSHIP

AUTHORITY: AS 47.10 Children in Need of Aid

PURPOSE: To establish case closure protocols when a CPS family or Post-Termination of Parental Rights case is closed for reason of adoption or legal guardianship.

POLICY:

- a. CPS Family and Post-Termination of Parental Rights (TPR) cases that have a permanency goal of adoption or legal guardianship will be closed by State Office staff at the point that the adoption or legal guardianship is finalized by the court.
- b. After an adoption or legal guardianship is finalized, appropriate measures should be taken to obtain release of custody and the OCS case should be closed.
 1. For adoption cases, the effective date of closure of the case is the date of the adoption finalization. For an adoption finalized in state court, that date is the date the Decree of Adoption is signed by the court, and for an adoption finalized in tribal court the date is the date the new birth certificate is issued.
 2. For legal guardianship cases, unless otherwise specified by the court, the effective date of closure of the case is the date that the court order is signed.

PROCEDURE:

- a. Before proceeding with the case closure process, for adoption and legal guardianship cases, complete all of the necessary steps as outlined in 3.20.2 Adoption and Guardianship Finalization.
- b. After receiving a copy of the Decree of Adoption or the Order of Guardianship, the worker will prepare the necessary paperwork to obtain a signed Release from Custody Order from the Court. The format of this report should conform to regional court protocol.
- c. The worker will send a copy of the Decree of Adoption or the Order of Guardianship to the State Office Resource Family Section.

- d. State Office Resource Family Section staff will enter the final legal status of adoption or guardianship finalization in ORCA.
- The Resource Family Section staff closes all Post-TPR cases for adoption and legal guardianship cases.
 - If a child is still in a CPS family case at the time of the adoption or guardianship referral, State Office Resource Family Section staff will deactivate the child from the CPS family case in order to initiate the subsidy case and subsidy payment in ORCA, and to verify necessary AFCARS data elements for federal reporting.
 - State Office Resource Family Section staff will notify the assigned worker when they have deactivated the child from the CPS family case.
 - If all of the children in the case have been deactivated, it is the primary worker's responsibility to close the CPS family case.
- e. If the child was placed from another region, a copy of the Decree of Adoption or the Order of Guardianship should be sent to the region of origin so that the appropriate worker in that region may obtain the Release from Custody.
- f. Complete the Request for Release of Permanent Fund Dividend in ORCA at the time of adoption or guardianship finalization.
- The PFD trust will not be released to the adoptive parents until one year after the finalization of the adoption.
 - For legal guardianships, all PFDs held in trust for the child, will be held by the OCS until the child's 18th birthday, at which time the PFDs held in trust will be released to the child.
 - State Office staff will track the timelines for release of PFD funds for adoption and guardianship cases.
- g. For adoption cases, within two years of release of custody, the worker will send the child's case file to Juneau for archiving according to instructions provided by the State Office Adoptions staff.

3.20.2 ADOPTION AND LEGAL GUARDIANSHIP FINALIZATION

AUTHORITY: AS 18.50.510(a)(b) Descriptive Information Regarding Biological Parents, AS 25.23.040(3) Persons Required to Consent to Adoption, AS 25.23.080(a)(c) Petition for Adoption, AS 25.23.130(1)(2)(c) Effect of Adoption Decree, AS 47.10.115 Permanent Fund Dividend, 25 U.S.C. 1913(a), 1915(a) & (c), 1951(a) & (b) (P. L. 95-608, Sec. 103(a), Sec. 105(a)(c), Sec. 301(a)(b) Indian Child Welfare Act of 1978), ACYF-CB-PA-01-01; 7 AAC 53 Child Foster Care Payments; Subsidized Adoption and Subsidized Guardianship Payments.; AS 47.10.080 (c) and (d) OCS Consent to Adoption

PURPOSE: To outline the necessary case finalization processes for CPS family and Post-Termination of Parental Rights cases with a permanency goal of adoption or legal guardianship.

POLICY:

- a. When the worker determines that the child and the adoptive or legal guardianship family are ready to complete the adoption or legal guardianship process, the worker should use the following criteria to determine if the adoption or legal guardianship should be finalized:
 1. The child has resided with the prospective adoptive or legal guardianship family/home for at least six (6) months;
 2. There is a completed and OCS approved homestudy which recommends the adoption or legal guardianship of the child by the prospective family;
 3. The family has indicated that they are interested in finalizing the adoption or legal guardianship;
 4. A child, 10 years of age or older, has indicated that s/he is interested in finalizing the adoption or legal guardianship.
- b. Prior to the finalization of the adoption or legal guardianship the following steps must be taken:
 1. Determine what benefits are currently available to the child (OASDI, SSI, Veteran's Benefits, Alaska Native Claims Trust benefits) and follow procedures below.
 2. Schedule a meeting with the prospective adoptive or legal guardianship family to fully disclose all information from the child's OCS record related to the child and the child's special needs, services and resources;

3. If a subsidy is needed, the negotiation of the subsidy assistance should be completed as outlined in sections 6.2.2.6.A, 6.2.2.6.B, and 6.2.2.6.C.
4. For Adoptions Only:
 - A. Request the OCS Consents for Adoption from the State Office
 - B. Provide the necessary documentation to the adoption attorney for the family to finalize the adoption in either state court or in the Tribal court or council.

PROCEDURE:

a. Determination of Benefits to the Child

1. Children eligible for Veteran's Benefits and/or Social Security survivor and disability benefits from a biological parent can continue to receive these benefits even if the children are in a legal guardianship, or have been adopted.
 - A. At the time of the finalization of the child's adoption or legal guardianship, the worker should discuss with the adoptive or guardianship family the Veterans benefits and Social Security survivor and disability benefits that are available to the child. Social Security survivor and disability benefits are not based on family income.
 - B. Supplemental Security Income (SSI) benefits from Social Security have a means test; therefore, most adoptive families will be over-income and the child will lose SSI eligibility after the adoption is finalized. SSI benefits will continue for children who are in a legal guardianship, as the legal guardian's income will not count towards the child's SSI benefit eligibility.
 - C. The worker will refer the adoptive or guardianship parents to the Veteran's Administration and/or the Social Security Administration, so that the adoptive or guardianship parents can apply for benefits for the child. The adoptive parents should apply for the benefits under the adoptive name.
 - D. If the family does not know the name of the child's biological parents, the worker will help the family complete the Social Security and Veteran's Benefits application. (This is to ensure confidentiality as the application request claims numbers and biological parents' name.) The worker should send the application, a certified copy of the Decree of Adoption, and a cover letter stating that the family wishes to continue to receive the benefits under the child's adoptive name to the Veteran's Administration or Social Security Administration Office.

- E. State Office terminates the Department of Health and Social Services role as the receivership on the behalf of the child for Veterans Benefits and/or Social Security checks. All changes in the children's Veteran's and Social Security Administration benefits need to be reported to the Veteran's Administration and the Social Security Administration.
2. A child who has been in custody of the Department may have Permanent Fund Dividend money in trust. The worker must explain to the adoptive or guardianship family that:
 - A. the Permanent Fund Dividends cannot be released to the adoptive family until one year after the finalization of the adoption. The finalization date on the decree of adoption is used by State Office staff to determine when the PFD trust will be released to the adoptive parent(s).
 - B. Permanent Funds held in trust by OCS for child in legal guardianships will be held by the OCS until the child's 18th birthday, at which time the PFDs held in trust will be released to the child.
 - b. Full Disclosure of Information on the Child to the Adoptive or Legal Guardianship Family: Federal policy guidance and Alaska Regulations mandate that the OCS fully disclose to the prospective adoptive or guardianship family all information about the child PRIOR to the finalization of the adoption.
 - c. Subsidy: If the adoption is to be subsidized, see section 6.2.2.6.A Adoption Subsidies; or 6.2.2.6.B Guardianship Subsidies and 6.2.2.6.C Negotiating Subsidies for additional requirements. All subsidies must be approved by the Director or the Director's designee prior to the finalization of the adoption or legal guardianship by the court.
 - d. FOR LEGAL GUARDIANSHIPS ONLY:
 1. Contact the AAG to request and initiate the Legal Guardianship proceedings with the court.
 2. Prepare any legal documentation for the Legal Guardianship proceeding as required by regional protocols.
 3. Once the court has ordered the legal guardianship and OCS receives the signed Order of Guardianship from the court, proceed with the case closure process as outlined in section 3.20.1.B Closing CPS Family and Post-TPR cases for Adoption or Legal Guardianship Cases. The worker sends the signed court order to State Office for subsidy initiation.
 - e. FOR ADOPTIONS ONLY:

1. Consent Only cases: When an adoption is to be finalized without a subsidy, a Special Needs Report for Consent-Only Cases (06-9739) must be completed. This form is used to report necessary federal AFCARS information about the child's special needs for adoptions, and to document that the issues of special needs and adoption subsidy have been discussed with the adoptive parents that the parents must have elected to not receive an adoption subsidy for the child. This form must be submitted to State Office Adoption Unit. Please note that the adoptive parents' signature on the form is required.
2. Request the OCS Consent to Adoption: For all adoptions of children in OCS custody, the OCS must consent to the adoption as authorized under AS 47.10.080 (d). The Commissioner of Health and Social Services, or the Commissioner's designee, must sign all OCS Consents for Adoption. No adoption of a child in OCS custody can be finalized until the OCS consent for adoption is signed and filed with the court. The worker will request the OCS Consent to Adoption from the State Office Adoptions staff.
3. The State Office Adoptions Unit staff will prepare three original OCS Consents for Adoption (form 06-9725).
4. The Director or the Director's designee will sign the three original consents and the Adoption staff will send the consent to the appropriate parties as outlined in section 6.2.2.6.A(e).
5. If the parties in the adoption have requested and agreed that confidentiality is to be maintained, the State Office Adoptions staff will send a cover letter to the attorney requesting that the name of the child not be revealed to the adoptive parents.
6. If the adoptive parents are handling their own adoption, the OCS consent to adopt should be given to the adoptive family in a sealed State envelope which will be filed with the Court.
7. The worker should send the following necessary Information to the Adoption Attorney
 - A. The worker will provide to the attorney, or to the adoptive parents if they are handling their own adoption, the following legal papers and information, as applicable to the specific case:
 - B. copies of the Relinquishments; or
 - C. Copies of the Consent to Adoption by Parent; or
 - D. copies of the Findings and Orders terminating parental rights (signed by judge);

- E. the worker will advise the attorney or adoptive parents, through providing the relinquishments, termination orders, or consents to adopt by parents and any supporting stipulated documents, of any special considerations that must be addressed in the Decree of Adoption, such as, inheritance rights from the biological family, contact or visitation with the biological parents, or any retained privileges of the birth parents.
 - F. If the child is an Alaska Native child who has benefits under the Alaska Native Land Claims Settlement Act or any other benefits accruing by virtue of their membership in an Indian tribe, these benefits continue following the adoption or legal guardianship. The worker will advise the adoption attorney or adoptive or guardianship parents in writing that the Decree of Adoption should address the custodianship of these resources. Custodianship will usually be given to the adoptive parents. The court which enters the adoption will send a notice of the adoption to the Secretary of the Interior.
 - G. a copy of the child's original birth certificate;
 - H. Descriptive Information Regarding Biological Parents form in ORCA (found in Adoption Referral) as required by State law (AS 18.50.510).
8. Alaska Native Adoptions: In the adoption of an Alaska Native child, additional information and legal documentation are required for finalization. The worker will provide to the attorney or to the adoptive parents the following legal records and information:
- A. If the child has been relinquished by either parent, a certified copy of the Certification of Voluntary Consent, as required by ICWA.
 - B. If the child was relinquished by either parent and that parent executed a written statement regarding their placement wishes for the child, a certified copy of the parents' statement.
 - C. Documentation of Tribal support or opposition the child's tribe of this specific placement, and the tribe's written or verbal response, and additional court reports or forms which have been submitted per regional court procedure.
 - D. In some cases the adoptive parents' attorney may also request that the regional adoption worker testify at the adoption hearing regarding compliance with ICWA.
9. If the adoption is finalized in tribal court or council with OCS' consent, see section

3.20.3 Cultural Adoption with OCS consent.

10. Once the adoption is finalized by the court, proceed with the case closure process as outlined in 3.20.1.B Closing CPS Family and Post-Termination of Parental Rights cases for Adoption and Guardianship Cases.

3.20.3 CULTURAL ADOPTION WITH OCS CONSENT

AUTHORITY: AS 25.23.040(3) Persons Required to Consent to Adoption, AS 25.23.080(a)(c) Petition for Adoption, AS 25.23.130(1)(2)(c) Effect of Adoption Decree, 25 U.S.C. 1913(a), 1915(a) & (c), 1951(a) & (b) (P. L. 95-608, Sec. 103(a), Sec. 105(a)(c), Sec. 301(a)(b) Indian Child Welfare Act of 1978), AS 18.50.220 New Certificate of Birth, AS 47.10.080(d) Consent for Adoption by OCS.

PURPOSE: To provide guidelines and instructions on when to recognize cultural adoptions that have been recognized by custom for ICWA-eligible children.

POLICY: ICWA-eligible children who are in the custody of the OCS may be culturally adopted. The recognition of a cultural adoption by the child's Tribal court or council can lead to the issuance, by the Bureau of Vital Statistics of a new birth certificate pursuant to 7 AAC 05.700(b). Customary Adoptions are completed at the request of the adoptive family. The adoptive family may choose to finalize the adoption in the State court as outlined under AS 25.23. If the child is culturally adopted, the choice of whether to seek a state court adoption order or apply directly to the Bureau of Vital Statistics for a substitute birth certificate is made by the adoptive parents.

Historically and as a matter of custom, Alaska Native Tribes have conducted cultural adoptions for Tribal children who are being adopted by another family/Tribal member in the Tribal Court or council proceedings. In these proceedings, there is an agreement among the child's family and Tribe that it is in the best interests of the child for the adoption to be finalized. This option for ICWA-eligible children in OCS custody honors the child's cultural traditions for adoption and allows for the adoption to be finalized in a Tribal setting.

Cultural adoptions do not require a termination of parental rights prior to the finalization of the adoption; however once a Tribal Decree of Adoption and a new state birth certificate is issued with the new adoptive parents' names on the birth certificate, the adoption is considered finalized by OCS.

PROCEDURE:

- a. If the child is of Alaska Native heritage and born in Alaska, the worker meets with the adoptive parents and explains the options of finalizing a cultural adoption in either the State court or in the Tribal court or council.
- b. Once the adoptive parents have decided to pursue the adoption in the Tribal court or council, contact the Tribal court or council to discuss the procedures for finalizing the

adoption. Explain to the Tribal court or council that:

1. A homestudy must be completed and approved by OCS for the adoption;
 2. The adoption cannot be finalized until the OCS has approved the adoption subsidy (if applicable) and a Stipulation to Permanency is entered into in court; and
 3. The adoption cannot be finalized until the OCS issues the OCS Consent to Adoption as outlined in AS 47.10.080(d).
- c. Follow the Adoption finalization procedures as outlined in section 3.20.2(a), (b), (c), and (e)(1-7).
 - d. To finalize an adoption by the Tribal court or council, the worker should cooperate with the tribal court or council and the adoptive parents to prepare the documents necessary to obtain a new birth certificate by the Bureau of Vital Statistics pursuant to 700 AAC 05.700(b).
 - e. The Tribal court or council will meet to approve the adoption of the child by the adoptive parent. The Tribe may issue a Decree of Adoption and they must prepare the written affirming statement required by 7 AAC 05.700(b)(3). The adoptive parents must present the affirming statement to the Bureau of Vital Statistics with a request to change the child's birth certificate to reflect the child's new adoptive name (if applicable) and change the parents' names from the birth parents' to the adoptive parents' names.
 - f. The OCS must receive from the Tribe the signed Decree of Adoption and a copy of the new birth certificate as issued by the Bureau of Vital Statistics in order to close the CPS family case or Post-TPR case.
 - g. Once the worker has received the new birth certificate from the Tribal court or council, the worker will proceed with the case closure processes as outlined in 3.20.1B Closing CPS Family and Post-TPR Cases for Adoption and Guardianship Cases.

3.21 POST ADOPTION SERVICES

AUTHORITY: AS 47.05.010 Duties of Department

POLICY: In order to insure the continuing stability of the adoptive placement, worker will provide services to the adoptive family after finalization.

PROCEDURE: Post adoption services may include:

- a. Supportive home visits by the worker.
- b. Information and referrals to agencies providing post-adoption services and post adoption support groups.
- c. Introduction to another successful adoptive family and/or to adoption support groups.
- d. In some cases, assist in arranging contacts or obtaining data from biological family members.
- e. Assist in arranging contact and/or educating teachers, school workers, and school psychologists to the particular needs of an adopted child.
- f. For Native families, the worker will attempt to make arrangements with someone from the Native family's community to provide or aid with post adoption services.

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3.22 REQUESTS FOR INFORMATION - CONFIDENTIALITY

AUTHORITY: AS 25.23.150(b) Confidential Nature of Hearings and Records in Adoption Proceedings, AS 18.50.500 Identity of Biological Parents, AS 18.50.510 Descriptive Information Regarding Biological Parents, P. L. 95-608 Sec. 301(a)(b), Sec. 105(e) Indian Child Welfare Act of 1978,

POLICY: At the time an adoption study is completed, adoptive parents should be advised of the confidentiality of adoptions.

For Native children, the adoptive family should be advised that when the adopted child reaches the age of 18, he/she may petition the court which entered the final adoption decree, and the court shall inform the individual of the tribal affiliation, if any, of the individual's biological parents and provide such information as may be necessary to protect any rights flowing from the individual's tribal affiliation.

Adoptive parents and adoptees 18 years or older may also request this information and certain other information from the State Registrar or the division, in accordance with a below.

- a. Current State Law: Alaska Statutes relate both to what the Bureau of Vital Statistics and what OCS can release.
 1. Bureau of Vital Statistics:
 - A. Upon request by an adopted person 18 years or older, the State Registrar will provide the adoptee with an uncertified copy of the original birth certificate with any change in the biological parents name or address attached to it.
 - B. The State Registrar will also disclose to a biological parent, at that parent's request, the most current name and address of an adopted child that appears in the State Registrar's adoption files, if the child is 18 years of age or older and has requested in writing that the information be disclosed if ever requested by the biological parent.
 - C. An adopted person 18 years of age or older, or a biological parent, may submit to the State Registrar a notice of change of name or address. The State Registrar will attach the information to the original birth certificate of the adopted person.
 - D. The State Registrar will, at the request of an adoptive parent or of an adopted person 18 years of age or older, release the following descriptive information regarding a biological parent named on the original birth certificate of the

adopted person, if available from the Registrar's adoption records. However, this information has only been required since 1986, so will not be available for eighteen years old until 2004.

- i. the age of the biological parent on the day the adopted person was born;
- ii. the heritage of the biological parents, to include:
 - national origin;
 - ethnic background; and
 - tribal membership;
- iii. the medical history of the biological parent and of blood relatives of the biological parent;
- iv. the number of years of school completed by the biological parent by the day the adopted person was born;
- v. a physical description of the biological parent on the day the adopted person was born, including height, weight, and color of hair, eyes and skin;
- vi. the existence of other children of the biological parent;
- vii. whether the biological parent was alive at the time of adoption;
- viii. the religion of the biological parent; and
- ix. other information provided by the biological parent for disclosure to the child, which may include such items as photographs, letters, and a statement explaining the reasons for the adoption.

2. Office of Children's Services : The above information is included in non-identifying information which should have been given to the adoptive parents at placement, and it can be released from OCS adoption files upon request by the adopted person to State Office. However, no other information can be released from OCS adoption files without a court order. (AS 25.23.150(b)).

b. Current Federal Law:

1. In addition, in the adoption of an Native child, the Secretary of the Interior has on file:
 - A. the name and tribal affiliation of the child;
 - B. the names and addresses of the biological parents;

- C. the names and addresses of the adoptive parents; and
 - D. the identity of any agency having files or information relating to such adoptive placement.
2. Upon the request of the adopted Native child over the age of eighteen, the adoptive parents of an Native child, or a Native tribe, the Secretary will disclose such information as may be necessary for:
- A. the enrollment of an Native child in the tribe in which the child may be eligible for membership;
 - B. the determination of any rights or benefits associated with that membership.
3. If the Secretary's file contains an affidavit from the biological parent(s) requesting that their identity remain confidential, the Secretary must insure that confidentiality is maintained. In those cases where an affidavit of anonymity is on file, the Secretary will certify to the Native child's tribe, where the information warrants, that the child's parentage and other circumstances of birth entitle the child to enrollment under the criteria established by such tribe.
4. In addition, the Indian Child Welfare Act requires that a record of each adoptive placement be maintained documenting the efforts to comply with the placement preferences specified in the Act. This record shall be made available at any time at the request of the Secretary of the Interior or the Native Child's tribe.

PROCEDURE: Regional Adoption Specialists or any other workers receiving adoption related inquiries for information out of Division files, should make a referral to the Adoption Coordinator in State Office.

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3.23 ADOPTION STUDY

3.23.1 SERVICES TO ADOPTIVE FAMILIES - ELIGIBILITY

AUTHORITY: AS 47.05.10 Duties of Department, PL 95-608 Indian Child Welfare Act of 1978, P. L. 103-382 Multiethnic Placement Act of 1994, P. L. 104-188, section 1808 Small Business Job Protection Act of 1996 (Removal of Barriers to Interethnic Placements), P. L.105-89, section 202 Adoption and Safe Families Act of 1997

POLICY: It is the policy of the division to select from among applicants those who are capable of developing into parents who can meet the needs of an adopted child, and who can provide the conditions and opportunities favorable to healthy personality growth and the development of individual potential. They should be able to carry responsibility for the child's care, support, education, and character development, and offer him a reasonably happy and secure family life with love, understanding, guidance and companionship.

All persons will have an equal opportunity to apply for the adoption of children, and should receive fair and equal treatment and consideration of their qualifications as adoptive parents as according to the Multiethnic Placement Act of 1994 (MEPA), the Removal of Barriers to Interethnic Placements Act of 1996, and the Indian Child Welfare Act of 1978 (ICWA). ICWA applies to all Native children and prevails over the other two laws.

In the selection of adoptive parents, the interests of children awaiting adoptive placement will be paramount.

CONSIDERATIONS:

- a. Families may be assessed for the following types of children:
 1. Minority children of all ages.
 2. Children of all ages with mild, moderate, and severe physical, emotional or intellectual handicaps which require special care.
 3. Sibling groups.
 4. Healthy children.
 5. Children for whom there are certain legal risks inherent in the placement.

b. The following are general considerations which are applicable under most circumstances in determining whether an adoption application should be initiated:

1. The applicants must be of legal age.
2. Married couples may apply to adopt.
3. Unmarried adults living together may apply to adopt.
4. Single adults may apply to adopt.

NOTE: Marital status, age, ownership of homes are not barriers if applicants demonstrate stability and suitability to parent children with special needs.

5. Applications may be accepted where the most recent child in the family has bonded with the family and the family is able to accept a new family member.
6. The applicants are in good health, or if they have health problems, the medical prognosis indicates they will be able to rear the child to maturity.
7. Applicants should have sufficiently recovered from major surgery, or serious illness to participate in the assessment process.
8. Applicants who have lost a child by death or divorce should have dealt with the loss to a sufficient degree to allow them to emotionally participate in the assessment process.
10. Applicants have the financial resources to meet their own needs.
11. A single applicant who works will not be excluded from consideration as an adoptive applicant.
12. Preference will not be given to couples who are childless.
13. You may not exclude potential placement resources located in another jurisdiction inside and outside of Alaska.

3.23.2 ADOPTION INQUIRIES

AUTHORITY: AS 47.05.010 Duties of Department

POLICY: Any family interested in adoption may contact the division to request service. The regional adoption specialist is responsible for handling inquiries. Inquiries received in a field office should be referred to the regional adoption specialist.

PROCEDURE: When an inquiry is made by telephone, in person, or by letter, the regional adoption specialist should explain the following:

- a. The division has an adoption program because it has the total responsibility for children in the division's custody who are in need of permanent homes. These children have many needs and we are looking for families who can meet these needs.
- b. Children who become available for adoption may be from a variety of racial or ethnic groups or be racially mixed and their ages range from infancy to adolescence.
- c. Ages range from infancy to adolescence. Callers interested only in an infant, toddler, or child without special needs should be referred to private agencies licensed to make adoptive placements in the State of Alaska.
- d. Children become available through voluntary relinquishment and also through termination of the rights of their parents by the court.
- e. The division does not charge a fee for its adoption program. Adoptive parents should however, be aware that there may be attorney fees and there may be transportation costs involved in picking up a child in another part of the state.
- f. Applications are filed on a regional basis according to the date received.
- g. At some time after the receipt of an application, the division will ask applicants to take part in an assessment/study process, where available. The adoption study not only enables the division to get to know the applicants but can also help applicants consider whether they are ready for adoption and what type of child is appropriate for their family.
- h. The timing of an adoption study is determined according to the needs of the children waiting for permanent homes. When the adoption study is completed and if the applicant is approved, the applicant may be registered on the state adoption exchange.

- i. When the caller expresses an interest in inter-country adoption, the worker will make a referral to licensed agencies engaged in inter-country adoption.
- j. In larger communities, invite the inquirer to a group meeting.
- k. In communities where group meetings are not held, schedule an initial interview at the earliest available time or if the family is from out of town, coordinate with the field worker to schedule an initial interview, or invite the family to join a group meeting in the nearest town. For Native families in tribal villages or communities, the worker will solicit tribal representative to help with interview process.
- l. In rural communities with no worker, information will be provided to the family either by phone or letter.
- m. When inquiries are received from an out-of-state agency regarding an approved adoptive family looking for a child, the following procedures should be followed:
 1. Responses to these inquiries will be by the Regional Adoption Specialists . If an OTI is received in field or regional offices, it is to be forwarded to the Regional Adoption Specialist.

The division will only deal with an out of state licensed agency which has studied and approved the family and will assume responsibility for post placement supervision.
 2. The Regional Adoption Specialist will look through the Alaska Adoption Exchange and North West Adoption Exchanges registries to see if the family might be a possible resource for any particular child. The regional adoption specialist will send information or respond by requesting the agency to send a copy of an updated study for review. If the family does not appear to be a resource, the Regional Adoption Specialist will respond to the agency thanking it for the inquiry but explaining that the family does not fit the needs of any our children.

3.23.3 ADOPTION INTAKE AND INITIAL SCREENING

POLICY: Adoption intake services will be provided in every region through group meetings or an initial individual interview in order to provide information about: types of children in need of homes; agency policies, practices, expectations, and priorities; names and location of other agencies providing adoption services.

Each area office will develop a plan whereby prospective applicants will have contact with the agency through group or individual interviews within three months following inquiry. Persons wishing to adopt will not be provided an application until they have received this initial orientation.

PROCEDURE: The following areas should be covered in the group meeting or initial interview:

a. Introduction:

1. The length of time between application, completion of study, approval/disapproval is determined by the volume of applicants and the number and needs of available children.
 - A. Healthy infants available for adoption are likely to be drug exposed.
 - B. What's involved in legally freeing older children.
 - C. Impact of Indian Child Welfare Act, Multi Ethnic Placement Act, and Removal of Barriers to Interethnic Adoption on applicants of all races.
 - D. Some children are adopted by relatives or their foster families.
2. Provide information on regular adoption program , i.e., children are legally free for adoption at the time of placement.
3. Provide information on legal-risk program:
 - A. Children are not legally free at time of placement.
 - B. family must accept legal risks, visitation between children and biological family, etc., but still commit to adoption. See section 3.15.3. Legal-Risk Placements.
4. Basis for selection of adoptive families.

b. Application process:

1. Completion of the Adoption Application form (06-9729). Application may be passed out at the meeting.
 2. Return of the application to the division. Families will be put on the waiting list according to the date they inquired about adoption as the date of the group meeting and actual application is controlled by the agency. Share the length of the waiting list and what new applicants position would be.
- c. Adoption study includes:
1. A series of interviews and/or group meetings.
 2. A time to get acquainted and determine jointly what kind of child is most appropriate for the adoptive family.
 3. The areas to be discussed - motivation and readiness to adopt, feelings and attitudes toward biological parents, personality and background, marriage, feelings and attitudes about children, the type of child or children desired, and basic information on religion, employment, housing, etc.
 4. A medical examination for adoptive parent, and any child in their family who has a significant medical problem that could effect the placement of an additional child.
 5. A financial statement.
 6. Pictures of the family.
 7. A criminal history. See section 6.8.4 Criminal Record Check.
- d. Placement process includes:
1. Explanation of the Alaska Adoption Exchange, Northwest Adoption Exchange, the National Adoption Exchange, and the Internet Faces of Adoption.
 2. Pre-placement visits and transfer of information about the child.
- e. Post-placement services includes:
1. A minimum of six months contact.

2. The worker is to assure the successful integration of the child into the family and to provide help as needed and desired by the adoptive family in both the development of the parent-child relationship and in the resolution of problems inherent in adoption.
 3. Department retains custody of the child.
- f. Finalization process involves:
1. Completion of the necessary legal work.
 2. The adoption hearing.
 3. The agency's assessment, before giving consent to the finalization, that the child's development and general adjustment are satisfactory and that the family is able to cope with any difficulties that may be present.
- g. Post adoption services - see section 3.21 Post Adoption Services.
- h. Alternatives to adoption through the division are:
1. Available licensed private agencies.
 2. Private adoption.
 3. Customary adoptions.
- i. Legal issues include: Overview of current laws governing the release of adoption and the exchange of information between biological parents and adult adoptees.

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3.23.4 APPLICATION

AUTHORITY: AS 47.05.010 Duties of Department

POLICY: If it is determined during the intake process that the family meets eligibility criteria and is willing to consider the kind of children available for adoption, upon receipt of the completed application, the regional adoption specialist will open an applicant file.

PROCEDURE:

- a. A blue form will be opened on the family.
- b. The family's application and pictures will be kept in the file, along with any other information, impressions, etc., regarding the applicant family.
- c. An ongoing record of contacts with the family will also be maintained in the file.
- d. The division's records will be checked for any prior child abuse or neglect concerns regarding the applicant family prior to being considered for placement., and a criminal background check will be done. See section 6.8.4 Criminal Record Check.

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3.23.5 ADOPTION/GUARDIANSHIP STUDY AND ASSESSMENT OF ADOPTIVE/GUARDIANSHIP APPLICANTS

AUTHORITY: AS 47.05.010 Duties of Department

POLICY: It is the policy of the division that an adoption/guardianship homestudy be performed for all adoptions and guardianships for children in DHSS custody. The purpose is to determine the applicant's capacity to parent a child not born to them, determining the type of child most appropriate for the applicants, and to prepare families for adoptive/guardianship placement. The process of completing an adoption/guardianship home study will enable the home study writer to evaluate the safety of the child and educate the applicants. The study is reviewed and approved by the regional adoption specialist.

The home study writer is responsible for assessing the family's appropriateness for adoption or guardianship. This must include recommendations by the writer for approval of the family, and, if applicable, concerns about the family which need to be addressed.

PROCEDURES:

Study Process: the OCS worker, the grantee, or the contractor will:

- a. Complete an adoption/guardianship homestudy for each family who has applied to the division to adopt or become guardians for a child in DHSS custody.
- b. Assess the family through a series of interviews and contacts which may include group sessions, but which must include the following:
 1. individual face-to-face interviews with each family member;
 2. a minimum of two home visits;
 3. contacts with three references, either by letter, in person, or by telephone. The references should come directly to the home study writer. The only role of the adoptive/guardian parent in the reference process should be to provide names of references. The references should be from people who are closely acquainted with or related to the family. The references should receive assurance that the information they provide will be maintained in a confidential manner;
 4. the completion by the adoptive/guardian family of Health, History and Examination for Persons Applying to Adopt form (06-9731), and Financial Statement of Adoptive

Applicants form (06-9730);

5. criminal background check, which includes current FBI and State fingerprint clearances, State of Alaska Sex Offender Registry, and OCS Child Protection check. See section 6.8.4 Criminal Record Check;
 6. reports from collateral contacts such as psychologists, counselors, psychiatrist, school staff, and other service providers working with the family, if applicable;
 7. a discussion with the adoptive family regarding current laws governing the release of adoption records and the exchange of information between biological parents and adult adoptees. (See section 3.22 Requests for Information - Confidentiality and Administration Chapter, section 6.1.2 Confidentiality).
- c. Recording the Assessment: The homestudy should be written in the following narrative format documenting the family assessment in each area; and should synthesize information gathered by the homestudy writer from the family assessment process, the individual and family interviews, the homevisits, the child preparation information from the child's social worker or therapist, collateral agency contacts and documents, and criminal background information.
1. Identifying Information: List personal information including name, address, phone number, birthdate, social security number, race, education, training, marriages, religion, children, occupation, interests and annual income for the previous year.
 2. Summary of Contacts/Sources of Information: List the date that the family completed the family orientation process. List the family assessment process (group or individual) including the number of sessions, dates, hours. List other contacts (type, dates, number of contacts) with family in the homestudy process. List other sources of information inclusive of collateral contacts/information such as medical reports, psychologists, family therapists, financial statements, police reports, criminal background checks, and the Sex Offender Registry, that are used in the evaluation of the family.
 3. Type of Child Desired: Describe the type of child that the family has expressed interest in adopting/guardianship. Elaborate on the level of special needs that the family is most interested in providing for at this time. If this is a child-specific placement, indicate the child(ren) for whom the family wishes to adopt/guardianship. Is the family willing to accept sibling groups, and/or children from other cultures? For a specific child, outline the identified special needs of the child.
 4. Motivation and Readiness to Adopt: Assess for, and discuss, ambivalence within the family regarding adoption/guardianship. If infertility is a concern for the family,

explore the resolution of feelings about infertility. What are the family's reasons for wanting to adopt or to be guardians? Have they made prior efforts to adopt/guardianship? How long has the family considered adoption/guardianship, and which partner (if applicable) has initiated the adoption/guardianship process for this family?

5. Level of Preparedness for Adoption: Describe how the family responded to a group or individual family assessment. Include information that the family has received on the following:
 - A. the concept of adoption as a lifelong process;
 - B. the potential for the child to have identity confusion and loss regarding separation from birth parents;
 - C. disclosure of the fact of adoption/guardianship to the child;
 - D. the fact that the child will have questions about birth parents and/or other relatives;
 - E. the importance of the child's racial, ethnic, religious and cultural heritage;
 - F. the lifelong special needs of the child.

6. Description, Personality, and Background of Each Applicant: Discuss the physical description and health of each applicant. Provide applicants date of birth, place of birth, type of personality. How do the applicants describe themselves and each other? How does the worker describe them? What are their personal interests? Provide enough information to give the reader a mental picture of each applicant. Describe their individual family backgrounds. Describe previous life experiences and challenges. How have the applicant(s) dealt with difficult times, illnesses, divorces, deaths of family members.

7. Present Marital Status and Family Life:
 - A. If Single: Describe his/her relationships with the opposite/same sex. What advantages does he/she believe he/she can offer to a child? What does this individual do in their spare time , and will the child fit into these activities? What other people will be involved with the child on a regular basis? What does this person do for fun? How will the child (ren) fit into this person's lifestyle?
 - B. If couples: Describe past marriages or significant relationships; dates, length of time since separation. Circumstances of separation, feelings and resolution about this loss; differences between present and prior relationships. How has this marriage changed over time? Who makes the decisions? How do problems get solved? What does the couple do for fun? How will the child (ren) fit into this couple's life and family?

8. Children in the Family: Are there other children in this home? Include names, ages, grades in school, interests. What do the children think of adoption? What is the

- developmental level of each child, and the physical and emotional health? What preparation have the children had regarding adoption/guardianship in general and child specific, if appropriate. Describe children from prior marriages, financial responsibility to these children; how do these children feel about the new relationship and adoption/guardianship? Where do these children live and what time do they spend in this household? Describe the type of child (ren) that the current children envision coming to live with them. Has this family experienced the death of a child? If so, how have they dealt with this loss?
9. Collateral Assessment: For child specific studies, give an overview of the child's present needs, diagnosis, and current services provided. Outline assessments of the specific child by service providers including therapists, psychiatrists, school staff, other service providers for the child, GALs, foster parents.
 10. Child Specific Assessment: Discuss the history of the child's placement and adjustments within the present family environment. Describe how other members of the family have adjusted to the child's placement in the family. What are the specific child's feelings about adoption or guardianship by this specific family?
 11. Child Specific Preparation: What child-specific preparation has occurred? What training needs for the family have been identified to assist the family with the child's special needs? What are the factors that indicate success for this family with this child? Is the family open to seeking help with the child's special needs throughout the child's lifetime? Are there specific risk factors presented by the child? What risk management techniques have been put into place to minimize these risks? Can the family realistically project how their decision to adopt this specific child will impact the family in one year, three years, five years, ten years from now?
 12. Attitudes and Feelings Toward Children and Parenting: Discuss important values the family wants their children to have as adults. Discuss family rules and expectations. Discuss parenting styles and the use of discipline by the applicant(s). Discuss expectations of, and plans for, adoptive/guardianship children. Include information about how the applicants were parented and what their current parenting style is. If the applicants have not been parents, discuss experience with other children. Discuss values, feelings, and practices in regard to child discipline and care, sensitivity to and feelings about children who may have been subjected to abuse, neglect, separation and loss of their birth family. Discuss the family's ability to manage the special needs of the child. For a specific child, what parenting challenges has the family faced already in managing the child's special needs? How has the family dealt with these parenting challenges?
 13. Health: Describe all current or past health concerns of adoptive/guardianship parents.

14. Financial and Employment: Discuss financial status and ability to support a child, including employment history and insurance coverage. If not currently employed, describe the family's ability to financially survive without employment. If appropriate, discuss subsistence lifestyle as an alternative to monetary financial supports. What is the medical insurance for family members? Do the monthly expenditures equal income? How does the family deal with financial stress? Is there a financial resource other than work? Is the family realistic about the cost of another child (ren)? Discuss the family's understanding of subsidy resources and Medicaid for a child with special needs.
15. Religion: Discuss the role of religion for each family member and the family. What are the family expectations of adoptive/guardianship child to participate in religious activities? What is the family's level of acceptance of the child's religion, if different than the family's?
16. Cultural or Ethnic Affiliation: Discuss the family's sensitivity to, and feelings about, different socioeconomic, cultural, and ethnic groups in relation to the family's ability to provide an adoptive/guardianship home and to maintain the cultural or ethnic identity of a child from a different background.
17. Relationship with Birth Family: Discuss the adoptive/guardianship family's sensitivity to, and feelings about, birth families of children placed for adoption or guardianship. Discuss the family's expectations about any on-going relationship with the birth family, inclusive of extended family members and siblings.
18. Housing: Provide a physical description of the home, number of bedrooms and sleeping arrangements. Discuss safety plans (fire plans, emergency exits), location of medications, and firearms and the family safety expectations related to these safety plans. How well will the home accommodate the number of children the family is wishing to adopt or guardianship? Verify length of residency in the community and in the home. Describe the neighborhood and/or community where the family resides. What is the cultural/ethnic makeup of community?
19. Community Supports: Describe formal and informal community supports that can assist the family with meeting the special needs of a child (i.e. location of mental health services, special education services, extended family members, neighbors, church supports, tribal supports, youth programs, infant learning supports, medical services, etc.) Have the applicants had experience with other helping agencies? What is the comfort level of the family with seeking out help from the identified community supports?
20. Relatives and Support Network: Discuss the attitude of the extended family and friends regarding adoption or guardianship. Indicate who is the support network for

the family. Describe how the family will discuss adoption/guardianship plans with extended family members, friends, church. If other adults live with the applicant, discuss who these folks are and what relation they will have with the adopted/guardianship child. When needed, discuss the physical and emotional health of the live-in adult. Who will care for the child in the event of the adoptive/guardian parents' death? Describe what arrangements will be made for daycare.

21. References: The State of Alaska requires three references on the adoptive/guardianship family. Summarize the statements of the three references.
 22. Criminal Background Checks: Division policy requires that current fingerprint clearances (State and FBI), current Sex Offender Registry checks and current CPS checks be completed for adoption or guardianship on every adult individual in the household. Summarize law enforcement/child protection clearances. Provide the date and results of the criminal background check completion. Provide the date and results of the Sex Offender Registry completion. Were there any problems with any of these checks? If so, explain problems and explanations from adoptive/guardianship family. Provide verifications of child abuse record checks, criminal history checks, marriage license, physical examinations, employment verification, and at least three non-relative letters of recommendation/reference.
 23. Worker's Evaluation and Recommendation: Recommendations for or against applicants in adopting/guardianship a special needs child; recommendation for training and further evaluation before adoption/guardianship occurs. When no child has been specified, the recommendation should include what type of child the family wants to adopt and what types of child(ren) are recommended by the worker. Summarize the characteristics which indicate this applicants' capacity to parent an adoptive/guardianship child. What is their capacity to give without needing to get? How flexible are the adoptive/guardianship parents? Can they put the needs of the children before their own? Do they have the capacity for a relationship with others? How do they cope with stress? Can they accept risks? Do they have a sense of humor? Do they have strengths and a good sense of self? How has this family dealt with any "negatives" regarding their family/community, i.e. racism, poverty. What are your recommendations for this applicants? What are your impressions of this family? What are the family's strengths and risks? How were the strengths and risks addressed? What plans have the family developed to minimize risks? Make a statement regarding your belief that this family may/may not be able to meet the challenges of the specific child. What is the home study writer's recommendation regarding this family and adoption or guardianship.
- d. Applicants will be approved for adoption/guardianship when the worker's evaluation reflects they can:

1. Parent a child not born to them.
 2. Parent the type of child the agency has available for placement.
 3. They meet the basic criteria outlined in sections 3.23.3 Adoption Intake and Initial Screening and 3.23.5 Adoption/Guardianship Study and Assessment of Adoptive/Guardianship Applicants.
- e. Applicants will not be approved when:
1. The adoptive applicants cannot accept the kind of children the agency has available for adoption.
 2. Substantial evidence is presented that they do not have the basic family characteristics as outlined in section 3.23.3. and section 3.23.5

They are not prepared to receive a child due to pregnancy, unresolved family problems, health problems, financial problems, death, adoption of a child through another source, or separation or divorce.
 4. Criminal background check reveals prohibited crimes. See section 6.8.4. Criminal Record Check.
- f. The regional adoption specialist is responsible for the approval or disapproval of the completed homestudy and recommendations on the prospective adoptive or guardianship family. All completed homestudies require a signature of the regional adoptions specialist before the family is approved or disapproved as an adoptive or guardianship family for the division.
- g. In order to remain current, home studies must be updated annually for the first two years after they are completed or at any time that there is a significant change in the family's situation. Examples of these changes could include but are not limited to the following circumstances:
1. a move;
 2. a change in the type of child they will consider;
 3. changes in the family structure through the addition of other family members;
 4. divorce;
 5. death of family members;

6. change in a family member's health status.

At the end of the third year, a complete home study must be done.

3.24 SPECIAL ISSUES

3.24.1 OCS EMPLOYEES AS ADOPTION/GUARDIAN APPLICANTS TO CHILDREN IN THE CUSTODY OF OCS

PURPOSE: To determine the circumstances in which OCS employees may be considered as a placement resource for a child in OCS custody.

AUTHORITY: AS 47.05.010 Duties of Department

POLICY:

- a. The Office of Children's Services does not allow OCS employees to adopt, or become the guardian of, a child in the OCS custody, except when the OCS employee is a relative to the child. The following criteria must be met when an Office of Children's Services employee is being considered as an adoptive parent or legal guardian for a related child in the OCS custody:
 1. The placement preferences set out in federal and state law must be followed (see section 3.15.2 Placement Preferences for Legal-Risk and Adoptive Placements), including that all other potential relative placements must also be considered for an adoptive or guardianship placement of the child.
 2. The reasons must be documented in ORCA why it is in the best interests of the child to be adopted by, or enter into a legal guardianship with, a related OCS employee;
 3. The OCS employee who is to be an adoptive parent or guardian for a related child cannot provide direct or indirect casework or supervisory services to the child or other family members.
 4. The child's caseworker cannot be supervised by the employee's supervisor.
 5. The adoption/guardianship home study must be conducted by an outside contractor, and approved by the OCS Central Office Adoptions Unit staff.
 6. The adoption/guardianship subsidy negotiation must be conducted by a Regional Adoption Specialist from a region other than the employee's own region.
- b. In exceptional cases, where it is in the best interest of a child that a non-related OCS

employee become the adoptive parent or legal guardian for the child, the Director may make an exception to the policy that only related employees may become adoptive parents/legal guardians. In this situation, all the other requirements and procedures in this section apply.

PROCEDURE:

- a. The employee will contact the regional adoption specialist in his/her region to obtain information about the OCS' adoption program and to obtain answers to any questions.
- b. If, following discussion with the regional adoption specialist, the employee decides to pursue application for adoption or guardianship, the employee will submit a written request, through supervisory channels, to the regional children's services manager. The request must address continuity issues for the child.
- c. A Permanency Planning Conference will be held to determine if placement with the OCS employee is the most appropriate placement for the child. (see section 3.1.4 Permanency Planning Conference)
- d. If the PPC recommends that an OCS employee is the preferred relative placement option for the child, a memo will be derived from the PPC members and submitted by the Regional Adoptions Specialist to the child's services manager through supervisory channels. The request must address continuity issues for the child.
- e. The children's services manager will consult with the employee's supervisor and the staff manager to determine whether placement of the child into the employee's care would be in the child's best interest.
- f. If approving the placement, the children's services manager will forward the request to the Director through the field administrator with a cover memo explaining why the placement is in the best interests of the child. The memo will address:
 1. The reasons why the child cannot be placed with another relative.
 6. Documentation that outlines the efforts to place the child:
 - with relatives
 - efforts to place with other licensed foster care providers
 - efforts to place with other approved adoptive providers
 3. The plan for supervision of the case, including, if necessary, transfer of the case so that the supervision of the case is not within the same unit or field office. The plan

may include a request to another OCS service region for case management and supervision from outside of the region.

4. The plan for completing an adoption/guardianship home study in accordance with the policy.
 5. A plan to identify, address, and minimize any conflicts of interest that would exist in the region where the employee to be an adoptive or guardianship placement of the child. Specifically, these impacts should include all aspects from direct case management and supervision, to case reviews, licensing, eligibility, and funding considerations.
- g. Upon receipt of the request for approval of placement, the Director will respond with approval or non-approval (contingent on an approved home study) within seven working days.
- h. OCS Employees Identified as Permanent Placements for Non-relative Children Prior to 11/1/06
1. Permanency plans approved prior to 11/1/06 that identify an OCS employee as the potential guardian or pre-adoptive placement for a non-related child remain valid after 11/1/06 and the OCS employee shall continue to be considered as a potential guardian or adoptive placement for the non-related child.
 2. The relevant policy and procedures under 3.24.1 shall be applicable to the placement.

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3.24.2 FAMILIES APPLYING TO ADOPT A SPECIFIC CHILD - NON-RELATIVE, NON-FOSTER CARE

AUTHORITY: AS 47.05.010 Duties of Department

POLICY: If a family requests to adopt a specific child, the division may approve the request, providing it is a child for whom the division does not already have either an approved family waiting or an appropriate family waiting for an adoption study to be conducted. An exception may be considered if there is a significant bond between the family and the child, or some other factor that would indicate it would be in the child's best interests to be placed with this specific family. For Native children, such a request by a Native family who meets the placement preferences should be considered as an exception.

PROCEDURE:

- a. The adoption assessment and study will focus on the needs of the specific child and this families ability to accept and meet the needs of the child.
- b. Follow Policy and Procedure outlined in section 3.23.5 Adoption Study and Assessment of Adoptive Applicants.

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3.24.3 PLACEMENT WITH FAMILIES APPROVED BY OTHER ADOPTION AGENCIES AND TRIBES

AUTHORITY: AS 47.05.010 Duties of Department

POLICY: In searching for a family that best meets the needs of a particular child, the division may consider and place a child with a family approved by an adoption agency which is licensed by the State of Alaska or tribal child welfare agents.

PROCEDURE: The regional adoption specialist will:

- a. Maintain an open service case on the child.
- b. Send complete social history, medical, psychological, and other pertinent information to the placing agency.
- c. Request the placing agency provide the necessary post-placement services or coordinate in providing these services when it has been determined that the relationship between the child and their worker should be maintained.
- d. Request supervising agency submit written reports at least every other month until the adoption is finalized.
- e. Coordinate with the agency to prepare the necessary paperwork for finalization and assist as necessary in the finalization process.

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3.24.4 FAMILIES APPLYING TO OTHER ADOPTION AGENCIES

AUTHORITY: AS 47.05.010 Duties of Department

POLICY: Division staff will not complete adoption studies for families applying to other agencies unless the request for such services is for a specific child and has been requested by another state agency through the Interstate Compact on Children (ICPC).

All private out-of-state agencies making placements in Alaska will be licensed in the state or tribe in which they are located and will assume responsibility for the arrangement of adoption studies, placement and post-adoptive placement supervision.

All adoptive placements of children from outside Alaska will be approved by the ICPC Coordinator in the state in which the agency is located and by the Alaska ICPC Coordinator. Placement of children into Alaska from states which are not members of the Compact will be referred through the ICPC Coordinator. (See ICPC Chapter).

All adoptive placements from out of state which have not been approved by the ICPC office will be referred to the ICPC Coordinator immediately upon discovery, except for placements made with a relative by a relative where the degree of relationship (both receiving and sending) is parent, stepparent, grandparents, adult brother or sister, adult uncle or aunt. ICPC does not apply to such placements.

PROCEDURE:

- a. If there is no ICPC request, the worker will refer the family to licensed private agencies and/or qualified individuals who will contract for services related to adoption.
- b. If there is an ICPC request, the worker will follow procedures outlined in section 3.23.5 Adoption Study and Assessment of Adoptive Applicants to complete an adoption assessment/study.
- c. If the study is being done in a field office, the regional adoption specialist will be available to offer consultation and assistance.
- d. If a family is already approved by the division for adoption, the adoption study may be released to other agencies, both in and out of Alaska, with the applicant's written permission.

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3.24.5 PRIVATE ADOPTION STUDIES

AUTHORITY: AS 25.23.100(d), (e), (f), and (h) Notice of Petition, Investigation and Hearing

POLICY: The Court may order any qualified agency or person to investigate a private adoption placement. The division is often ordered by the court as the agency to conduct the required investigation, though the Court should be encouraged where possible, to designate a private agency or individual. The division completes home studies for families who are adopting privately only when the Court has issued an order designating the division as investigator.

The report "shall contain an evaluation of the placement with a recommendation as to the granting of the petition for adoption" (AS 25.23.100(f)). The written report should be filed with the Court within thirty days of the designation. If it is not realistically possible to complete the assessment in the 30 days, the worker should motion the court and request an extension from the Court.

The court ordered private adoption study will be completed by the regional adoption specialist if the family resides in proximity of the regional adoption specialist assigned to that region. Otherwise the study is the responsibility of the field worker, with final approval from the regional adoption specialist. The regional adoption specialist or State Office adoption Coordinator will be available to offer assistance and consultation to the field worker in completing the study.

The division is not responsible for seeing that the rights of all parties are protected, as far as Notice of Hearing. That is the responsibility of the adoptive parents or their attorney.

PROCEDURE: The worker will:

- a. Open a case with a Form 1 Green on the child.
- b. Complete procedures a - d under 3.24.6 Adoptions - Notice to the Division before initiating the homestudy process with the family. Any relevant information obtained thereby should be considered in the homestudy process.
- c. Assess the family through a process which must include:
 1. Individual face-to-face interviews with each family member, including the adoptive child if the child is verbal.
 2. A minimum of two home visits.
 3. Contact with three references by letter, in person, or by telephone. The references

should come directly to the home study writer. The only role of the adoptive/guardian parent in the reference process should be to provide names of references. The references should be from people who are closely acquainted with, or related to, the family. The references should receive assurance that the information they provide will be maintained in a confidential manner.

4. If indicated, reports from collateral contacts such as psychologists, counselors, psychiatrists, school staff, and other service providers working with the family and/or child.
 5. Provide the family and child, if old enough, with an overview of current laws governing the release of adoption records and the exchange of information between biological parents and adult adoptees.
- d. Recording the Assessment: The homestudy should be written in the following narrative format documenting the family assessment in each area, and should synthesize information gathered by the homestudy writer from the family assessment process, the individual and family interviews, the home visits, the child interview, collateral agency contacts and documents, and criminal background information. Please note that the following outline, which differs from the home study outline for children in DHSS custody (see section 3.23.5 Adoption/Guardianship Study and Assessment of Adoptive/Guardianship Applicants), must be followed for court ordered studies.
1. Identifying Information: List personal information including name, address, phone number, birthdate, social security number, race, education, training, marriages, religion, children, occupation, interests and annual income for the previous year.
 2. Summary of Contacts/Sources of Information: List contacts (type, dates, number of contacts) with family in the homestudy process. List other sources of information inclusive of collateral contacts/information such as medical reports, psychologists, family therapists, financial statements, police reports, criminal background checks, and the Sex Offender Registry, that are used in the evaluation of the family.
 3. Child to Be Adopted: Provide a description, assess the child's development, etc. Observe interaction of child with the adoptive parents. If the child is old enough, discuss with the child their understanding of adoption and their desire to be adopted. If the child is ten or older, discuss their willingness to formally consent to the adoption.
 4. Motivation and Readiness to Adopt: Assess for, and discuss, ambivalence within the family regarding adoption. How long has the family considered adoption, and which partner (if applicable) has initiated the adoption process for this family?

5. Level of Preparedness for Adoption: Include information that the family has received on the following:
 - A. the concept of adoption as a lifelong process;
 - B. the potential for the child to have identity confusion and loss regarding separation from birth parents;
 - C. disclosure of the fact of adoption/guardianship to the child;
 - D. the fact that the child will have questions about birth parents and/or other relatives;
 - E. the importance of the child's racial, ethnic, religious and cultural heritage;
 - F. the lifelong special needs of the child.

6. Description, Personality, and Background of Each Applicant: Discuss the physical description and health of each applicant. Provide applicants date of birth, place of birth, type of personality. How do the applicants describe themselves and each other? How does the worker describe them? What are their personal interests? Provide enough information to give the reader a mental picture of each applicant. Describe their individual family backgrounds. Describe previous life experiences and challenges. How have the applicant(s) dealt with difficult times, illnesses, divorces, deaths of family members.

7. Present Marital Status and Family Life:
 - A. If Single: Describe his/her relationships with the opposite/same sex. What advantages does he/she believe he/she can offer to a child? What does this individual do in their spare time , and will the child fit into these activities? What other people will be involved with the child on a regular basis? What does this person do for fun? How will the child (ren) fit into this person's lifestyle?
 - B. If Couples: Describe past marriages or significant relationships; dates, length of time since separation. Circumstances of separation, feelings and resolution about this loss; differences between present and prior relationships. How has this marriage changed over time? Who makes the decisions? How do problems get solved? What does the couple do for fun? How will the child (ren) fit into this couple's life and family?

8. Children in the Family: Are there other children in this home? Include names, ages, grades in school, interests. What do the children think of adoption? What is the developmental level of each child, and the physical and emotional health? What preparation have the children had regarding adoption in general and child specific, if appropriate. Describe children from prior marriages, financial responsibility to these children; how do these children feel about the new relationship and adoption? Where do these children live and what time do they spend in this household? Describe the type of child (ren) that the current children envision coming to live with them. Has this family experienced the death of a child? If so, how have they dealt with this

loss?

9. Collateral Assessment: Give an overview of the child's present needs, diagnosis, and current services provided. Outline assessments of the specific child by service providers including therapists, psychiatrists, school staff, other service providers for the child, if appropriate.
10. Child Specific Assessment: What are the specific child's feelings about adoption by this family? For a child with special needs, what training needs for the family have been identified to assist the family with the child's special needs? Is the family open to seeking help with the child's special needs throughout the child's lifetime? Are there specific risk factors presented by the child? What risk management techniques have been put into place to minimize these risks? What are the factors that indicate success for this family with this child? Can the family realistically project how their decision to adopt this specific child will impact the family in one year, three years, five years, ten years from now?
11. Attitudes and Feelings Toward Children and Parenting: Discuss important values the family wants their children to have as adults. Discuss family rules and expectations. Discuss parenting styles and the use of discipline by the applicant(s). Discuss expectations of, and plans for, adoptive children. Include information about how the applicants were parented and what their current parenting style is. If the applicants have not been parents, discuss experience with other children. Discuss values, feelings, and practices in regard to child discipline and care, sensitivity to and feelings about children who may have been subjected to abuse, neglect, separation and loss of their birth family. What parenting challenges has the family faced already in managing the child's special needs? How has the family dealt with these parenting challenges?
12. Health: Describe all current or past health concerns of adoptive parents.
13. What expenses were incurred in the placement of the child?
14. Financial and Employment: Discuss financial status and ability to support a child, including employment history and insurance coverage. If not currently employed, describe the family's ability to financially survive without employment. If appropriate, discuss subsistence lifestyle as an alternative to monetary financial supports. What is the medical insurance for family members? Do the monthly expenditures equal income? How does the family deal with financial stress? Is there a financial resource other than work? Is the family realistic about the cost of another child (ren)?
15. Religion: Discuss the role of religion for each family member and the family. What

are the family expectations of adoptive child to participate in religious activities? What is the family's level of acceptance of the child's religion, if different than the family's?

16. Cultural or Ethnic Affiliation: Discuss the family's sensitivity to, and feelings about, different socioeconomic, cultural, and ethnic groups in relation to the family's ability to provide an adoptive home and to maintain the cultural or ethnic identity of a child from a different background.
17. Contact with Biological Parents: Obtain family background information, i.e. age, race, education, and significant medical history, siblings. Describe why adoption was the plan and how it was arranged. Verify consent. If the biological parents are in another area or out of state, request the services of another OCS office or another agency.
18. Relationship with Birth Family: Discuss the adoptive family's sensitivity to, and feelings about, birth families of children placed for adoption. Discuss the family's expectations about any on-going relationship with the birth family, inclusive of extended family members and siblings.
19. Housing: Provide a physical description of the home, number of bedrooms and sleeping arrangements. Discuss safety plans (fire plans, emergency exits), location of medications, and firearms and the family safety expectations related to these safety plans. How well will the home accommodate the number of children the family is wishing to adopt? Verify length of residency in the community and in the home. Describe the neighborhood and/or community where the family resides. What is the cultural/ethnic makeup of community?
20. Community Supports: Describe formal and informal community supports that can assist the family with meeting the special needs of a child (i.e. location of mental health services, special education services, extended family members, neighbors, church supports, tribal supports, youth programs, infant learning supports, medical services, etc.) Have the applicants had experience with other helping agencies? What is the comfort level of the family with seeking out help from the identified community supports?
21. Relatives and Support Network: Discuss the attitude of the extended family and friends regarding adoption. Indicate who is the support network for the family. Describe how the family will discuss adoption plans with extended family members, friends, church. If other adults live with the applicant, discuss who these folks are and what relation they will have with the adopted child. When needed, discuss the physical and emotional health of the live-in adult. Who will care for the child in the event of the adoptive parents' death? Describe what arrangements will be made for

daycare.

22. References: The State of Alaska requires three references on the adoptive family. Summarize the statements of the three references.
23. Criminal Background checks: Division policy requires that current fingerprint clearances (State and FBI), current Sex Offender Registry checks and current CPS checks be completed for adoption or guardianship on every adult individual in the household. Summarize law enforcement/child protection clearances. Provide the date and results of the criminal background check completion. Provide the date and results of the Sex Offender Registry completion. Were there any problems with any of these checks? If so, explain problems and explanations from adoptive family. Provide verifications of child abuse record checks, criminal history checks, marriage license, physical examinations, employment verification, and at least three non-relative letters of recommendation/reference.
24. Worker's Evaluation and Recommendation: Recommendations for or against applicants in adopting a special needs child; recommendation for training and further evaluation before adoption occurs. Summarize the characteristics which indicate this applicants' capacity to parent an adoptive child. What is their capacity to give without needing to get? How flexible are the adoptive parents? Can they put the needs of the children before their own? Do they have the capacity for a relationship with others? How do they cope with stress? Can they accept risks? Do they have a sense of humor? Do they have strengths and a good sense of self? How has this family dealt with any "negatives" regarding their family/community, i.e. racism, poverty. What are your recommendations for this applicants? What are your impressions of this family? What are the family's strengths and risks? How were the strengths and risks addressed? What plans have the family developed to minimize risks? Make a statement regarding your belief that this family may/may not be able to meet the challenges of the specific child. What is the home study writer's recommendation regarding this family and adoption.

It is up to the Court to either grant the adoption, request a more in-depth investigation, continue the case until recommendations are completed, or to dismiss the petition and determine in the best interests of the child, who should have custody of the child.

- e. When the final Decree of Adoption or Order of Dismissal is received from the Court, the case will be closed.
 1. If the adoption was granted, the file will be kept in the Regional Office for three years.
 2. If the adoption is dismissed due to a negative assessment and recommendation, the file should be kept in the Regional Office for five years.

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3.24.6 ADOPTIONS - NOTICE TO THE DIVISION

AUTHORITY: AS 25.23.100(a) Notice of Petition, Investigation and Hearing

POLICY: Alaska statute requires "that at least 20 days before the scheduled date of an adoption hearing, the petitioner will give notice of the time and place of the hearing to the Department, unless the adoption is by a stepparent of the child. The notice to the Department will be accompanied by a copy of the petition." (AS 25.23.100(a)) The Division may waive their right to notice by filing a written waiver with the court.

All notices and petitions will be reviewed to determine:

- if the parties are known to the Division in relation to any reports of abuse or neglect
- if the family has been denied approval for adoption by the Division
- if any other factors or concerns are present that could threaten the future stability of the adoption.

Notices and Petitions are to be reviewed by the Regional Adoption Specialist in those areas where there is one. Otherwise, the review is the responsibility of the field worker.

PROCEDURE: The worker will:

- a. Review the intake unit's information and referral and CP Alert file to determine if there have been any prior referrals on the adopting family, to the Division.
- b. Review the management information system to determine if there have been any prior open child abuse or neglect cases.
- c. Review the list of adoptive applicants who were denied approval over the last five years. Field workers will request that the Regional Adoption Specialist complete this review.
- d. Review the Notice and Petition to determine if the child is Native and placed in a family outside the placement preferences, and regarding notice to any putative fathers and to the child's tribe.
- e. If the adoptive family is known, re: child abuse and neglect, notify the court in writing that the Division has reason to question the advisability of the adoption and suggest that the court order a study, or if one is already on file with the court, order further investigation.

A copy of the letter should be sent to the adoptive parents' attorney, or if they are handling their own adoption, to the family themselves. If a tribe has intervened in the case, they should also receive a copy of the letter.

- f. If the family has been denied approval for adoption by the Division during the past five years, notify the court in writing and advise that the file is available. A copy of the letter should be sent to the adoptive parents' attorney, or if they are handling their own adoption, the family themselves. If a tribe has intervened, they should also receive a copy of the letter.
- g. If the child is Native and placed with a family outside the preferences, notify the court in writing of the Division's concern that failure to comply with the placement preferences outlined in the Indian Child Welfare Act poses a potential risk to the future stability of the adoption.

A copy of the letter should be sent to the parents' (attorney) and to the child's tribe.

- h. After the above procedures are completed, file the Notice and Petition, with any correspondence to the court, in chronological order in a master file. Notices and Petitions should be kept on file for one year.

4.0 COURT PROCEEDINGS

INTRODUCTION: The primary purpose of the division's intervention and of bringing the child before the Court is to secure for the child the care, guidance, treatment, and control that will serve his/her emotional, mental, social, and physical needs. Preferably, this care will be provided in the child's own home, and reasonable attempts should be made to preserve and strengthen the child's family ties, unless these efforts are likely to result in harm to the child. The health and safety of the child is the court's paramount concern. Removal from the custody of the parents should be a last resort and only undertaken when the child's welfare or safety cannot be adequately safeguarded without that action, such as when:

- a. The grounds for emergency custody in AS 47.10.142(a) exist (emergency petition); or
- b. Attempts at treatment have failed and parents have not progressed toward providing a minimally adequate level of care for the child (non-emergency petition).

The child protection statutes (AS 47.10) set the criteria by which the State may intervene on behalf of children. It provides the legal authority for protecting children from harm which is the result of parental conduct. (Other manual sections, especially Intake, Case Planning, and Indian Child Welfare Act, contain further information on criteria for legal intervention.)

ROLES: Many parties are involved in a court proceeding, and it is essential to understand the role of each:

- Superior Court: The function of the Superior Court is to conduct hearings in matters concerning minors who were under eighteen years of age at the time the petition was filed. (AS 47.10.010 sets forth the basis of the court's jurisdiction in cases involving Children in Need of Aid, AS 47.10.011 sets forth the grounds upon which the court may determine that a child in need of aid, and AS 47.12.020 sets forth the basis of the court's jurisdiction in cases involving delinquent minors.)

The two types of children's matters heard in Superior Court are Child In Need Of Aid (CINA) and Delinquency cases. A delinquent minor is one who is found guilty of violating a criminal law of the state. A Child In Need Of Aid is one in need of protection. The court has the authority to enforce the child protection statutes and to monitor services to families. In some cases, the court may terminate the parent/child relationship and permanently remove the child from his/her parents.

- Masters: In Anchorage, a Standing Master (one who is appointed for a year at a time) hears most CINA cases and makes recommendations to the superior court judge as to the appropriate findings and orders. In other locations, particularly where no superior court judge resides, the magistrate or a district court judge may be appointed as a master for a particular

court proceeding, e.g., to preside over a temporary custody hearing or to take a stipulation, and they can issue some orders independently and others must be approved by a superior court judge to be final.

Consult with your attorney if you need the presiding judge in your judicial district to make such an appointment for a particular proceeding, unless local practice permits you to contact the court directly on such matters.

- Magistrates and District Court Judges: In addition to situations where the magistrate has been ordered to act as master (see g. above), magistrate and district court judges may act when a child is in a condition or surrounding dangerous to the child's welfare and immediate action is required, and no superior court judge or authorized master is available. The action taken, however, must be the least restrictive (in terms of interference with the family relationship) action necessary to protect the minor, and must be one which a superior court judge would be authorized to take in the circumstances. The magistrate does receive a written petition from the division worker or probation officer advising the magistrate as to the circumstances and needs of the petition. The magistrate must immediately notify the superior court of the facts of the case and transfer the case file to the superior court for further action.
- Division Worker: In regards to the court proceedings, the function of the worker is to evaluate the need for legal intervention, ensure that there is sufficient evidence to justify legal intervention, make recommendations regarding disposition of the case, and testify if called on to do so. The worker assesses the level of danger to a child and takes whatever action is necessary to ensure the child's well-being, and documents the assessment and action taken as well as other social work activities. The worker consults with OCS supervisor and the Assistant Attorney General in choosing the appropriate legal steps and may be asked to assist the Attorney General in preparing the case for court, developing a witness list, preparing witnesses or the family for court. In rural offices, the worker will prepare many of the documents but usually has consultation with an Attorney General or District Attorney by phone.
- Assistant Attorney General (AAG) (or Assistant District Attorney) - the attorney who represents OCS: The function of the AAG is to assist workers in bringing a petition before the court. The AAG is responsible for reviewing the petition before it is filed and for preparing other required legal documents. As the legal representative of the department, the AAG provides consultation and legal guidance in matters regarding children's proceedings. The AAG represents the Worker at all hearings.
- Guardian Ad Litem (GAL): The GAL is appointed by the court to serve as an advocate for the best interests of the child, and to ensure that the court has adequate information regarding the case in order to consider all options. In many areas the GAL is an attorney, but anyone can be appointed. (The GAL is independent of OCS.)

- Court Appointed Special Advocate (CASA): Volunteers who are trained to be GAL. They are to perform all duties of GAL. Each CASA is supervised by an active GAL. (The CASA is independent of OCS.)
- Child's Attorney: The function of the child's attorney is to advocate what the child wants when the GAL is advocating a position that is different than what the child wants, and the child is old enough to state his/her position. Attorneys for children are used in delinquency proceedings or in addition to a GAL when the GAL and the child seriously disagree on what is in the child's best interest.
- Parent's Attorney: The function of the parent's attorney is to ensure that the rights of the parent are adequately protected and the parent's position is presented to the court. Any legal (i.e., biological or adoptive) parent, even a non-custodial one, is entitled to counsel.
- Indian Child's Tribe:
 1. An Indian child's tribe is the tribe in which the child is a member or eligible for membership, or, where a child is a member or eligible for membership in more than one tribe, the tribe with which the child has the most contacts. The child's tribe has the following rights in regards to state child custody proceedings:
 - A. Right to notice – A tribe has a right to notice of any child custody proceeding involving a child who is either a member of that tribe, or who is the biological child of a member and the child is eligible for membership in that tribe. Notice must be sent when any petition - for adjudication, extension or termination is filed, and of contested annual reviews. The AAG provides the formal, written notice on all cases, but relies on the worker to provide the necessary family tree information to determine to whom notice must be sent. For division offices without AAG representation, the notice is provided by the Assistant District Attorney or other attorney who represents the division. The tribe may ask for a twenty day extension if it wishes. If emergency custody is taken, the worker must make reasonable efforts to give the tribe actual notice of the temporary custody hearing if the tribe is known.
 - B. Right to intervene - The Indian child's tribe has the right to intervene at any point in any child custody proceeding. If the tribe moves to intervene and that intervention is accepted by a state court judge, the tribe becomes a legal party to the proceeding. It then has a right to participate as a full party to the case.
 - C. Right to examine records - in any case where the division has legally intervened on behalf of a Native child, the tribe may examine all reports or other documents

filed with the court, upon which the custody decision will be based, or any information upon which the division will make decisions regarding the child.

2. The tribe has the right to request transfer of jurisdiction to the tribe for children who are members of or eligible for membership in the tribe. (see section 4.5 Tribal Jurisdiction)
- Indian Custodian: "Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom, or under State law, or to whom temporary physical care, custody, and control has been transferred by the parent of such child at the time the child is taken into custody. Under ICWA, the Indian custodian has the same three rights mentioned above for tribes. They also become full legal parties to the case when they intervene. The Indian custodian has a right to court-appointed counsel if they cannot afford to hire an attorney. The counsel may seek compensation from BIA.
 - Qualified Expert Witness: Before the court can order an Indian child removed from the parent's or Indian custodian's care, testimony from a qualified expert witness is required to support a finding that the child is likely to suffer serious emotional or physical damage if the child remains in the custody of the parent or Indian custodian and that the division has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proven unsuccessful. Testimony of a qualified expert witness is also required for termination of the parental rights of an Indian child's parents. Persons with the following characteristics are likely to qualify as expert witnesses for purposes of Indian child custody proceedings:
 1. A professional person having substantial education and experience in an appropriate specialty;
 2. A lay expert witness having substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and childrearing practices within the Indian community, relevant to the Indian child;
 3. A member of the Indian child's tribe who is recognized within the tribal community as knowledgeable in tribal customs as they pertain to family organization and childrearing practices;
 4. A member of the child's tribe is always preferred, but a member of the child's ethnic and/or language group who is recognized as knowledgeable in tribal customs as they pertain to family organization and childrearing practices also qualifies as an expert witness.
 - Foster Parent: The foster parent's primary role is to provide a stable, nurturing home for the child who has been removed from home. Foster parents have the right to notice of all hearings

and the opportunity to be heard, but do not have party status. The court may limit the presence of the foster parent if: 1) it is in the best interest of the child, or 2) it is necessary to protect the parties' privacy interests and it will not be detrimental to the child to do so. At emergency placement, the worker can tell the foster parent that there will be a hearing within 72 hours and that the worker will notify the foster parent of the time of the hearing as soon as the worker knows. The worker should ask the foster parent to keep the worker notified of where they can be reached to be notified of the hearing.

- Grandparent:

1. A child's grandparent has the right of advance written notice of all court hearings in the child's case if:
 - A. the grandparent has contacted the division, provided evidence acceptable to the division of being the child's grandparent, requested notice of hearings in the child's case, and provided the division with a current mailing address; or
 - B. division staff is aware of that the child has a grandparent and has the grandparent's mailing address on file.
2. Evidence of Relationship:
 - A. If the grandparent claims to be a grandparent of the child and the child's parent(s) confirms the claim, this constitutes acceptable evidence of the relationship.
 - B. If a parent of the child is not available to confirm the claim, or if the child's parent(s) denies the relationship, the grandparent will be required to provide evidence in the form of birth certificates.
3. The division is not required to give notice of hearings if:
 - A. the grandparent has been convicted of a crime in which the child was the victim; or
 - B. the grandparent is prohibited by court order to have contact with the child.
4. Unless the worker is aware of (or becomes aware of) and has documentation of that one or both of the situations under 3 above applies, the worker will assume that the grandparent has the right to notice.
5. Notification:
 - A. If notice is required, the worker will provide the grandparent's name and address to the OCS designated administrative clerk who will be responsible for notifying the grandparent (see section 6.6.3 Notification of Court Hearings and Case Conferences).
 - B. If the worker receives documentation of a conviction of crime against the child or court order prohibiting contact, the worker will inform the OCS designated administrative clerk that notification should cease.

6. Grandparents who are entitled to notice are entitled to be heard at the hearing, but the court may limit the presence of the grandparent if:
 - A. it is in the best interest of the child; or
 - B. it is necessary to protect the parties' privacy interests, and it will not be detrimental to the child to do so.

4.1 TYPES OF HEARINGS

AUTHORITY: AS 47

POLICY: Workers will attend all court hearings, cooperate with the Assistant Attorney General in preparation and presentation of the case, keep track of all expiration dates and court appearances, conduct themselves in a professional and respectful manner before the court, and bring all legal concerns to the attention of their supervisors and attorneys. Workers will make diligent efforts to notify both parents of the initial hearing, and of other hearings when requested by the AG. If the name or whereabouts of an absent parent is unknown the worker should request assistance of the Attorney General for an order requiring the custodial parent to provide such information.

The worker must not have contact with the judge outside a court hearing on the merits of any case.

At times, especially in rural locations with no resident Assistant Attorney General, a worker is called upon to appear in court without benefit of having an attorney. In such cases, the worker may be expected to help present the evidence by testifying and explaining to the court the action recommended at the time, and by identifying for the court others who can testify to the important facts. It is important on such appearances, as with any court appearance, to be appropriately dressed, consistent with local practice, and to address the court, opposing parties, and witnesses with respect. If the worker believes that a judge has made an error in a ruling, the matter should immediately be brought to the attention of your supervisor and an Attorney General to be evaluated for possible appeal. The worker should not argue with the judge during the court hearing. The worker may ask for a brief recess to consult with your supervisor or attorney by telephone.

PROCEDURE:

- a. Temporary Custody Hearing: This is the hearing in which the allegations in a petition are first placed before the judge.
 1. The judge must make a determination if the court has the jurisdiction to act in the case.
 2. The child may be asked to testify or the worker may testify on behalf of the child to substantiate the allegations on the petition.
 3. A Guardian Ad Litem is generally appointed for the child, if one has not been appointed before.

4. The judge will decide whether the division has probable cause to support its petition; will make a determination regarding temporary custody if requested; and will set the matter for further hearing; and may make other findings or orders regarding the terms, conditions, and duration of the placement.
 5. If the division does not meet the appropriate burden of proof (probable cause), the case may be dismissed.
- b. Adjudication Hearing: This is the fact-finding hearing at which the court determines whether or not the child is a Child In Need Of Aid.
1. Children in Need of Aid: According to AS 47.10.011, the court may find a child to be a child in need of aid if it finds by a preponderance of the evidence that the child has been subjected to any of the following:
 - (1) a parent or guardian has abandoned the child as described in AS 47.10.013, and the other parent is absent or has committed conduct or created conditions that cause the child to be a child in need of aid under this chapter;
 - (2) a parent, guardian, or custodian is incarcerated, the other parent is absent or has committed conduct or created conditions that cause the child to be a child in need of aid under this chapter, and the incarcerated parent has not made adequate arrangements for the child;
 - (3) a custodian with whom the child has been left is unwilling or unable to provide care, supervision, or support for the child, and the whereabouts of the parent or guardian is unknown;
 - (4) the child is in need of medical treatment to cure, alleviate, or prevent substantial physical harm or is in need of treatment for mental injury and the child's parent, guardian, or custodian has knowingly failed to provide the treatment;
 - (5) the child is habitually absent from home or refuses to accept available care and the child's conduct places the child at substantial risk of physical or mental injury;
 - (6) the child has suffered substantial physical harm, or there is a substantial risk that the child will suffer substantial physical harm, as a result of conduct by or conditions created by the child's parent, guardian, or custodian or by the failure of the parent, guardian, or custodian to supervise the child adequately;
 - (7) the child has suffered sexual abuse, or there is a substantial risk that the child will suffer sexual abuse, as a result of conduct by or conditions created by the child's parent, guardian, or custodian or by the failure of the parent, guardian, or custodian to adequately supervise the child; if a parent, guardian, or custodian has actual notice that a person has been convicted of a sex offense against a minor within the past 15 years, is registered or required to register as a sex offender under AS 12.63, or is under investigation for a sex offense against a minor, and the parent,

guardian, or custodian subsequently allows a child to be left with that person, this conduct constitutes prima facie evidence that the child is at substantial risk of being sexually abused;

- (8) conduct by or conditions created by the parent, guardian, or custodian have
 - (A) resulted in mental injury to the child; or
 - (B) placed the child at substantial risk of mental injury as a result of
 - (i) a pattern of rejecting, terrorizing, ignoring, isolating, or corrupting behavior that would, if continued, result in mental injury; or
 - (ii) exposure to conduct by a household member, as defined in AS 18.66.990, against another household member that is a crime under AS 11.41.100 - 11.41.220, 11.41.230(a)(1) or (2), or 11.41.410 - 11.41.432, an offense under a law or ordinance of another jurisdiction having elements similar to a crime under AS 11.41.100 - 11.41.220, 11.41.230(a)(1) or (2), or 11.41.410 - 11.41.432, an attempt to commit an offense that is a crime under AS 11.41.100 - 11.41.220 or 11.41.410 - 11.41.432, or an attempt to commit an offense under a law or ordinance of another jurisdiction having elements similar to a crime under AS 11.41.100 - 11.41.220 or 11.41.410 - 11.41.432; or
 - (iii) repeated exposure to conduct by a household member, as defined in AS 18.66.990, against another household member that is a crime under AS 11.41.230(a)(3) or 11.41.250 - 11.41.270 or an offense under a law or ordinance of another jurisdiction having elements similar to a crime under AS 11.41.230(a)(3) or 11.41.250 - 11.41.270;
- (9) conduct by or conditions created by the parent, guardian, or custodian have subjected the child or another child in the same household to neglect;
- (10) the parent, guardian, or custodian's ability to parent has been substantially impaired by the addictive or habitual use of an intoxicant, and the addictive or habitual use of the intoxicant has resulted in a substantial risk of harm to the child; if a court has previously found that a child is a child in need of aid under this paragraph, the resumption of use of an intoxicant by a parent, guardian, or custodian within one year after rehabilitation is prima facie evidence that the ability to parent is substantially impaired and the addictive or habitual use of the intoxicant has resulted in a substantial risk of harm to the child as described in this paragraph;
- (11) the parent, guardian, or custodian has a mental illness, serious emotional disturbance, or mental deficiency of a nature and duration that places the child at substantial risk of physical harm or mental injury;
- (12) the child has committed an illegal act as a result of pressure, guidance, or approval from the child's parent, guardian, or custodian.

2. Definitions:

- A. Abandonment (AS 47.10.013): ... the court may find abandonment of a child if a parent or guardian has shown a conscious disregard of parental responsibilities toward the child by failing to provide reasonable support,

maintain regular contact, or provide normal supervision, considering the child's age and need for care by an adult. Abandonment of a child also includes instances when the parent or guardian, without justifiable cause or, for Native children, without making arrangements for an Indian custodian,

(1) left the child with another person without provision for the child's support and without meaningful communication with the child for a period of three months;

(2) has made only minimal efforts to support and communicate with the child;

(3) failed for a period of at least six months to maintain regular visitation with the child;

(4) failed to participate in a suitable plan or program designed to reunite the parent or guardian with the child;

(5) left the child without affording means of identifying the child and the child's parent or guardian;

(6) was absent from the home for a period of time that created a substantial risk of serious harm to a child left in the home;

(7) failed to respond to notice of child protective proceedings; or

(8) was unwilling to provide care, support, or supervision for the child.

(b) For purposes of (a) of this section, a parent or guardian who is a victim of domestic violence, or who has a child in the parent's or guardian's care who is the victim of domestic violence, is considered to have justifiable cause to take an action or to fail to take an action that would otherwise be considered to be abandonment of a child under (a) of this section if the action or failure to act is necessary to protect the parent or guardian, or a child in the care of the parent or guardian, from further acts of domestic violence. However, a parent or guardian who initially had justifiable cause to act or fail to act as described in this subsection may be considered to have abandoned the child without justifiable cause for purposes of (a) of this section if the parent or guardian does not take reasonable steps to reunify with or provide care for the abandoned child after becoming secure from further acts of domestic violence or after providing that another child in the care of the parent or guardian is secure from further acts of domestic violence.

B. Neglect (AS 47.10.014): ... the court may find neglect of a child if the parent, guardian, or custodian fails to provide the child with adequate food, clothing, shelter, education, medical attention, or other care and control necessary for the child's physical and mental health and development, though financially able to do so or offered financial or other reasonable means to do so unless the child is Native and the parent has made arrangements with another adult (Indian custodian) to do so.

C. Physical Harm (AS 47.10.015): ... the court may find physical harm to a child or substantial risk of physical harm to a child if

- (1) the child was the victim of an act described in AS 11.41.100 - 11.41.250, 11.41.300, 11.41.410 - 11.41.455, or AS 11.51.100 and the physical harm occurred as a result of conduct by or conditions created by a parent, guardian, or custodian; or
- (2) a negligent act or omission by a parent, guardian, or custodian creates a substantial risk of injury to the child.

D. Mental Injury (AS 47.17.290(9): "mental injury" means a serious injury to the child as evidenced by an observable and substantial impairment in the child's ability to function in a developmentally appropriate manner and the existence of that impairment is supported by the opinion of a qualified expert witness.

3. The division must present sufficient evidence to prove the allegations that bring the child within at least one section of AS 47.10.011. A preponderance of the evidence, that the allegations are more likely true, than not, is the evidentiary standard.

The court may not find a minor to be a child in need of aid solely on the basis that the child's family is poor, lacks adequate housing, or exhibits a lifestyle that is different from the generally accepted lifestyle standard of the community where the family lives.

4. At the conclusion of the Adjudication Hearing, the judge will announce his/her findings of fact and request the attorney for the prevailing side to prepare an order, according to local practice, for the judge's signature.
5. An adjudication hearing shall be completed within 120 days after a finding of probable cause is entered unless the court finds good cause to continue the hearing,. When determining whether to grant a continuance for good cause, the court shall take into consideration the age of the child and the potential adverse effect that the delay may have on the child.
6. If the disposition is not held immediately following the adjudication, the court must address whether temporary custody or supervision is necessary during the period before the disposition hearing is held.

- c. Disposition Hearing: This hearing is held after the court has adjudicated the child as a Child In Need Of Aid. Its purpose is to determine the best plan for the child. In making its dispositional order under AS 47.10.080(c), the court shall keep the health and safety of the child as the court's paramount concern and consider the best interests of the child, the ability of the state to take custody and to care for the child to protect the child's best interests under AS 47.10.005-47.10.142, and the potential harm to the child caused by removal of the child from the home and family environment.

1. If the disposition hearing is not held immediately following the adjudication hearing, it should be scheduled by the court to be held without unreasonable delay (no more than 60 days after adjudication).
2. A Predisposition Report, prepared by the worker, is one of the reports required by statute (AS 47.10.081) and is intended to aid the court in its disposition decision. It must be filed and served on parties at least 10 days prior to the disposition hearing.
3. Neither party has a particular burden of persuasion at the disposition hearing, except in the case of Indian children.

For Native children, the Indian Child Welfare Act has the following additional requirements: Before the court can order the child removed from the parent's or Indian custodian's care, it must find, by clear and convincing evidence (instead of by a preponderance of the evidence), that the child is likely to suffer serious emotional or physical harm if the child remains in the custody of the parent or Indian custodian or is returned to the care of the parent or Indian custodian. This evidence must include testimony from a qualified expert witness (see section 4.0 Court Proceedings for definition of Qualified Expert Witness). In addition, the court must find that the division made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, and that these efforts failed.

4. At the close of the disposition hearing, the court will announce its findings and request that the order be prepared, according to local practice. For the disposition choices available to the court, see Types of Custody Orders, Section 4.4.
- d. Permanency Hearing: If the court has placed the child in the department's custody under AS 47.10.080(c)(1) or AS 47.10.142(e), the court shall hold a permanency hearing within 12 months after the date a child enters foster care (usually the date of the first probable cause hearing, if the child was then placed in custody), to determine if continued placement, as it is being provided, is in the best interest of the child, and to develop a permanent plan for the child. The court will review the permanent plan at least annually thereafter at permanency until the permanent plan has been successfully implemented. The permanent plan is submitted to the court in a report written by the assigned social worker. This report requires supervisory review and signature and is written as a result of Permanency Planning Conference (see section 3.1.4 Permanency Planning Conference). The contents of this report should reflect the outcome of this review.
1. The department, the child, the child's parents, Indian custodian, guardian, GAL, or child's tribe are entitled, when good cause is shown, to a permanency hearing on request.
 2. If the request for a hearing is granted, the court shall afford these persons and their

counsel reasonable advance notice and hold a permanency hearing where these persons and their counsel shall be afforded an opportunity to be heard.

3. The persons entitled to notice under AS 47.10.030(b), including the child's Indian tribe and the Indian custodian (if there is one), are entitled to notice of a permanency hearing and are also entitled to be heard at the hearing.
4. Any child of appropriate age shall be afforded the opportunity to be present and to be heard at the hearing.
5. When establishing the permanent plan for the child, the court shall make appropriate written findings, including findings related to:
 - A. whether and when the child should be returned to the parent, Indian custodian, or guardian;
 - B. whether the child should be placed for adoption or legal guardianship and whether a petition for termination of parental rights should be filed by the department. If the department has determined that a compelling reason exists for not filing a termination petition, document the compelling reason;
 - C. whether the child should be placed in another planned, permanent living arrangement and what steps are necessary to achieve the new arrangement;
 - D. whether the department has made the reasonable efforts required under AS 47.10.086 to offer appropriate family support services to remedy the parent's or guardian's conduct or conditions in the home that made the child a child in need of aid or whether the department has made active efforts to rehabilitate the family and return the child, where the child is an Indian child ;
 - E. whether the parent or guardian has made substantial progress to remedy the parent's or guardian's conduct or conditions in the home that made the child a child in need of aid;
 - F. if the permanent plan for the child is for the child to remain in out-of-home care, whether the child's out-of-home placement continues to be appropriate and in the best interests of the child and whether the department has made reasonable efforts to achieve permanency for the child;
 - G. if the child is placed out-of-state, whether out-of-state placement continues to be appropriate;
 - H. if the child is 16 years of age or older, and there are compelling reasons to not pursue adoption or legal guardianship, findings addressing independent living services needed to assist the child to make the transition from foster care to independent living.
6. If the court is unable to make a finding regarding A, B, or C above, the court shall hold another hearing within a reasonable period of time. "Reasonable time" is defined as a period of time that serves the best interests of the child, taking in

account the child's age, emotional and developmental needs, and ability to form and maintain lasting attachments AS 47.10.990(23). Recommended not to exceed 90 days.

7. If the permanent plan approved by the court changes after the hearing, the department shall promptly request to the court for another permanency hearing, and the court shall conduct the hearing within 30 days after the request by the department.
- e. Annual Review of Supervision Orders: A disposition order placing the child in the custody of a parent or another appropriate person, subject to the supervision of the department under AS 47.10.080(c)(2) must be reviewed by the court at least annually on or before the anniversary of the disposition order. The court must determine whether continued supervision, as it is being provided, is in the best interest of the child.
- f. Extension of Custody Hearing: This hearing is held at the time custody expires (after two years, and thereafter annually). A petition to extend custody must be filed at least 30 days prior to the expiration date of the current custody order. The worker or the Attorney General (according to local practice) schedules a hearing and notifies all parties. In an ICWA case, the Indian child's tribe must be notified, regardless of whether it has previously intervened. The child's GAL may petition for extension of custody.
- g. Review Hearing:
 1. Any party may move for a review hearing, after the disposition, if the party can show good cause. The decision to grant the review hearing is within the judge's discretion. The motion may be opposed by any other party. Usually a motion for review is filed when the party believes that:
 - A. the court's existing disposition order is no longer appropriate, given the change of circumstances;
 - B. the department has abused its discretion regarding some aspect of management of the case.
 2. A party who objects to a change of placement proposed by the department may request a review hearing, at which that party has the burden of proving, by clear and convincing evidence, that the proposed change in placement is contrary to the child's best interests.
 3. A parent, guardian, or Indian custodian who has been denied visitation may request a review hearing. Because visitation is a residual right and responsibility of the parent, the department must be able to prove, by clear and convincing evidence, that

disallowing the visitation serves the child's best interests.

4. When the court has terminated parental rights and committed the child to the custody of the department, a report must be submitted quarterly to the court on the efforts being made to find a permanent placement for the child. Annual in court reviews must continue until the adoption is finalized.
 5. Placement Review Hearing: This hearing can be requested by any interested party, including the Division, the parents, the parents' attorney, the GAL or CASA, the Indian custodian, or the child's tribe. It is held after a child is placed in out of home care. No written report to the court is necessary by the social worker preceding the hearing. The Attorney General needs to be contacted in case witnesses are being presented by either party. The hearings are utilized to review progress of the case and the clients involved.
- h. Guardianship of Minors: Guardianship may be created by a court order that specifies the rights and responsibilities of the guardian. If parental rights have not been terminated, some residual rights and responsibilities may remain with the parents.

A guardianship is usually initiated by a separate petition filed in probate court. The court is also authorized under Title 47 to create a guardianship as part of its disposition of a children's proceeding based on the parents' stipulation to suspend their parental rights or a court's findings and order.

A minor over the age of 14 may nominate his/her guardian subject to the court's finding that the selection is in the minor's best interests. A guardian must consent to their appointment. The worker should discuss the relationship and its responsibilities prior to the petition being initiated. The powers and duties of the guardian of a minor are listed in AS 13.26.070. The guardian is not required to provide for the minor from his/her own funds, nor is the guardian liable to third persons for acts of the minor to the extent that a parent would be liable for those acts.

Guardianship of a minor terminates when the minor attains the age of 18 years, marries, is adopted, or dies, or when the guardian resigns (and the court accepts the resignation), dies, or is removed by the court..

- i. Legal emancipation is the process a minor goes through to achieve the legal rights and duties of adulthood before reaching the age of majority.

Legal emancipation terminates a parent's right to custody of the minor, the right to receive the minor's services and earnings, and the duty to support, maintain, protect, and educate the minor.

The emancipated minor is able to obtain medical care, marry, sign contracts, be sued, and be held responsible for actions. He/she can choose where to live and can obtain a driver's license.

In addition to those hearings in which the department is a party, a worker should be familiar with emancipation proceedings in order to counsel minors who want to work toward having the "disabilities of minority" removed.

1. The division will provide emancipation counseling for a child in division custody, who is at least 16 years of age and who will reach the age of majority while in the Foster Care System, but for whom a permanent family plan is not possible. The child must meet the statutory requirements for emancipation and emancipation must be considered to be the best plan for the child.
2. The statutory requirements for legal emancipation are:
 - A. resident of Alaska;
 - B. at least sixteen (16) years of age;
 - C. living separate and apart from his/her parents, guardian, or Indian custodian;
 - D. capable of sustained self-support and managing his/her own affairs; and
 - E. has the consent of each living parent or guardian (the court may waive the required consent as to a parent or guardian if the person who is to consent to the petition is unavailable or that person's whereabouts are unknown, or if a parent or guardian unreasonably withholds consent);
 - F. has the consent of the minor (except when the court determines that emancipation is in the best interests of the minor, and waives the requirement for the minor's consent (as addressed in 3 below).
3. If the petition for emancipation is filed by the parent or legal guardian of the minor, emancipation will be granted only if, in addition to meeting the requirements above, the minor consents to emancipation, and the court finds that there is interpersonal conflict involving the legal guardian and the minor which they have been unable to resolve satisfactorily through other means. The finding must include a description of the efforts that were made by the legal guardian to resolve the interpersonal conflict before the petition was filed. If the court determines that emancipation is in the best interests of the minor, the court may waive the requirement for the minor's consent.
4. Emancipation can be accomplished in one of three ways:

- A. by getting married;
- B. by joining the military; or
- C. by court order.

Although a worker will not file a petition for emancipation for any minor, the court procedures are explained here to provide background for counseling.

5. The court procedure for emancipation is:

- A. The Petition: The minor, or the legal guardian of the minor, has the right to file a petition for emancipation. If the minor has a guardian ad litem, that person may be willing to assist with the preparation of the pleadings and the presentation of the evidence.

The petition must contain:

- i. name, age, and residence address of the petitioner;
 - ii. name and address of each living parent and Indian custodian, if any;
 - iii. name and address of the guardian of the person and the guardian of the estate, if any;
 - iv. the reasons why removal would be in the best interest of the minor; and
 - v. the purpose for which removal is sought.
- B. Filing: The petition, along with any supporting documents, must be filed with the clerk of the Alaska Court system in the local courthouse. There is a filing fee.
 - i. The petition will be reviewed for its legal sufficiency, and a hearing will be scheduled.
 - ii. The minor may represent himself/herself at the hearing, unless the judge assigned to rule on the emancipation petition appoints an attorney or guardian ad litem to represent the minor at the hearing.
 - C. Hearing:

- i. The minor and his parents appear before the judge to give evidence under oath in support of or against the emancipation petition.
- ii. Emancipation for a child in custody of the department does not require division consent and approval.
- iii. The judge asks questions to determine if the emancipation is in the minor's best interests. The judge may approve or deny the petition or he may delay his decision.
- iv. If the petition is granted, the minor must submit a list of proposed findings (Order for Relief from Disabilities of Minority) with regard to his emancipation.
- v. The order is filed with the court and signed by the judge.

4.2 PREPARATION FOR COURT

AUTHORITY: AS 47

POLICY: The worker is responsible for assisting in the preparation of court paperwork as required and ensuring that it is completed. The worker assists the (AAG) in notifying parties or witnesses as requested, in any discovery proceedings, and in preparing the child, the family, witnesses, and themselves for court.

PROCEDURES:

a. Participation in Hearings

1. Telephonic participation in hearings: The court may authorize telephonic participation by any witness or party in any hearing. There is a benefit from, and therefore a strong preference for, the court and parties' being able to see, as well as hear, the witnesses. Thus, the decision to request telephonic participation should be made by the AAG. It is most often justified for a hearing on short notice or when the party or witness cannot reasonably get to the place of the hearing. OCS will ask the AAG to request telephonic participation any time the child's tribal representative or Indian custodian resides in another part of the state, or outside the state, and requests to participate by phone. The cost of the telephone call is borne by the party benefiting from the telephonic participation. If more than one person must participate telephonically simultaneously, a conference call must be arranged in advance (usually 24 hours). The worker may be asked to help make these arrangements.
2. Persons entitled to be heard: The persons to whom the department is required to give notice of hearings are also entitled to be heard at the hearing, i.e. the child, the child's parents, guardian, guardian ad litem, Indian custodian, tribe, foster parent or other out-of-home care provider, and each grandparent of the child entitled to notice under AS 47.10.030(d) (see section 4.0 Court Proceedings - Roles - Grandparent). However, the court may limit the presence of the foster parent or other out-of-home care provider and of any grandparent of the child to the time during which the person's testimony is being given if it is in the best interest of the child or necessary to protect the privacy interests of the parties and will not be detrimental to the child.

b. Notification:

1. Notice to Parent:

A. Generally the worker provides the parent with a copy of the petition and discusses it with them. In cases where this is not possible, the AAG may request the worker to assist in arranging for a law enforcement officer to serve the summons and a copy of the Petition on the parents and child.

B. When the parent lives out-of-state or at a location without law enforcement officers, the worker may be appointed by the court to serve the summons and petition, or it may be served by certified mail.

C. Absent Parent:

i. In cases of an absent parent whose name and/or address is unknown, diligent efforts must be made and documented to locate this parent. Failure of a party to appear does not defeat the jurisdiction of the court. If the termination of parental rights is being requested, notice by publication may be necessary. If it is, the worker prepares an "Affidavit of Diligent Inquiry", properly notarized. It must include:

- the names of persons and agencies contacted;
- locations of the contacts;
- dates of the contacts;
- results of the contacts.

ii. The AAG files the affidavit with a "Motion for Order to Publish". When the court has issued an "Order to Publish Notice" of the hearing to the absent parent, the AAG arranges for the publication of notice of the date of the termination hearing and for appointment of an attorney for the absent or unknown parent.

iii. The publication process takes at least a month and must be completed at least 30 days before the hearing is held. Publication is required once a week for four weeks. Generally this process takes at least three months, and possibly longer. Legal notice is the responsibility of the AAG.

2. Legal Notice to Child's Tribe: The AAG will provide notice to the child's tribe(s), if the child is an Indian child. For OCS offices without AAG representation, the notice is provided by the Assistant District Attorney or other attorney who represents OCS. Notice must be sent in time for the party to have a reasonable period to prepare for the upcoming hearing. Adjudication or termination of parental rights proceeding cannot be held until at least 10 days after receipt of notice by the parent or Indian custodian, and the tribe or the BIA. The parent or Indian custodian or the tribe may request an additional 20 days to prepare for the proceeding. The worker and Tribe shall consult either before or after the petition has been filed about the merits of the petition. If the Tribe disagrees with the State's decision to file a petition or the proposed disposition, the Tribe may oppose the department's recommendations in the subsequent judicial proceedings that take place.
3. Notice to Other Parties: In addition to notifying the parents, Indian custodian, the child, and the child's tribe, the department is also required to notify the child's guardian, guardian ad litem, foster parent or other out-of-home provider, and each grandparent of the child entitled to notice under AS 47.10.030(d) (see section 4.0 Court Proceedings - Roles - Grandparent). See section 6.6.3 Notification of Court Hearings and Case Conferences for notification procedures.

c. Petition:

1. A petition is the legal document required to invoke the court's jurisdiction and initiate action in a child protection proceeding. It is a verified pleading signed by a worker. The signing worker must be able to swear that its contents are true, although this verification may be based on information and belief.
2. The kinds of petitions typically presented to the court by the department are:
 - A. A "Petition for Adjudication of Child in Need of Aid and for Temporary Custody" is filed on all cases in which OCS believes that a child is a child in need of aid based on one or more subsections of AS 47.10.011 and anticipates that temporary custody is necessary to protect the child prior to the adjudication trial. If emergency custody has been taken, the petition will be called "Emergency Petition for Adjudication of Child in Need of Aid", and the petition must be filed within 24 hours after emergency custody was assumed. If a non-emergency petition is being filed and the worker is not seeking temporary custody prior to the adjudication, the reference to "Temporary Custody" may be deleted from the title and the relief requested.
 - B. A "Petition for Extension of Custody" must be filed at least 30 days in advance of the disposition order's expiration date, if the worker decides it is in the best interests of the minor and the public for the court's disposition order to

continue in effect as is or with some modifications. A petition combining a request for extension of custody with one for termination of parental rights may be filed to insure that all contingencies are covered.

- C. A "Petition for Termination of Parental Rights" is filed when the worker has decided, after appropriate consultation, that the termination of one or both parents' rights is appropriate. A petition must be filed in the circumstances described in section 4.4.i Termination of Parental Rights.
3. Petitions may be amended when new information becomes known which changes or adds to the original allegations.
4. Procedural steps in filing a petition include:
- A. Worker consults with supervisor regarding all facts and information available, so that a mutual decision about filing the petition can be made.
 - B. The office of the Attorney General (or locally designated person) is contacted to discuss the petition and assist in filing it with the court. In many offices, the worker may draft the petition, but it should be reviewed by an AAG before being filed.
 - C. When there is more than one child in the same family involved and any of the facts of an incident or situation differ, separate petitions may be prepared for each child, in accord with local practice.
 - D. Information which must be included in the petition (if region does not have a form available):
 - i. name, address, and age of the child;
 - ii. names and addresses of the mother and father or guardian/custodian of the child, if appropriate. Include the names of all putative fathers, for the purpose of facilitating paternity testing;
 - iii. name, address and occupation of petitioner;
 - iv. the possible tribal affiliation of the child;
 - v. specific section or sections of AS 47.10.011 that are relied on as a basis for OCS' case;
 - vi. the facts in the petition which support each allegation under AS

47.10.011 and the relief requested, including sufficient specific dates, times, and places, giving the parent and the court information about the behaviors complained of which support intervention and the relief requested. A non-emergency petition must specifically state that the parental conduct or conditions described in AS 47.10.011 exist but immediate removal is not necessary under AS 47.10.142(a);

- vii. the communities and states where the child has lived for the last five years and the names and current addresses of persons with whom the child has lived during that period; whether an OCS employee has participated as a witness in another proceeding regarding the custody of or visitation with the child, and if so, the identity of the court, the case number and the date of the custody determination; whether there is any other child custody proceeding concerning the child pending in this or any other state or jurisdiction, and if so, the identity of the court, the case number, and the nature of the proceeding; whether any person, not a party, is known to have physical custody of the child or a claim to have custody or visitation rights with respect to the child, and if so, the person's name and address. [This information may be submitted in affidavit form when the petition is filed, per regional practice.]
- viii. in the initial petition, a request that the court issue an order for the parent(s) to complete and mail or deliver the Division of Child Support Services forms included in the Child Support Packet within 30 days, and for child support to be determined by Division of Child Support Services and order Division of Child Support Services to establish a support order.

- 5. The worker may ask the AAG to move to dismiss a petition when circumstances change so that facts no longer support court intervention. However, once the petition has been filed, a motion must be filed to dismiss, and an order issued. A court hearing is not always necessary.

d. Subpoena

- 1. A subpoena orders a witness to appear in court and informs witnesses whether they must bring records, reports, or other material to support their testimony. The purpose of a subpoena is to ensure that witnesses appear to provide testimony to prove the allegations stated in the petition.
- 2. Subpoenas will be issued by the court upon request and must be prepared in accordance with local practice for service on prospective witnesses required for the hearing.

3. The worker provides information necessary for the preparation and service of subpoenas.

e. Discovery

1. Discovery is the system of pretrial procedures which enables the parties involved in a court proceeding to find out about the position taken by the other parties and the evidence those parties will present in support of their positions.
2. The purpose of discovery is to ensure the constitutional right of due process to all parties involved in a CINA proceeding. In considering discovery requests, the worker, in consultation with the AAG, should consider whether the child's right to privacy and the identity of the reporter can be protected. It is the responsibility of the worker to call to the attention of the AAG any information which they believe an attempt should be made to protect.
3. When authorized by the AAG or order by the court, the worker will make available to all parties involved any information ordered disclosed. If a person who is not a party or an attorney for a party requests access to the case record, contact your attorney before disclosing any information, even though the person may be an attorney or another professional.
4. Parties requesting access to CINA case files must make appointments for file review. The worker or supervisor will review the file beforehand and remove any protected information such as reporters' names (unless they will be used as witnesses) and attorney-client communications. Any questions about what can be disclosed should be referred to the AAG.

f. Depositions

1. A deposition is the taking of sworn testimony of a witness outside the presence of the court for discovery purposes or to preserve the witness's testimony when he is expected to be unavailable for trial.
2. If a worker is subpoenaed to appear at a deposition with or without the case record, immediately notify the AAG. If there are any problems with the scheduling or scope of the proposed deposition, the AAG can address them through a "Motion for a Protective Order".
3. Prepare thoroughly for the deposition, just as if appearing to testify before the court. The attorney who set on the deposition will be the first to examine the witness, then all parties' attorneys may cross-examine the witness. All questions must be answered

unless your attorney objects and instructs you not to answer. For this reason, OCS employees should not attend a deposition as witness without an attorney representing them.

g. Stipulations

1. A stipulation is a legal agreement signed by all the parties (or attorneys on their behalf when dealing with procedural issues).
2. Stipulations are often used to resolve the legal and factual issues at a particular stage of a proceeding without requiring that they be proved at trial. Thus, a stipulation may expedite the court proceedings and reduce trauma to the child and other family members.
3. While stipulations can be useful tools, they are not appropriate in every case and should only be used after consultation with the worker's supervisor and attorney.
4. Each stipulation should be tailored to the particular case, covering the necessary factual and legal issues and outlining the responsibilities and expectations regarding the case.
5. The worker generally will explore the possibility of reaching agreement on the facts of the petition with the parent(s). If successful, a stipulation will be drafted by the worker or AAG. In addition to the necessary legal and factual provisions, a stipulation should also include the plan of action to resolve the problems.
6. When the stipulation has been drafted and signed, an order is prepared and lodged with the court. For Native children the stipulation must be signed in court before a judge, because a stipulation to adjudication or disposition is not binding on the parents or Indian custodian unless it is in writing and signed in court before a judge. The purpose of having the parent or Indian custodian appear before the court is to allow the court to satisfy itself that the parents or Indian custodian understand (with interpretation into a language they understand) the contents and consequences of their stipulation, and that the requirements of ICWA have been met.
7. When the court is satisfied that the stipulation corresponds to the wishes of all parties and is in the best interests of the child, the order is signed and there is no further need for a hearing on the merits of that petition.

h. Appeals

1. An appeal is a review of the decision of a lower court by a higher court. In CINA cases, the appellate court is the Supreme Court. Any party to a court action may

appeal to or file a petition for review in the Supreme Court. Appeals safeguard the rights of all parties.

2. If the worker believes the lower court's decision is in error, she should consult with the supervisor and arrange for a conference with the AAG to review the advisability of and basis for an appeal.
 3. Appeal action is initiated by the AAG if appropriate.
 4. A child, or the child's parents, Indian custodian, guardian, GAL, or attorney may also appeal a judgment or order.
 5. Absent extraordinary circumstances, the court must issue a decision on the appeal no later than 90 days after the latest of the following: the date oral argument, if any, is heard on the appeal; or 45 days after the last date oral argument could have been timely requested if oral argument was not requested.
- i. Preparing an Affidavit: The worker will assist the AAG in preparing any affidavit requiring the worker's signature by providing the factual information to be contained in the document.
 - j. Preparation of Participants: The worker may be asked by the AAG to assist in preparing the child or witnesses for court.

1. Preparing the Child

If the child will be testifying, help the AAG prepare the child for court by:

- A. introducing the child to the AAG;
- B. showing the child the courtroom before the hearing, if requested;
- C. assisting the child in planning how to deal with expected feelings;
- D. working through feelings with the child, or ensuring that the child's counselor does.

2. Preparing Witnesses:

- A. Persons having first-hand knowledge of the facts alleged in the petition may be required to appear as witnesses in the court proceedings.
- B. The worker having knowledge of probable witnesses, prepares the witness list

for the AAG.

- C. The AAG may ask the worker to notify the witnesses to expect a subpoena, advise them of the reason for the court proceeding, and help scheduling meeting with the AAG.
- D. The AAG may ask the worker to assist the witnesses by explaining what is expected of them in the court process, emphasizing the importance of their testimony as to facts.

3. Worker Preparation:

- A. Review the file in preparation for testifying as to the facts of the case that support the allegations in the petition., ensure that ALL reports of contact are reviewed and considered; prepare a chronology of the contacts and events.
- B. Provide a copy of the file to the AAG.
- C. Dress appropriately for court as defined by local standards.
- D. The AAG may offer the worker as an expert witness. If so, the worker may offer professional opinion, in addition to factual testimony. To prepare to be qualified as an expert, the worker must be prepared to explain the education and experience on which that expertise is based.

- k. Court Reports: Required reports to the court include the Predisposition Report, the Permanency Hearing Report, the Report on Annual Review, and the Extension of Custody Report. After termination of custody occurs, a report on efforts to find a permanent placement must be submitted to the court quarterly. Other reports may also be requested by the court, at its discretion. A report to the court is required in situations where emergency custody was assumed but the child was released within 24 hours with no CINA petition filed (see section 2.3.2(b)(2) Emergency Custody/Notification Procedures).

1. Predisposition Report:

- A. Is required by statute and must be submitted to the parties at least (ten) 10 days prior to the scheduled disposition hearing (or adjudication, if the two hearings will be held at the same time).
- B. The Tribe and worker will staff the case before the disposition hearing sufficient in advance so that the position of the Tribe can be included in the pre-disposition report.

C. The outline includes:

- i. what the petition originally alleged;
- ii. summary of the child/family's social history;
- iii. if removal from the home is recommended, a description of the reasons the child cannot be protected or rehabilitated adequately in the home, including a description of any previous efforts to work with the parents and child in the home and the parents' attitude toward placement of the child;
- iv. a description of the potential harm to the child which may result from removal from the home and any efforts which can be made to minimize such harm;
- v. case plan for parents or Indian custodian and child, including a statement of changes in the child's or parent's behavior which will aid the court in determining when supervision or placement is no longer necessary;
- vi. if the child is an Indian child, a summary of the department's efforts to comply with the ICWA placement preferences (see Chapter 2, section 2.7 Placement Preferences). Per regional policy, this requirement can be met by attaching copies of relative/placement search activity notes from ORCA;
- vii. worker's recommendation regarding disposition. This includes a summary of the worker's assessment and also that of other professionals providing services in the case (copies of their written reports, if any, should be attached), as well as the worker's specific proposals for the family's treatment. Show how the treatment plan should result in achieving a minimally adequate level of care for the child in his own family;
- viii. information, if available, regarding the parent's financial ability to contribute to the cost of the child's care while placed outside the home.

2. Permanency Hearing Report

- A. Permanency Hearing Report must be delivered to the parties a minimum of ten days prior to the hearing.
- B. The report must include:

- i. the department's recommendation for the permanency plan for the child that was established at the permanency planning conference;
 - ii. a summary of the family support services which have been identified, recommended, and made available to remedy the parental conduct and conditions leading to the child's adjudication;
 - iii. a summary of the parent(s) progress in remedying the conduct and conditions;
 - iv. the department's decision regarding the filing of a termination petition that was established at the permanency planning conference (if the decision has been made that a compelling reason exists not to file, include the compelling reason); and
 - v. an explanation why the child's current placement is appropriate and meets the child's best interests; and whether the current placement is expected to be the permanent placement and if that is the case why the placement is appropriate to be the permanent placement.
3. Report on Annual Review
- A. A Report on Annual Review must be submitted to the court annually for all cases in which the court has placed a child in the department's custody under AS 47.10.080(c)(2). The report must be delivered to the parties a minimum of ten days prior to the anniversary date of the disposition order.
 - B. The Report on Annual Review keeps the court current on information related to children under a c(2) order.
 - C. The report must include:
 - i. basic background information on the child and his family;
 - ii. the basis upon which the child was adjudicated a Child In Need Of Aid;
 - iii. the reason why supervision of the child is still appropriate;
 - iv. a summary of services provided or offered to the family to prevent out-of-home placement of the child, including a report of what services were utilized by the parents;

vi. the summary of the child's progress while in the custody of the Department ;

viii. a recommendation, developed jointly with the supervisor, to the court regarding continuation or amendment of the previous disposition order.

D. The AAG must send notice to the parties of their right to submit additional information to the court in writing or by setting on a hearing.

If an evidentiary hearing is scheduled for an Indian child, an annual review notice must be sent to the tribe and Indian custodian, if any, even if they have not intervened.

4. Report in Support of Extension of Custody

A. The worker consults with the supervisor, and they jointly determine whether to recommend extension of custody.

B. This report is to be submitted to the court in cases when the disposition period is about to expire and an extension of custody is recommended by the worker. The petition to extend custody must be filed and delivered to parties no later than 30 days prior to the expiration of the custody order, and the report must be delivered to the parties no later than ten days prior to the scheduled expiration of custody.

C. The worker prepares the report following the outline in Section 3 (Report on Annual Review) above.

5. Report after Parental Rights Have Been Terminated: When the court has terminated parental rights and committed the child to the custody of the department, the following reports are required:

A. If a permanent placement was not approved at the time of the termination hearing, a report must be submitted to the court within 30 days on the efforts being made to recruit a permanent placement for the child.

B. A report must be submitted quarterly to the court on the efforts being made to find a permanent placement for the child.

1. Rights and Responsibilities of Parents and Department: When a child is adjudicated a Child In Need Of Aid, and committed to the custody of the Department, certain responsibilities are imposed upon the department. Parents or legally appointed guardians retain residual rights and responsibilities if parental rights have not been terminated. The

worker must ensure that these residual rights and responsibilities are not violated both in conformance with the law and because they assist in maintaining the parent-child relationship.

1. Rights and Responsibilities of Legal Custodian (OCS):
 - A. physical care and control of the child, including determination of where and with whom the child will live;
 - B. duty to provide child with food, shelter, education, and medical care unless the child in the department's custody is placed with a parent;
 - C. right and duty to protect, nurture, train and discipline;
 - D. right and responsibility to make decisions of financial significance concerning the child.

2. Worker responsibility:
 - A. Workers must ensure that they do not violate parental rights and responsibilities. Most procedures in this manual refer to parental rights and responsibilities and when parents must be consulted or informed.
 - B. Most frequent areas of concern are:
 - i. arranging reasonable visitation;
 - ii. obtaining consent for medical treatment;
 - iii. obtaining child support.

3. Residual rights and responsibilities of parents, unless granted by court order to a guardian, include:
 - A. the right and responsibility of reasonable visitation;
 - B. consent to marriage;
 - C. consent to adoption;
 - D. consent to military enlistment;
 - E. consent to major medical treatment except in cases of emergency or cases

covered by AS 25.20.025 (major medical treatment includes the administration of medication used to treat a mental health disorder); and

- F. the responsibility for financial support.
4. If the court appoints a guardian, the guardian's rights and responsibilities will be specified by court order, and may include:
- A. having the right and responsibility of reasonable visitation;
 - B. consenting to marriage;
 - C. consenting to military enlistment;
 - D. consenting to major medical treatment;
 - E. obtaining representation for the child in legal actions; and
 - F. making decisions of legal or financial significance concerning the child.

If parental rights have been terminated, there are no residual parental rights or responsibilities, unless the right of contact or visitation was retained in a relinquishment. The department assumes all residual parental rights unless a guardian has been appointed.

4.3 COURT ORDERS

AUTHORITY: AS 47

POLICY: The Assistant Attorney General will prepare an order for the judge to sign, so that the court's action is recorded in an easily accessible form.

PROCEDURE:

- a. The AAG prepares the court order, but the worker may assist, particularly for weekend hearings.
- b. The worker or AAG will ensure that the court order includes:
 1. length of custody;
 2. whether the child is committed to the department or another suitable person and, if the latter, whether or not the department will supervise the placement;
 3. in the initial order, an order that the parent(s) complete and mail or deliver the Division of Child Support Services forms included in the Child Support packet to the Division of Child Support Services within 30 days and for the Division of Child Support Services to determine the amount of the support and establish a support order. At the initial hearing, the worker will have provided the parent with the Child Support packet and instructions to submit the Financial Statement to the Division of Child Support Service.
 4. Permission for emergency medical treatment and/or travel, if required by local practice or the particular circumstances of the case. If the child is committed to the Department's custody, this provision is unnecessary because these powers automatically pass to the Department.
 5. Appropriate IV-E language (required for all children).
 - A. Court Ordered Removal:
 - i. At the first court hearing after the removal a judicial determination must be made that remaining in the home would be contrary to the child's welfare (if the hearing is continued, the judicial determination must be made on the first day of the first hearing); and
 - ii. within 60 days of the removal a judicial determination must be made that

- (a) reasonable efforts were made to prevent or eliminate the need for removal; **or**
 - (b) reasonable efforts to return the child home are not required (this determination may be made in circumstances described in AS 47.10.086(c)); and
 - (c) for Native children, the order must contain a finding that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, or to return the child home, and that these efforts failed; and
 - iii. within 12 months of the date the child is considered to have entered foster care and at least once every 12 months thereafter while the child is in foster care, a judicial determination must be made that OCS has made reasonable efforts to finalize the permanency plan. The date the child is considered to have entered foster care is the date of the first probable cause hearing after the removal (or immediately prior to the removal if emergency custody was not taken and the child is removed as a result of a court order based on a non-emergency petition). If there is no probable cause hearing (as would be the case if OCS already had custody at the time of the removal) then the date the child is considered to have entered foster care is 60 days after the removal.
- B. Voluntary Placement Agreements: When a placement starts with a voluntary placement agreement, a judicial determination must be made within 180 days of the placement that out-of-home placement is in the best interest of the child. An annual judicial determination that reasonable efforts were made to finalize the permanency plan is not required for placements which start with a voluntary placement agreement.
- C. Second Removals: In situations where a child who has been placed with a parent for a trial home visit that exceeds the time limit for a trial home visit is removed from home a second or subsequent time and the department has retained custody of the child, the same time lines and requirements for judicial determinations apply as for an initial removal (see section 3.7 Termination of a Placement/Trial Home Visit/Return Home for definition and timelines for trial home visits). A hearing is only required for Native children, and the worker may initiate the court action by submitting to the court a report, memo, or affidavit requesting that the court address the removal.
- E. Timing of Judicial Determinations: Effect on Eligibility for Title IV-E Foster Care:
 - i. Court-Ordered Removals:
 - (a) If the judicial determination of contrary to the welfare is not made

- at the first court hearing after the removal, the child is not IV-E eligible for that placement episode.
- (b) No claiming of federal reimbursement for foster care costs can be made until a court order is issued which contains a finding that reasonable effort were made to prevent or eliminate the need for removal or that reasonable efforts were not required. If that judicial determination is not made within 60 days of the removal, the child is not IV-E eligible for that placement episode.
 - (c) If the annual judicial determination of reasonable efforts is not made when due, the child becomes ineligible for Title IV-E from the end of the twelfth month following the date the child is considered to have entered foster care, or the end of the month in which the most recent judicial determination of reasonable efforts was due, and remains ineligible until such a judicial determination is made.
- ii. Voluntary Placements: If a judicial determination that out-of-home placement is in the child's best interest is not made within 180 days of the placement, the child becomes ineligible for Title IV-E Foster Care on the 181st day.
- F. Court Order Requirements: A court order which includes a finding that a child is a child in need of aid, but does not include a finding that remaining in the home would be contrary to the welfare of the child, cannot be used as documentation that the requirement for a contrary to the welfare finding is met. The actual finding must be included in the court order, except when a court order is based on a motion which requests the finding and the requested finding is incorporated in the order as a finding of the court.
6. Appropriate ICWA language (additional requirements for Native children). When necessary to prevent imminent physical damage or harm to the child, an Indian child may be removed from home, taken into emergency custody, and continued in temporary custody. Out-of-home placement on this basis may not continue after removal is no longer necessary to prevent imminent physical damage or harm. To continue custody after this time, OCS must meet all the applicable ICWA requirements including the higher burden of proof. The higher burden is in addition to the standard burden of proof for adjudicating a child in need of aid (AS 47.10.011). Before the court can order the child removed from the parent's or Indian custodian's care, it must find, by evidence that the child is likely to suffer serious emotional or physical harm if the child remains in the custody of the parent or Indian custodian. This evidence must include testimony from a qualified expert witness. In terminations and other dispositions where an Indian child will be removed from home, OCS must also prove, by a preponderance of the evidence, that active efforts have been made (by any agency or service provider) to provide appropriate remedial

services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have not been successful.

- c. The proposed order is lodged with the court for the judge to sign.
- d. The court then distributes the signed order to the parties or their attorneys. The worker may want to ensure that the parents have seen the order and understand it.

4.4 TYPES OF CUSTODY ORDERS

AUTHORITY: AS 47

POLICY: OCS moves to take custody when it is the only available way to protect a child from imminent or substantial harm, usually after efforts to work with the family have not succeeded in achieving a minimally adequate level of care. However, in situations where the child is in imminent danger or has suffered substantial harm, there may not be time to provide extensive services before assuming custody.

PROCEDURES:

- a. Emergency Custody: Emergency custody may be assumed and a petition filed when one of the following factors exists (see section 4.1.b.1 for more detailed definitions):
1. the child has been abandoned, as abandonment is described in AS 47.10.013; or
 2. the child has been neglected by the child's parents, Indian custodian, or guardian, as neglect is described in AS 47.10.014, and OCS determines that immediate removal from the child's surroundings is necessary to protect the child's life or provide immediate necessary medical attention; or
 3. the child has been subjected to physical harm by a person responsible for the child's welfare, and OCS determines that immediate removal from the child's surroundings is necessary to protect the child's life or that immediate medical attention is necessary; or
 4. the child or a sibling has been sexually abused under circumstances listed in AS 47.10.011(7).
 5. the child is in a runaway program or in an emergency shelter for runaways, and the department after assessing the situation and providing appropriate services, considers emergency custody necessary.

Emergency custody can last no longer than seventy-two (72) hours. Specific procedures for the worker to follow in assuming emergency custody are contained in the Intake chapter of this manual.

- b. Emergency Custody With Court Order: In a situation where OCS has received a credible report of substantial harm to a child but cannot get access to the child to investigate, it may petition the court for an order granting emergency custody of the child to the department

so that it may investigate.

- c. Court Orders At Request of Other Persons: The court may issue an order for OCS to investigate and/or take custody when other persons bring information that would bring a child within the provisions of Title 47 to the court's attention. Most often such information arises in the context of a custody battle or domestic violence hearing.
- d. Temporary Custody: A Non-emergency Petition for Adjudication and Temporary Custody is filed when there is good reason to believe the child is in danger and efforts to work with the family voluntarily have not succeeded in achieving a minimally adequate level of care for the child.

In this case:

- 1. consult with the supervisor to determine appropriateness of initiating temporary custody proceedings on behalf of the child;
 - 2. file a Non-emergency Petition for Temporary Custody;
 - 3. arrange with the Assistant Attorney General how and by whom the parents or Indian custodian will be notified that temporary custody proceedings have been initiated, including issuance and service of the petition. If a summons is required by local practice, it should be done at this time. (See Notification, under Preparation section.)
- e. Temporary Supervision: In response to a Petition for Adjudication and Temporary Custody, the court may order that the child remain in the custody of the parent, Indian custodian, relative, or guardian of the child, or to another suitable person, subject to supervision by the department. NOTE: When the department is only supervising the placement in the child's home, rather than having legal custody, it cannot remove the child without having a hearing, either on emergency custody grounds or to persuade the court to modify its order. Consult your attorney in such cases.
 - f. Adjudication Order: At the adjudication hearing, the court makes findings of facts and determines whether or not the child is a Child In Need of Aid under AS 47.10.11.
 - 1. If the court finds that the child is not a child in need of aid, it will order the child released from department custody and returned to the child's parents, guardian or custodian.
 - 2. If the court finds that the child is a child in need of aid, the court may order the child committed to the custody of the department for placement outside the home pending disposition, if the court makes the following findings:
 - A. in the case on a non-Native child, that continued placement in the home is

- contrary to the welfare of the child, and
- B. in the case of a Native child, either that removal from the parent's or Indian custodian's care is necessary to prevent imminent danger of physical harm or damage to the child, or that there is clear and convincing evidence, including the testimony of qualified expert witnesses, that the child is likely to suffer physical or emotional harm if left in the custody of the parent or Indian custodian.
3. In any case where the court has authorized the department to remove the child from the child's home, or continued a previous order for removal, the court shall also make findings as to whether, under the circumstances of the case, reasonable efforts were made to prevent or eliminate the need for removal of the child from the home and make it possible for the child to return to the home. For Native children, the court must also make findings that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family and those efforts failed.
- g. Disposition after Adjudication of Child In Need Of Aid: When the court has adjudicated a child a Child In Need Of Aid under AS 47.10.011, it must enter a disposition order from among these alternatives:
1. Commit the child to the custody of the department for a period not to exceed two years, or the child's 19th birthday, whichever occurs earlier.
 2. Return the child to the custody of the parent, relative, or guardian of the child or another suitable person with, in appropriate cases, an order for the person to provide medical or other care or treatment. Such orders usually include a requirement that the department supervise the placement, unless the court finds that the adult with whom the child is being placed will provide adequate care without supervision. See comments on e. above.
 3. Terminate parental rights if a petition for termination of parental rights has been filed giving notice.
 4. Create a guardianship for the child based on the suspension of the parents' rights in the CINA case if a petition for guardianship has been filed.
- h. Extension and Modification of Disposition: The court may extend its disposition order if the department or the child's GAL petitions for an extension of its custody or supervision, and the extension is in the best interest of the child. Each extension may be for a period not to exceed one year or the child's 19th birthday. The court may extend the department's custody or supervision for a one year period past the child's 19th birthday, if it is in the child's best interest and the child consents.

- i. Termination of Parental Rights: This disposition results in the complete legal severance of the parent-child relationships unless a right of visitation is retained through relinquishment.
 1. Following are the statutory grounds for termination:
 - A. Except as provided in AS 47.10.080(o), the rights and responsibilities of the parent regarding the child may be terminated for purposes of freeing a child for adoption or other permanent placement if the court finds
 - i. by clear and convincing evidence that
 - (a) the child has been subjected to conduct or conditions described in AS 47.10.011; and
 - (b) the parent has not remedied the conduct or conditions in the home that place the child at substantial risk of harm; or
 - (c) the parent has failed, within a reasonable time, to remedy the conduct or conditions in the home that place the child in substantial risk so that returning the child to the parent would place the child at substantial risk of physical or mental injury; and
 - ii. by a preponderance of the evidence that the department has complied with the provisions of AS 47.10.086 concerning reasonable efforts; and
 - iii. that the termination is in the best interest of the child; and,
 - iv. in the case of Native children, by evidence beyond a reasonable doubt, that the child is likely to suffer serious physical or emotional harm if returned to the parent's custody, and by a preponderance of evidence shows that active efforts have been made to provide remedial services and rehabilitative programs to prevent the breakup of the family and that those efforts failed.
 - B. In making a determination under (A)(i)(b) of this section, the court may consider any fact relating to the best interests of the child, including
 - i. the likelihood of returning the child to the parent within a reasonable time based on the child's age or needs;
 - ii. the amount of effort by the parent to remedy the conduct or the conditions in the home;
 - iii. the harm caused to the child;
 - iv. the likelihood that the harmful conduct will continue; and
 - v. the history of conduct by or conditions created by the parent.
 - C. In a proceeding under this chapter involving termination of the parental rights of a parent, the court shall consider the best interests of the child.
 2. Except as provided in 4 below, the department shall petition for termination of a parent's rights to a child, without making further reasonable efforts, when a child is under the jurisdiction of the court under AS 47.10.010, and
 - A. the child has been in foster care for at least 15 of the most recent 22 months -

- when calculating the 15 out of the last 22 months:
- i. use the definition in (i)(6) for the date the child entered foster care;
 - ii. use a cumulative method of calculation when a child had multiple exits from and entries into out-of-home placement during the 22 months period;
 - iii. do not include trial home visits or runaway episodes in calculating 15 months in out-of-home care; and
 - iv. do not apply a compelling reason for not filing a termination petition (see (5)(B)) more than once to a child;
- B. the court has determined that the child is abandoned under AS 47.10.011(1) and 47.10.013 and the child is younger than six years of age;
 - C. the court has made a finding under AS 47.10.086(b) or a determination under AS 47.10.086(c) that the best interests of the child do not require further reasonable efforts by the department;
 - D. a parent has made three or more attempts within a 15-month period to remedy the parent's conduct or conditions in the home without lasting change; or
 - E. a parent has made no effort to remedy the parent's conduct or the conditions in the home by the time of the permanency hearing under AS 47.10.080(l).
3. The following time lines apply under these circumstances:
- A. If the court has determined that the child is abandoned under AS 47.10.011(1) and 47.10.013 and the child is younger than six years of age, the petition must be filed within 60 days of the judicial determination that the child has been abandoned; or
 - B. If a parent has been convicted of (1) murder or manslaughter of another child of the parent; or (2) aiding or abetting, attempting, conspiring, or soliciting to commit such a murder or manslaughter; or (3) a felony assault that results in serious injury to the child or another child of the parent, the TPR petition must be filed within 60 days of a judicial determination that reasonable efforts to reunify the child and parent are not required.
4. Incarcerated Parents (AS 47.10.080(o)): Incarceration is a factor that can be considered in termination proceedings concerning children in need of aid. For purposes of terminating a parent's rights under the standards in AS 47.10.080(c)(3), the court may determine that incarceration of the parent is sufficient grounds for determining that a child is a child in need of aid under AS 47.10.011 as a result of parental conduct and that the parental rights of the incarcerated parent should be terminated if the court finds, based on clear and convincing evidence, that (1) the period of incarceration that the parent is scheduled to serve during the child's minority is significant considering the child's age and the child's need for an adult's care and supervision; (2) there is not another parent willing and able to care for the child; and (3) the incarcerated parent has failed to make adequate provisions for care of the child during the period of incarceration that will be during the child's

minority.

5. If one or more of the conditions listed in 2 above are present, the department shall petition for termination of the parental rights to a child unless the department
 - A. is required to make reasonable efforts under AS 47.10.086 and the department has not provided to the parent, consistent with the time period in the department's case plan, the family support services that the department has determined are necessary for the safe return of the child to the home; or
 - B. has documented a compelling reason for determining that filing the petition would not be in the best interests of the child. The following situations may constitute a compelling reason:
 - i. The parent has made substantial progress in eliminating the problems causing the child's continued placement in foster care and it is likely that the child will be able to safely return home within three months, and no prior extension has been granted; or
 - ii. The child is over the age of 14 and has a close and positive relationship with the parent, and an alternative permanent plan will provide the most secure and appropriate placement for the child. or
 - iii. The child is over the age of 14 and is firmly opposed to TPR (or adoption), thus making it likely that any adoptive placement will disrupt. *(To help the child make an informed decision about termination and adoption, OCS must make certain that the child has received meaningful counseling about the benefits of adoption and that the child is aware of the possibility of an adoption which allows for continued contact with members of his or her birth family. This counseling must take place before this compelling reason is invoked and cannot be provided by an employee of OCS);* or
 - iv. The child is not capable of functioning in a family setting; or
 - v. A relative will provide the best available care for the child, and is committed to and capable of providing a safe, permanent home for the child and the parent has demonstrated a willingness to allow the placement to be made without interference; or
 - vi. There are insufficient grounds for the termination of parental rights; or
 - vii. Where the child is an Indian child as the Indian Child Welfare Act defines that term, the child's tribal culture does not acknowledge termination of parental rights as a viable option and the tribe has identified and offered an alternative permanent placement plan for the child that is in the best interest of the child; or
 - viii. The child is in care for reasons that do not include the parent's behavior or failure to act (this would include those situations where a child is developmentally disabled, delinquent, or other whose needs simply

- cannot be met by the parent without assistance from the state, but where the parent's actions or inactions did not create the need for assistance); or
- ix. The child is 16 years of age or older and planning for independent living(*To help the child make an informed decision about independent living, OCS must make certain that the child has received meaningful counseling about becoming self sufficient. This counseling must take place before this compelling reason is invoked and cannot be provided by an employee of OCS*); or
 - x. The child is a member of a sibling group and it is not in the best interests of the child to separate any individual child from that group and the other siblings in the group will not be subject to termination proceedings.
- C. The issue of whether there is a compelling reason not to file a termination petition will be addressed at a Permanency Planning Conference. Assistant Attorney General input is required, either by the worker consulting with the AAG prior to the conference, or by the AAG participating in the conference. The decision will be documented in ORCA and in the Case Plan, and the compelling reason will also be presented in the permanency hearing report.
- 6. A child is considered to have entered foster care under this chapter on the earlier of
 - A. the date of the first judicial finding of child abuse or neglect (usually the first probable cause finding); or
 - B. 60 days after the date of removal of the child from the child's home under this chapter.
 - 7. This section does not preclude the department from filing a petition to terminate the parental rights and responsibilities to a child for other reasons, or at an earlier time than those specified in 2 above, if the department determines that filing a petition is in the best interests of the child.
 - 8. The worker and supervisor staff the case to determine if it meets the above criteria.
 - 9. If so, a termination staffing is arranged with the review committee and Children's Services Manager or designee to review the above criteria as well as to assess whether there are legal grounds for termination and the possibility of obtaining a voluntary relinquishment.
 - 10. The worker meets with the AAG to determine if there is sufficient evidence to proceed in court.
 - 11. The worker must be thoroughly familiar with all of the facts of the case in order to be able to testify convincingly and produce the necessary evidence when requested

by the AAG.

12. No later than six months after the date on which the petition to terminate parental rights is filed, the court before which the petition is pending shall hold a trial on the petition unless the court finds that good cause is shown for a continuance. When determining whether to grant a continuance for good cause, the court shall take into consideration the age of the child and the potential adverse effect that the delay may have on the child. The court shall make written findings when granting a continuance.
 13. The court shall issue an order on the petition to terminate within 90 days after the last day of the trial on the petition to terminate parental rights.
 14. The department shall concurrently identify, recruit, process, and approve a qualified person or family for an adoption whenever a petition to terminate a parent's rights to a child is filed. If the court issues an order to terminate under (j) of this section, the department shall report within 30 days on the efforts being made to recruit a permanent placement for the child if a permanent placement was not approved at the time of the termination trial. The report must document recruitment efforts made for the child.
 15. The court may order the termination of parental rights and responsibilities of one or both parents under AS 47.10.080(c)(3) and commit the child to the custody of the department. The rights of one parent may be terminated without affecting the rights of the other parent. Each parent's rights must be terminated in order for a child to be legally free for adoption. While both parents' rights can be terminated in the same proceeding, grounds for termination for each parent may be different and then must be proven separately.
 16. When parental rights have been terminated, the worker must file a quarterly report to the court on the efforts being made to find a permanent placement for the child.
- j. Voluntary Relinquishment: Relinquishment of parental rights is a voluntary agreement to the termination of the parent-child relationship.

All relinquishments must be executed in writing and signed by a parent, regardless of the age of the parent, and should take place before a judge of a court of competent jurisdiction with the knowledge and approval by the department or in the presence of a representative of the department. If a relinquishment does not take place in court, the attorney who represents the parent or another witness to which the parent agrees should be present (see section 3.9.1 Preparation for Relinquishment of Parental Rights). No exceptions can be made. All relinquishments of Native children must be taken in court, as required by ICWA.

Under state law, the relinquishment may be withdrawn within ten days after it is signed or the child is born, whichever is later. An order terminating parental rights should be lodged at the time the relinquishment is signed.

After the birth of a child, a parent who is relinquishing parental rights may sign a Voluntary Placement Agreement to authorize OCS to take the child from the hospital.

For ICWA cases to be valid, the court must issue a written certification (Judicial Certification) that the terms and consequences of the relinquishment were explained in detail and were fully understood by the parent. The court must also certify that the parent fully understood the explanation in English or that it was interpreted into a language that the parent understood. For Native children, a relinquishment will not be valid if it is executed within the first 10 days after the birth of the child, or if it is signed outside the presence of the judge.

Under ICWA, a relinquishment can be withdrawn by the parent for any reason at any time prior to the entry of a final order of termination or a final decree of adoption, whichever comes earlier. Consequently, an order terminating parental rights based on the relinquishment should be signed by the court when the ten days required by state and federal law have elapsed.

If the legal father denies paternity, he must still relinquish and have an order signed terminating his parental rights unless a paternity test indicates that he is not the father. If the biological father has not been identified, the worker must try to identify the biological father, preferably by paternity test. Once the biological father has been identified, ask about relinquishment or work towards reunification. If the biological father cannot be identified, the worker must prepare an "Affidavit of Diligent Inquiry", and work with the AAG in regards to publication (see section 4.2.b. Notification).

Under a voluntary relinquishment, a parent may retain privileges with respect to the child, including the ability to have future contact with the child. Retained privileges must be specified in writing in the relinquishment, and they are incorporated in the termination order. Once a termination order has been issued, the parent may request a review hearing to make changes to a privilege retained in the termination order. After the issuance of a termination order and prior to the issuance of an adoption or guardianship decree, the parent may request a review hearing to vacate the termination order and reinstate parental rights.

A retained privilege being withheld from a parent or a parent not being able to act on a retained privilege does not constitute grounds for withdrawing a relinquishment or vacating a termination order.

After the issuance of a termination order and prior to the issuance of an adoption or guardianship decree, a prospective adoptive parent or guardian may request that the court

refrain from incorporating in the adoption or guardianship decree a privilege that is retained in the termination order. The person who relinquished their parental rights must be provided with notice of the request and an opportunity to submit a written statement agreeing to or opposing the request.

When parents have relinquished their parental rights with the understanding that their child will be adopted by a specific person, the worker will notify them if the proposed placement fails. The requirement to notify the parents applies from the time of the relinquishment until the adoption is finalized, even after termination of parental rights. After receiving notice that the proposed placement has failed, a parent may notify OCS, in writing, of a desire to withdraw the relinquishment. If the parent does not submit such notice to OCS within 30 days of being notified of the failed placement, OCS is not required to have any further contact with the parent. The parent's request to withdraw the relinquishment is not automatically granted. OCS decides whether to consent to the withdrawal or not, based on the circumstances of the case. Consents for withdrawal must be approved and signed by the Children's Services Manager.

Procedures for the worker include:

1. File a petition to terminate the parental rights of the relinquishing parent.
 2. When only one parent relinquishes voluntarily, contact the other parent to discuss his parental rights.
 3. If the remaining parent is unknown or cannot be located, contact the AAG about filing a Petition to Terminate Parental Rights.
 4. When there is any indication that a parent may lack the capacity to relinquish, whether due to developmental disabilities, history of mental illness, or abuse of drugs/alcohol, consult with the AAG regarding the parent's competency to consent.
 5. Per regional practice, work with the AAG to prepare legal forms and take all parties before the court to sign them.
- k. Child Support Order: If the parent's support responsibility has not been otherwise established, the AAG will file a motion to have the court set the amount of support based on the returned financial affidavit, and lodge the appropriate order.
- l. Release of custody: When the child no longer needs the protection of OCS, the AAG may file a "Motion for Release of Custody."
1. This step may be appropriate when the case plan goals have been met and/or the parents can provide minimally adequate care for the child; there are no agency

services appropriate to meet the child's needs; a child whose parents' rights have been terminated has been adopted or given a guardian. The court will decide on this motion based on the child's best interest.

2. An order releasing custody ends OCS' legal relationship with a family, but an in-home services plan with the reunited family is frequently appropriate, to ensure continued parental functioning and the ability to cope with the child in the reintegrated family.
3. The worker consults with the supervisor, the AAG , the family and child (if of an appropriate age) and the GAL, before preparing an affidavit to support the Motion for Release of Custody.
4. The worker may be asked to assist the AAG in serving the parties with the pleadings.
5. The worker either terminates services with the family and does a closing summary or develops a case plan for in-home services with the family.

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4.5 TRIBAL JURISDICTION

AUTHORITY: P.L. 95-608 Indian Child Welfare Act of 1978, Guidelines for State Courts: Indian Child Custody Proceedings (Federal Register 11/28/79); AK Supreme Court Decision on C.R.H., 29 P.3d 849 (Alaska 2001); 2004 Op. Att'y Gen. No. 1

POLICY:

- a. Tribal Court: In the Indian Child Welfare Act, tribal court is defined as: "a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings". Tribal courts will vary from tribe to tribe. A tribal court need not be a distinct judicial body. Thus, a tribal council or other governing body of a tribe may serve as a tribal court. ICWA explicitly recognizes that tribal governmental bodies that are not distinctly judicial may conduct child custody proceedings and that actions taken by these governmental bodies, such as adoption orders, are entitled to the same recognition as if the body were a state court.
- b. Exclusive Tribal Jurisdiction:
Exclusive or Concurrent Jurisdiction over Specific Territory: According to federal law, a tribe in Alaska may exercise exclusive jurisdiction over its children that reside in the tribe's village if it has successfully petitioned to the Secretary of the Interior for exclusive jurisdiction over specific territory other than a reservation, as defined within the petition, and the petition has been granted. The Native Village of Barrow and the Native Village of Chevak are the only villages at the present time that have been granted the right to exercise exclusive jurisdiction over child protection proceedings involving their children. The Native Village of Metlakatla has petitioned for and obtained the right to have concurrent jurisdiction over child protection proceedings involving children domiciled in Metlakatla.
- c. Concurrent Jurisdiction as a Result of Transfer to Tribal Court:
 1. According to federal law, in any state court proceeding for the foster care placement of or termination of parental rights to an Indian child the court shall, upon request of the parent, Indian custodian, or child's tribe, transfer the proceeding to the jurisdiction of the tribe.
 2. When a case is transferred to tribal court and the tribal court has exercised jurisdiction, the state court action is dismissed. The state retains concurrent jurisdiction but cannot exercise its jurisdiction while the tribal court is exercising jurisdiction, except to protect a child who is in immediate danger.

d. Transfer of Jurisdiction to Tribal Court:

1. Request for Transfer: In any State court child custody proceeding pertaining to an Indian child, the child's parent(s), Indian custodian, or tribe may, in writing, request the court to transfer the child custody proceeding to the tribal court of the child's tribe. Based on the request, the court, in the absence of good cause to the contrary, shall transfer such proceeding to the jurisdiction of the tribe, absent objection by either parent or declination by the tribal court of such tribe.
2. Reasons Why a Case Would Not be Transferred: A determination will be made by the court whether or not to transfer. The following factors will be considered:
 - A. either parent or Indian custodian objects to the transfer; or
 - B. the tribe declines jurisdiction; or
 - C. good cause to deny the transfer. The burden of establishing good cause to the contrary shall be on the party opposing the transfer. Examples of some of the reasons for a finding of good cause are listed below:
 - i. Good cause not to transfer the proceeding exists if the Indian child's tribe does not have a tribal court as defined by the Act to which the case can be transferred.
 - ii. Good cause not to transfer the proceeding may exist if any of the following circumstances exists:
 - (a) The proceeding was at an advanced stage when the petition to transfer was received and the petitioner did not file the petition promptly after receiving notice of the hearing.
 - (b) The Indian child is over twelve years of age and objects to the transfer.
 - (c) The evidence necessary to decide the case could not be adequately presented in the tribal court without undue hardship to the parties or the witnesses.
 - (d) The parents of a child over five years of age are not available and the child has had little or no contact with the child's tribe or members of the child's tribe.
 - (e) A transfer of jurisdiction is contrary to the best interests of the child.

PROCEDURE:

a. Child Protection Responsibilities

1. OCS is required to investigate all protective services reports it receives pertaining to

children in Alaska, including reports for tribal children residing within a village that has exclusive jurisdiction, unless the state and the tribe entered into an agreement, for example Native Village of Barrow.

2. OCS has the authority to take emergency custody of a child based on AS 47.10.142, including tribal children residing within a village that has exclusive jurisdiction.
 3. Exclusive Tribal Jurisdiction
 - A. OCS lacks jurisdiction to file a child custody proceeding for children whose tribe has exclusive jurisdiction over child protection proceedings involving its member children. Consequently, after completing an investigation, OCS should provide its investigative report to the tribe for necessary action.
 - B. If a child who is member of a tribe with exclusive jurisdiction resides outside of the tribe's geographic area at the time the protective services report is received, OCS must investigate the report and, if necessary, take custody of the child under state law.
 4. Concurrent Tribal Jurisdiction
 - A. Metlakatla: OCS should investigate protective services reports it receives on children who are members of the Metlakatla Indian Community and take emergency custody if warranted under state law.
 - B. Transfer Jurisdiction: If a protective services report is received on a child for whose case jurisdiction has been transferred to tribal court and the tribal court has exercised jurisdiction, OCS should investigate and provide information to the tribal court about the results of its investigation.
 5. Exclusive State Jurisdiction: Except when a tribe has exclusive or concurrent jurisdiction, the state has exclusive jurisdiction over child protection proceedings involving an Indian child until a petition for transfer to tribal court is approved by the superior court and the tribal court has exercised its jurisdiction.
- b. Request for Transfer of Jurisdiction:
1. If a parent, Indian custodian, or the child/children's tribe requests transfer of jurisdiction to the tribe, the worker will inform all parties to the case, the AAG, and the supervisor.
 2. The process will include consultation by the worker and the supervisor with the AAG. If there is disagreement with the transfer of jurisdiction, the worker and the

supervisor will consult with management.

c. When Jurisdiction Has Been Transferred:

1. When jurisdiction has been transferred to a tribe, the worker will consult with the AAG regarding which records from the case file will be provided to the tribe.
2. OCS will not cease its responsibilities toward the child until the tribal court exercises its jurisdiction, and OCS will continue to investigate any new Protective Services Reports received.
3. The worker will arrange for release of PFD Trust Funds and other benefits.
4. Prior to transfer, the worker will ask the relevant parties, including the Regional ICWA Specialist, for a staffing to ensure a smooth transfer.
5. Once jurisdiction has been transferred, the division will no longer carry any financial or case management responsibilities for the case.

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5.0 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)

5.1 GENERAL BACKGROUND

5.1.1 HISTORY

On July 1, 1976 Alaska enacted legislation by which the State became an official member of the Interstate Compact on Placement of Children (ICPC). See AS 47.70.010 - 080. All 50 states, the District of Columbia, and the US Virgin Islands have independently adopted the ICPC as Statutory law in their respective jurisdictions.

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5.1.2 PURPOSE

The Interstate Compact provides for the extension of protective services jurisdiction by the sending state into the receiving state to ensure that court orders and plans for placement will be carried out in a manner which will protect the child being placed. It ensures that children are not placed into homes that have not been evaluated and determined to be safe and appropriate. It also identifies who is financially responsible for the child's care and well as for supervision of the placement.

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5.1.3 APPLICABILITY OF COMPACT

The Interstate Compact applies to all placements made by OCS into another state except those listed under 5.1.4 as exceptions. Any placement determined to be an exception must be approved by the Alaska Deputy Compact Administrator. In addition the Interstate Compact applies to placements of children by private persons including parents when the placement is not between parties with the following degree of relationship between both the sending and receiving parties - parent, stepparent, grandparents, adult brother or sister, adult aunt or uncle.

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5.1.4 LIMITATIONS OF THE COMPACT

- a. The ICPC does not apply to placement of a child out-of-state into the following resources if the specific facility is determined to be exempt by the receiving state compact administrator as stated in ICPC Regulation IV under 5.4.1:
1. an institution caring for the mentally ill, mentally defective or epileptic;
 2. an institution primarily educational in character;
 3. any hospital or other medical facility.
- b. ICPC does not apply to:
1. the sending or bringing of a child in a receiving state by the child's parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's guardian and leaving the child with such relative or non-agency guardian in the receiving state, provided that such person who brings, sends or causes a child to be sent or brought to a receiving state is a person whose full legal right to plan for the child: has been established by law at a time prior to initiation of the placement arrangement, and has not been voluntarily terminated, diminished or severed by action or order of any court. (ICPC Article VIII (a) and ICPC Regulation III, (6a).
 2. visits if they meet the requirements set forth under ICPC Regulation IX, 5.4.1
 3. court transfers of a child to a non-custodial parent with respect to whom the court does not have evidence before it that such parent is unfit, does not seek such evidence, and does not retain jurisdiction over the child after court transfers the child. (ICPC Regulation III (6), 5.4.1.
- c. The Interstate Compact may act in conjunction with the
1. Uniform Child Custody Jurisdiction Act when OCS is petitioning for custody of a child recently removed from Alaska;
 2. Interstate Compact on Placement of Juveniles when the receiving state requests that a child from Alaska who is adjudicated both delinquent and a child in need of aid be referred through both compacts. Most states usually prefer one compact or the other.

Note - The Interstate Compact on Placement of Juveniles does not cover placement of delinquent children into private residential facilities in other states. Therefore, the ICPC is always used for placements of children adjudicated delinquent who are being placed in private residential care another state. See AS 47.70.010, Article VI.

5.1.5 ICPC FORMS

- a. Universal Forms: The following five forms are standard forms used by all Interstate Compact member states:
1. Form 100A – Interstate Compact Placement Request Form (06-9140) is the official notice of intention to place and of request for investigation and approval of placement. It also documents the formal decision of the receiving state regarding acceptance or denial of placement and acts as the contract between states when placement is approved.
 2. Form 100B – Interstate Compact Report on Child's Placement Status Form (06-9141) is the official notice to the receiving state that placement has occurred and formally initiates supervision in the receiving state. The 100B is also used as official notice of change in status of placement – e.g. notice of moves and closure.
 3. Form 101 – Sending State Priority Home Study Request (06-9144) must be used when a court has determined that a proposed priority placement of a child from one state into another state is necessary, and the court has issued a court order to that effect. The court order must be submitted with the form.
 4. Form 100C Quarterly Statistical Report: Placements into an ICPC State
 5. Form 100D Quarterly Statistical Report: Placements out of an ICPC State
- b. Interstate Compact Financial/Medical Plan (06-9143): This form must be completed for all ICPC referrals and included with the submitted documentation.

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5.2 PLACEMENT WHEN ALASKA IS THE SENDING STATE

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: The OCS worker shall receive prior approval of the receiving state Compact Administrator as required under AS 47.70.010 Article III (b) before arranging for the placement of any child out-of-state. After placement the OCS worker shall continue with primary responsibility for permanency planning and for assuring that the receiving state is providing supervision and services requested.

PROCEDURE: The OCS worker shall follow policy and procedures set forth under 5.2.1 through 5.2.4 below.

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5.2.1 PRIOR TO INITIATING A FORMAL REFERRAL

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: The worker shall assure that preconditions necessary for a formal ICPC referral have been met before forwarding an ICPC packet to the Alaska Deputy Compact Administrator.

PROCEDURE: Prior to initiating a formal ICPC referral the worker shall

- a. assess interest of the proposed placement prior to initiating a formal compact referral, including the proposed plan for financial support and medical coverage for the child;
- b. contact the receiving state CPS office that will be completing the home study (not the receiving state ICPC office) and determine whether they will agree to accept a courtesy copy of the complete ICPC packet direct from the Alaska referring worker in order that the actual study process can begin as soon as possible; if they will agree to receipt of the packet, insure that the formal referral through the Alaska Compact Office is mailed simultaneously;
- c. receive approval from the Regional Out-of-State Placement Committee and the State Office Out-of State Placement Committee for referral of any child to be placed in an out-of-state residential facility;
- d. contact the Alaska Deputy Compact Administrator to receive approval for an exemption from ICPC if the worker determines that an exemption may apply as set forth under 5.1.4.
- e. The worker may not place the child in the receiving state until both the Alaska ICPC Administrator and the ICPC Administrator in the receiving state have approved the placement.

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5.2.2 PREPARING A FORMAL ICPC REFERRAL

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: The worker shall provide complete information regarding the legal status, social history of the child and issues of special concern regarding the needs of the child and possible liabilities of the placement resource to allow the receiving state to complete a reliable study and recommendation regarding placement.

PROCEDURE: The worker shall forward the following information to the Alaska Deputy Compact Administrator

- a. Six copies of a completed 100A, including the original.
- b. Three copies including the original of a cover memo that includes:
 1. the name, address and phone number of the proposed placement resource and the relationship to the child;
 2. a brief explanation of why this resource is being considered and a brief explanation of the permanent placement plan;
 3. an explanation of the special circumstances/needs of the child and a request that concerns be addressed in regards to whether the proposed resource can manage those needs and whether necessary support services are available in the community;
 4. a statement as to whether the child is Alaska Native or American Indian and whether the placement resource is subject to ICWA and if so a description of the child's Tribal affiliation, whether or not the Tribe has formally intervened and how the proposed placement meets the ICWA placement preferences for this Tribe.
- c. three copies of the child's social history that includes a description of the circumstances leading to custody, including efforts to reunite the child with the family and the status of the reunification plan, a description of the child's current adjustment to placement and services being provided; the social history may be comprised of reports completed for other purposes, but should be supplemented with an addendum if the information is not current and should not be composed of more than two documents including one document

containing the majority of the history and an addendum, if necessary;

- d. three copies of the current, signed custody order including language that gives custody of the child to the Division for a specified period of time;
- e. three copies of a completed form 06-9143, Interstate Compact Financial/Medical Plan, which includes information about whether the proposed resource is expected to apply for TANF (Temporary Assistance to Needy Families) or would prefer to be licensed to receive foster payments and whether or not the child has been determined to be IV-E eligible. If the plan is for the child to be placed with a relative and for the relative to apply for TANF, also include birth certificates for the child and relatives to confirm specified relationship. ;
- f. three copies of the current case plan;
- g. three copies of any additional information that is necessary to explain the condition or special needs of the child such as IEPs, medical reports, psychological reports etc.
- h. three copies of the child's immunization records.
- i. if a court has determined that a proposed priority placement of a child in the receiving state is necessary, and the court has issued a court order to that effect, three copies a completed form 06-9144, Sending State Priority Home Study Request, and three copies of the court order.

5.2.3 REQUESTING A PRIORITY HOME STUDY

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: Priority studies may be requested if they meet the requirements of ICPC Regulation Seven adopted by the interstate compact administrators with an effective date of 7/2/01. See 5.4.1 for the complete text of the regulation.

PROCEDURE: The OCS worker shall

- a. refer to Regulation Seven under 5.4.1 of this manual section, if necessary, for review of all requirements relating to priority home study requests;
- b. contact the Assistant AG and request assistance in preparing a motion for order for priority ICPC home study; the motion and order must set out the circumstances that brings the request within the requirements of paragraph (5) of Regulation Seven as adopted by the Association of Administrators of the ICPC as follows;
 1. the proposed placement recipient is a relative belonging to a class of persons who, under AS 47.70.010 Article VIII(a) of ICPC could receive a child from another person belonging to such a class, without complying with ICPC and; (i) the child is under two years of age; or (ii) the child is in an emergency shelter; or (iii) the court finds that the child has spent a substantial amount of time in the home of the proposed placement recipient;
 2. the receiving state Compact Administrator has a properly completed ICPC 100A and supporting documentation for over thirty business days, but the sending agency has not received a notice pursuant to Article III (d) of ICPC determining whether the child may or may not be placed;
- c. prepare an ICPC referral packet containing all the items listed under 5.2.2 above, including the completed form 06-9144, Sending State Priority Home Study Request, and the signed order for priority study reference in (a) of this section;
- d. mail the completed ICPC packet by overnight express to the Alaska Deputy Compact Administrator within one day of receipt of the signed order for priority study; if the signed order is not provided by the Court within 24 hours of the date the court granted the order,

send the completed packet with a copy of the unsigned order and explain in the transmittal memo the reason the signed order is unavailable and an anticipated date when it will be available;

5.2.3.B RECEIPT AND ACCEPTANCE OF COMPLETED HOME STUDY

AUTHORITY:

AS 47.10 Children in Need of Aid
AS 47.70 Interstate Compact on the Placement of Children
42 U.S.C. 671(a)(26) State Plan for Foster Care and Adoption Assistance (Title IV-E)

PURPOSE: To provide guidance when accepting a completed home study.

BACKGROUND INFORMATION:

Federal Law: A state that requested a home study from another state must accept the completed home study unless, within 14 days of receiving the home study, the state determines, based on grounds that are specific to the content of the home study, that making a decision in reliance on the home study would be contrary to the child's welfare.

POLICY: Alaska OCS will accept home studies completed by the receiving state or their contractors unless, within 14 days of receipt in the Alaska ICPC office, OCS determines the contents of the home study are insufficient and making a placement decision based on the report would be contrary to the welfare of the child.

PROCEDURE:

- A. Upon receipt of a home study, the Alaska OCS ICPC office will date stamp the study, notify the OCS worker by e-mail that the home study has been received, and then mail a copy to the worker. If requested, the Alaska ICPC office will fax a copy of the home study to the worker.
- B. The worker will review the study and determine whether it provides enough information to make a placement decision.
- C. If the study does not include sufficient information, the worker will submit a memo within 14 days to the Alaska ICPC office listing additional questions and concerns for the receiving state.
- D. The Alaska ICPC office will
 1. Notify the receiving state that the home study has not been accepted as complete; and
 2. Request an addendum addressing the worker's questions and concerns.

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5.2.4 SUPERVISING THE PLACEMENT WHEN ALASKA IS THE SENDING STATE

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: The OCS worker shall review the permanent plan for the child in out-of-state placement on a quarterly basis and maintain regular phone and written contact with the supervising worker in the receiving state to ensure that supervision and services are being provided to the child and family as needed.

PROCEDURE: After the placement the worker shall:

- a. notify the Alaska Compact Administrator of the date of placement in a timely manner in order that the Compact Administrator can complete the 100B which constitutes notice to the receiving state that placement has been made and that supervision should begin;
- b. maintain regular phone and written contact with the receiving state worker to monitor the adjustment of the child to the placement;
- c. assess the permanent plan for the child on a continuing basis and provide a sufficient amount of time to determine the stability of the placement, generally six months minimum, before proceeding to finalize the placement as a permanent placement;
- d. track the expiration dates of all custody orders and request a current written progress report and recommendation regarding the necessity to extend custody sufficiently in advance of the date that the court order is due to expire to allow the receiving state time to respond.

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5.2.5 DISMISSAL OR TERMINATION OF CUSTODY WHEN ALASKA IS THE SENDING STATE

AUTHORITY: AS 47.70.010, Article V Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: The OCS worker shall ensure that custody is not dismissed or does not expire for all children in out-of-state placement unless the order is expiring because the child has reached the age of majority or unless the worker is notified by the Alaska Deputy Compact Administrator that the receiving state ICPC Administrator agrees that custody may be terminated.

PROCEDURE: Unless the order is expiring because the child has reached the age of majority the worker shall:

- a. contact the receiving state worker, sufficiently in advance of the date that the court order is due to expire to allow the receiving state time to respond, to request a written progress report and recommendation regarding the necessity to maintain custody;
- b. allow custody to expire only if in receipt of a current written report from the receiving state worker with a specific recommendation in favor of dismissal and in receipt of the written concurrence of the receiving state compact administrator prior to the date of expiration as required by AS 47.70.010, Article V;
- c. petition to dismiss custody only if a current written assessment from the receiving state worker including a specific recommendation in favor of dismiss and the written concurrence of the receiving state's compact administrator is received to support the petition as required by AS 47.70.010, Article V;
- d. petition to extend custody if the report from the receiving state worker recommends continuation of custody to provide for continued CPS services to the child as required by AS 47.70.010, Article V;
- e. notify the Alaska compact administrator if requested services or reports are not provided in a timely manner by the receiving state worker. Written reports should be provided by the receiving state on a minimum of a quarterly basis, unless the Alaska worker requests more frequent reports or the supervising worker in the receiving state determines that more frequent contact with the family is indicated. Written reports should also be provided by

the receiving state upon request if needed to support requests for extension of custody or dismissal;

- f. contact the Department of Law to request assistance to reinstate custody improperly dismissed without the concurrence of the receiving state if the receiving state indicates that continued custody is necessary for the protection of the child;

5.2.6 DISRUPTION

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: The OCS worker shall retain ultimate responsibility for planning for the child in out-of-state placement as long as the child remains in the custody of OCS and shall return the child to Alaska if the out-of-state placement disrupts and there are no alternative appropriate permanent placements available in the receiving state.

PROCEDURE: If the receiving state worker contacts the Alaska worker to advise that the placement has disrupted, the Alaska worker shall:

- a. explore with the receiving state worker the necessity for immediate removal based on the likelihood of harm to the child. If the receiving state indicates immediate removal is needed, the Alaska worker should request placement into a licensed facility and should provide assurances that Alaska will cover the cost of placement;
- b. explore the possibility of placement with another relative in the area or of reuniting the child with the original placement resource if additional support services are provided;
- c. make immediate arrangements for the return of the child to Alaska if continued permanent placement with known placement resources in the receiving state is determined by the receiving state to be inappropriate.
- d. notify the Alaska Deputy Compact Administrator that the child has returned to Alaska and provide the date of return so the ICPC Administrator can close their case and notify the receiving state compact office with the ICPC 100B form to close their case as well.

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5.2.7 MOVING A CHILD FROM ONE PLACEMENT RESOURCE TO ANOTHER PLACEMENT RESOURCE OUTSIDE ALASKA

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: A child may not be moved from one placement resource to another outside Alaska without the prior approval from the receiving state's ICPC Administrator pursuant to AS 47.70.010, Article III, unless an emergency situation requires removal from the current placement and the child is moved into a currently licensed facility in the receiving state.

PROCEDURE:

- a. As soon as a OCS worker is aware that it may be necessary to remove a child from a currently approved out-of-state placement resource, the worker must initiate a formal request for study of the new placement resource following procedures set forth under 5.2.1 through 5.2.2 of this chapter.
- b. If it is necessary to remove the child on an emergency basis, the child must be placed in a currently licensed facility in the receiving state.
- c. If it is not possible to place the child in an approved facility, then the child should be returned to Alaska for placement.
- d. When a child moves with the placement resource from one state to another outside Alaska the procedures under 5.2.8 apply.

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5.2.8 WHEN A CHILD MOVES FROM ALASKA TO ANOTHER STATE WITH A CURRENT PLACEMENT RESOURCE

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: Prior approval from the receiving state is not required in order for a currently approved placement resource to move with a child to another state as long as the OCS worker approves of the plan for the move and the case is formally referred to the ICPC Administrator in the receiving state for approval and supervision as soon as the worker has information regarding the proposed address for the provider in the receiving state.

PROCEDURE:

- a. The OCS worker shall forward a formal ICPC request for approval and supervision of an existing placement resource to the Alaska Deputy Compact Administrator, within 30 to 45 days of the pending move or as soon as the worker approves a plan for the child to move to another state with the current provider, including a parent who has current physical custody.
- b. All other procedures regarding Alaska as the sending state apply.

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5.2.9 PROCEDURES FOR PAYMENT WHEN ALASKA IS THE SENDING STATE

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: Alaska is responsible for the financial/medical support of all children in state custody who are placed in another state to the extent that resources in the receiving state are unavailable.

PROCEDURE:

- a. Prior to initiating a formal referral through ICPC, the OCS worker should contact the proposed resource in the receiving state to determine their interest in the placement and to discuss possible financial/medical plans for the support of the child including
 1. TANF on behalf of the child if the placement resource is a relative eligible to apply on behalf of the child in the receiving state. Worker needs to contact receiving state's public assistance office to confirm that the resource will qualify for TANF under their laws;
 2. foster licensing;
 3. medical coverage, including the necessity for the placement resource to apply for medical coverage under the receiving state's Medicaid program and if the child is determined to be ineligible the resource must be willing to locate and use medical providers in the receiving state who are already enrolled or who are willing to enroll as Medicaid providers with Alaska;
 4. indicate the proposed financial/medical plan on the ICPC financial/medical form to be included in the ICPC referral packet and provide a copy of the Public Assistance determination of IV-E eligibility which the placement resource will need when making application for Medicaid in the receiving state.
- b. After the placement has been approved and the child has been placed the worker shall
 1. contact the placement resource to ensure that the resource makes timely application for Medicaid on behalf of the child in the receiving state;
 2. if the child is determined not to be eligible in the receiving state and the child is IV-E

eligible, the worker should refer the matter to the Alaska ICPC Deputy Administrator as the child should be eligible to receive Medicaid in the receiving state and ICPC will contact the receiving state to request assistance in enrolling the child;

3. if the child is not IV-E eligible the worker should contact the Alaska Deputy Compact Administrator for a list of Medicaid providers in the locale of the placement resource in the receiving state and provide that list to the placement resource and request that the placement resource use providers enrolled under Alaska Medicaid for any medical services the child may need;
 4. if there are no medical providers enrolled as Medicaid providers in the area where the placement resource lives or if the provider does not wish to use the enrolled providers, the worker should advise the placement resource to contact providers of their choice and inquire as to whether they would be willing to enroll as an Alaska Medicaid provider; generally larger facilities such as clinics associated with hospitals are more willing to enroll;
 5. if the provider is willing to enroll they should be directed to call First Health Corporation at (907) 561-5650 and they will send the medical provider in the receiving state the necessary information for enrollment as an Alaska Medicaid provider.
- c. Special funds to pay for medical services for children in out-of-state placement will only be authorized when all primary resources including Medical Assistance in the receiving state have been determined to be unavailable.
 - d. The OCS worker shall provide a copy of the provider's foster license and a copy of the receiving state foster care rate schedule to State Office Accounting Section before foster care payments may be initiated.

5.2.10 VISITATION WHEN ALASKA IS THE SENDING STATE

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: A visit is considered placement and must comply with the ICPC unless it meets the definition of visit adopted by the compact administrators set forth under 5.4.1 of this manual chapter. (Regulation IX)

PROCEDURE:

- a. If the placement meets the definition of visit, the worker shall make contact directly with the receiving state local CPS agency to request a courtesy assessment of the proposed resource prior to the visit to ensure the safety of the child during the visit;
- b. the worker may also request that courtesy contact be made during the visit to assess the situation after the child has arrived;
- c. phone numbers and addresses for CPS local agencies in all states are contained in the Public Child Welfare directory, a copy of which is located in each OCS office and which is updated annually.

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5.2.11 PLACEMENTS OUT OF COUNTRY

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: Placement to or from other countries will be treated the same as ICPC placements.

PROCEDURE: The OCS worker shall:

- a. follow all the procedures and complete all the paperwork as though it were an ICPC placement;
- b. closely coordinate with the Alaska Deputy Compact Administrator regarding any special procedures or paperwork that may need to be done with Immigration Services.

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5.3 WHEN ALASKA IS THE RECEIVING STATE

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: OCS workers shall apply the same standards, including time frames, to investigating and supervising permanent placement resources for children adjudicated in need of aid in other states and referred through the ICPC as is given to the same services for children adjudicated in need of aid in Alaska.

PROCEDURE: The OCS worker shall follow the procedures listed under the following subsections when Alaska is the receiving state.

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5.3.1 COMPLETING THE INTERSTATE COMPACT (ICPC) HOME STUDY

AUTHORITY:

AS 47.10 Children in Need of Aid
AS 47.70 Interstate Compact on the Placement of Children
42 U.S.C. 671(a)(26) State Plan for Foster Care and Adoption Assistance (Title IV-E)

PURPOSE: To provide guidance on the completion of ICPC home studies and ensure compliance with the time frames required by federal law for completion of reports on the results of ICPC home studies.

BACKGROUND: Federal law requires that

- A. When a state receives a request for a home study from another state, the receiving state will submit a report on the results of the study to the requesting state within 60 days after the request was received. The report must address the extent to which placement in the home would meet the needs of the child.
- B. For home studies that begin on or before 9/8/08, the deadline for completing the report on the results of the home study is extended to 75 days if the state is not able to complete the home study within 60 days due to circumstances beyond the state's control. The state must document the circumstances that resulted in the need for the extension.

POLICY:

- A. The report on the results of an ICPC home study can include a recommendation for or against placement based on an assessment of whether or not the family and community can provide adequate services to meet the child's needs.
- B. The Alaska Deputy Compact Administrator determines the due date for the report on the results of the home study. The due date will be within the federal mandate.
- C. A report on the results of the home study must be submitted to the Alaska Deputy Compact Administrator by the established due date.

PROCEDURE:

- A. The Alaska Deputy Compact Administrator assigns the ICPC request to the appropriate field office.
- B. The assigned field office supervisor will assign the home study to an OCS worker within three business days of receipt of the request packet.
- C. The assigned worker will review the packet of materials from the sending state to

determine if adequate information has been provided to allow the worker to make a thorough assessment and recommendation.

- D. If more information is needed, the worker will request the additional information by calling the worker from the referring state directly at the phone number listed on the 100A or by requesting the information in writing to the Alaska Deputy Compact Administrator if there is no phone number for the worker included in the referral materials;
- E. If an adoptive home study has been requested, the worker may refer the request to the adoptive home study contractor. However, the OCS worker is responsible for ensuring that the report on the result of the home study is received by the due date.
- F. If the sending state contracts with an approved private agency for a home study, OCS will consider the recommendations of the study. The sending state is responsible for the cost of the home study.
- G. The worker will make contact with the placement resource within three business days of assignment to schedule a home visit to initiate the home study process even if additional information is needed to complete the assessment and recommendation. The worker will:
 - 1. explain the type of home study requested by the sending state;
 - 2. inform the placement resource of the procedures and explain tasks the placement resource is responsible for, for example fingerprinting and/or foster home license; and
 - 3. schedule a homevisit.
- H. The worker will complete the study and recommendation for or against placement including the following information:
 - 1. Home Visit Interview
 - a. name, address and phone of proposed caretaker;
 - b. marital status of caretaker;
 - c. social history of caretaker especially in relation to any difficulties with criminal history or emotional or health problems that could affect the ability to provide care;
 - d. motivation for wanting to provide care for the child and willingness and ability to provide care permanently;
 - e. understanding of situation resulting in child's need for alternative placement;
 - f. willingness and ability to protect the child from the offending parent or guardian, if applicable;

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- g. willingness and ability to assist in the permanency and well being of the child;
 - h. financial plan for support of child - e.g. - TANF, foster care payments, other;
 - i. medical plan for child - e.g. - Alaska Medicaid based on IV-E or other eligibility, other;
 - j. appropriateness of plan to supervise child if caretaker works outside the home;
 - k. availability of caretaker and community services to meet child's special needs;
 - l. names of all other adults in the household and a description of their relationship to caretaker and child to be placed, their attitude toward the placement and a brief social history including items under H(1)(c) above;
 - m. names and ages of all other children in the household and a description of their relationship to the caretaker and other adults in the house, their attitude toward the placement, if old enough, and a description of any special needs or problems they may have that would affect the proposed placement;
 - n. attach law enforcement clearance and summary and the CPS check based on a signed release for the check;
2. description of space and adequacy of the home, including a description of the sleeping arrangements for the child to be placed;
 3. a summary of areas of concern and services that would help to minimize or overcome these concerns;
 4. listing of specific conditions that must be met prior to giving final recommendation for placement - e.g. verification of child's IV-E eligibility status or placement resource's agreement to participate in recommended services;
 5. a specific recommendation for or against placement;
 6. if the recommendation is in favor of placement, include the following statement; "the positive recommendation is conditioned on the sending state's agreement to retain custody until Alaska's Deputy Compact Administrator agrees it may be dismissed";
 7. signatures of the OCS worker completing the study and recommendation and the signature of the worker's immediate supervisor.
- i. The assigned worker will draft a report on the results of the home study and submit it to the Alaska ICPC office before or on the due date regardless of whether it can contain a placement recommendation. If a placement recommendation cannot be made by the due date, the worker will list the reasons why and send the report to the Alaska ICPC office. Once the missing information is obtained, the worker will complete the home study and provide placement recommendations to the Alaska ICPC office;

- J. The assigned worker will complete requests for a court ordered priority study from the sending state that follow the requirements of Regulation Seven adopted by the Association of Administrators of the ICPC, found at 5.4.1 of this manual section, within 20 business days of assignment and the study shall be mailed express mail on the date of completion to the Alaska Deputy Compact Administrator.

DEFINITIONS:

ICPC Home Study: Consists of a safety assessment of the home, CPS background checks, fingerprint checks, and a home study interview.

Reports on the Result of a Home Study: Includes at a minimum a safety assessment of the home, CPS background checks, and a home study interview.

5.3.3 NOTIFYING THE SENDING STATE OF THE RECOMMENDATION

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: The OCS worker may inform the sending state worker of the recommendation only after review and approval of the report and recommendation by the OCS worker's immediate supervisor and the Alaska Deputy Compact Administrator.

PROCEDURE: When the worker has completed the study and recommendation the worker shall:

- a. request same day review of the final draft by the OCS supervisor or acting supervisor;
- b. make any changes in the draft study requested by the immediate supervisor;
- c. mail the original and two copies of the approved study to the Alaska Deputy Compact Administrator. Fax a copy directly to the sending state worker if requested AFTER Alaska Deputy Compact Administrator signs the ICPC 100A as approved.

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5.3.4 SUPERVISING WHEN ALASKA IS THE RECEIVING STATE

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: The OCS worker will provide the amount of supervision determined necessary by the OCS worker to assist in maintaining the placement, but in no event shall the OCS worker visit the child and family less frequently than one time per quarter until the sending and receiving state workers agree in writing to less frequent monitoring.

PROCEDURE: The OCS worker shall:

- a. begin supervision of the placement when notified by receipt of the 100B that the child has been placed. If notified personally by the sending worker or other source, request the 100B be sent as soon as possible;
- b. make scheduled home visits on a quarterly or more frequent basis as determined appropriate;
- c. prepare a written progress report on a minimum of a quarterly basis including the following information in the report
 1. the adjustment of the child to the placement including family interactions such as discipline problems, school adjustment and progress, medical condition and status of progress toward counseling goals or goals of any other special services being offered;
 2. the identification of any services that need to be provided and request for authorization to pay for services if they are not covered by medical insurance or other current resource available to the child;
 3. after six months, a statement can be written regarding the anticipated date when the sending agency can dismiss custody based upon the stability of the placement and in consideration of legal protections that must be in place in cases where the offending parent or guardian would have legal custody if CINA jurisdiction was dismissed;
- d. send the original progress reports and all other written correspondence directly to the sending state worker with two copies to the Alaska Deputy Compact Administrator.

5.3.5 DISRUPTION WHEN ALASKA IS THE RECEIVING STATE

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: The OCS worker shall determine whether support services are available to overcome problems that threaten to disrupt a placement and if none are available shall take appropriate steps to return the child to the sending state.

PROCEDURE: When the OCS worker becomes aware that the placement is failing the worker shall

- a. meet with the child and family to assess whether or not there are available support services, including brief alternative placement, that may assist the child and family in overcoming the problem;
- b. notify the sending state worker of the impending disruption and if it has been determined that support services would be of assistance specify to the sending state worker the nature and cost of those services and request that the sending state confirm in writing their willingness to provide payment for those services;
- c. if it has been determined there are no available support services the OCS worker shall ask the sending state worker to arrange for the safe and timely return of the child to the sending state;
- d. contact the Alaska Deputy Compact Administrator for assistance if there is resistance from the sending state worker in making plans for the return of the child or if there is difficulty in contacting the receiving state worker;
- e. notify Alaska Deputy Compact Administrator of the date of the child's return to the sending state.

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5.3.6 CLOSURE OF AN ICPC CASE WHEN ALASKA IS THE RECEIVING STATE

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: In concurrence with AS 47.70.010, Article V, the closure of an incoming ICPC case requires the approval of the Alaska Deputy Compact Administrator in all cases unless the case is being closed because the sending state's jurisdiction ended due to the fact that the child reached the age of majority, because the placement resource in Alaska adopted the child or the child was returned to the sending state or another jurisdiction.

PROCEDURE:

- a. If the OCS worker has been advised by the sending state worker that the sending state's jurisdiction has terminated due to one of the following conditions, the OCS worker shall notify the Alaska Deputy Compact Administrator of the closure and provide two copies of documents such as court orders and correspondence confirming the closure
 1. the final decree has been entered in the adoption of the child;
 2. the child has reached the age of majority or has been legally emancipated.
- b. Closure of all other ICPC placements into Alaska requires Alaska Deputy Compact Administrator approval based upon a determination by the OCS worker, based upon a reasonable period of supervision - generally six months - that the placement is stable and does not require continued supervision.
- c. The recommendation for dismissal by the AK worker must be included in a written progress report which is reviewed and approved by the worker's immediate supervisor and the Alaska Deputy Compact Administrator before it is provided to the sending state.
- d. Once reviewed and approved, the OCS worker shall provide two copies of the report to the Alaska Deputy Compact Administrator and the original may be sent directly to the sending state worker.
- e. If the OCS worker is advised of an improper dismissal of jurisdiction by the sending state that is not based upon the recommendation of the OCS worker and concurrence of the Alaska Deputy Compact Administrator, the OCS worker should contact the Alaska Deputy

Compact Administrator for assistance in reinstating the sending state's custody.

5.3.7 PROBLEMS WITH SUPERVISION OF ICPC PLACEMENTS INTO ALASKA

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: If management of ICPC cases between the sending and receiving state line workers is not possible, the OCS worker should refer the matter to the Alaska Deputy Compact Administrator for assistance.

PROCEDURE: If the OCS worker is unable to contact or enlist the cooperation of the sending state worker in arranging for services, getting requested permanency planning or other information necessary to supervise the incoming case, the OCS worker should immediately contact the Alaska Deputy Compact Administrator to request assistance in getting the needed response. The OCS worker can call the direct number for the AK ICPC Administrator listed in the division telephone directory or can fax or Email. Telephone calls, faxes and Emails to the ICPC office are returned on the same day received if before noon and no later than the end of the next day, if received after noon, unless the ICPC Administrator is on leave or out of town on business. If the ICPC Administrator is on leave or out of the office on business a voice mail message will be left indicating who in State Office is acting as backup. The worker should then contact the backup party for assistance.

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5.3.8 REQUESTS TO OCS LOCAL OFFICES FOR ICPC STUDIES THAT HAVE NOT BEEN REFERRED THROUGH THE COMPACT

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: Requests from local workers in the sending state direct to local workers in Alaska to begin ICPC studies will NOT be honored UNLESS the sending state worker express mails a complete packet of ICPC materials to the local Alaska office so that the OCS worker can be assured that a formal referral through the compact is being made to insure, prior to beginning the study, that the sending state has continuing legal jurisdiction and to provide the Alaska worker with all the information necessary to complete a reliable home study and recommendation.

PROCEDURE: If the Alaska OCS worker receives a direct request by phone or mail from another state requesting that a family be studied for placement of a child from that state the OCS worker shall;

- a. inform the sending state worker that a study cannot begin until the OCS worker is in receipt of a complete ICPC packet from the sending state;
- b. based upon individual office policy and staff availability in the OCS office agree to accept by overnight mail a courtesy copy of the complete ICPC packet;
- c. notify the Alaska Deputy Compact Administrator upon receipt of the courtesy copy so that ICPC can ensure that formal referral is eventually sent through the sending state ICPC office;
- d. review the contents of the ICPC packet to ensure all required information is contained as set forth under 5.2.2 of this chapter;
- e. follow all procedures outlined in 5.3.2 and 5.3.3 of this chapter in completing the study and issuing the recommendation.

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5.3.9 CHILDREN WHO RELOCATE TO ALASKA WITH FOSTER PARENTS, PARENTS OR OTHER CURRENT PLACEMENT RESOURCE

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

PURPOSE: To ensure that Alaska, as the receiving state, will be compliant with ICPC regulations.

POLICY: Alaska will provide approval prior to a child's placement when a sending state submits an ICPC Regulation #1, Intrastate to Interstate placement request, if; (1) the sending state provides all required documents and if (2) the child and family have not yet relocated to Alaska, prior to Alaska's receipt of the request.

PROCEDURE:

- a. Upon receiving an ICPC Regulation #1 Intrastate to Interstate placement request, the Deputy Compact Administrator will review and overnight the packet to the appropriate regional CSM or local office designee.
- b. The CSM or designee will review the documents included with the request, and will assign a worker to conduct a CPS check to investigate for any prior involvement with OCS with the child, the adult and other family members.
- c. The CSM or designee will provide a written statement recommending for or against placement to the Deputy Compact Administrator who will sign the 100A according to that recommendation. The original 100A will be faxed and mailed to the sending state ICPC office.
- d. If the CSM or designee recommends approving the placement and agrees to accept supervision, he/she will assign the case to a worker for supervision.
- e. Supervision begins once the family arrives. The assigned worker will conduct a home visit as soon as possible to confirm the safe home environment. A report of that home visit will be sent to the Alaska ICPC office, which in turn will forward it on to the sending state. Progress reports will be due quarterly to the sending state. This is the responsibility of the worker supervising the case.

- f. If foster home licensing is required for the placement of child(ren), the family must begin the process as soon as possible. If another type of home study, or home study update has been requested, the supervising worker will complete it within 30 working days from the initial home visit.

- g. Disrupted/Unsafe Placement
 - 1. If for any reason the placement disrupts, or the assigned worker determines that the home or other living conditions are contrary to the safety and well-being of the child, the worker will report to the Deputy Compact Administrator.

 - 2. If the issues cannot be resolved, the Deputy Compact Administrator will contact the sending state and request that the child be returned to that state.

5.3.10 PAYMENT WHEN ALASKA IS THE RECEIVING STATE

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: The responsibility for support of the child rests with the sending agency to the extent that the child is not eligible for services in the receiving state.

PROCEDURE:

- a. The OCS worker shall advise the proposed placement resource during the home study process of the financial/medical resources available to assist in supporting the child if placement occurs:
 1. including TANF on behalf of the child if the placement resource is a relative within the degree of relationship which would make them eligible to apply in Alaska on behalf of the child;
 2. foster licensure including the foster rate for the age of the child to be considered and the fact that the sending state is responsible for payment directly to the provider if the home is licensed;
 3. Alaska Medicaid if the child is IV-E eligible or otherwise eligible under Alaska Medicaid eligibility requirements.
- b. Placement in a residential facility in Alaska requires the prior written agreement from the sending state to pay the facility directly and the OCS worker shall advise the Alaska facility that Alaska will not be responsible for payment.

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5.3.11 ICPC AND ICWA

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: ICPC applies to all placements from Tribal entities in other states and must be referred through ICPC.

PROCEDURE: If the OCS worker is contacted directly by a representative of a Tribe in another state requesting assistance in supervising a placement from that Tribe into Alaska, the OCS worker shall advise the representative that a formal referral through the ICPC is required and may refer the Tribal representative to the Alaska Deputy Compact Administrator for assistance in making the referral.

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5.4 AUTHORITY IN INTERPRETING ICPC STATUTE

AUTHORITY: AS 47.70 Interstate Compact on the Placement of Children and AS 47.10 Children in Need of Aid

POLICY: The regulations and definitions formally adopted by the Association of Administrators of the Interstate Compact on Placement of Children shall be followed in the administration of the ICPC to the extent that they do not conflict with existing Alaska law.

PROCEDURE: The OCS worker shall refer to the following regulations to assist in carrying out the intent of the ICPC and shall make Assistant Attorneys General assigned to assist with ICPC matters aware of the interpretive regulations.

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5.4.1 REGULATIONS ADOPTED BY ASSOCIATION OF ADMINISTRATORS OF ICPC

The following regulations adopted by the Association of Administrators of the Interstate Compact on Placement of Children guide members states and territories in the interpretation and administration of the Compact. The regulations were adopted by the Alaska Compact Administrator pursuant to authority in AS 47.70.010, Article VII are printed as adopted.

REGULATION 0.01

Forms

1. To promote efficiency in processing placements pursuant to the Interstate Compact on the Placement of Children (ICPC) and to facilitate communication among sending agencies, states and other concerned persons, the forms promulgated by the compact administrators, acting jointly, shall be used by all sending agencies, sending and receiving states, and others participating in the arranging, making, processing and supervision of placements.
2. ICPC forms shall be uniform as to format and substance, and each state shall make available a reference to where its forms may be obtained by the public.
3. The mandatory forms currently in effect are described below. These forms shall be reproduced in sufficient supply by each of the states to meet its needs and the needs of persons and agencies required to use them. Forms referenced in the preceding sentence, above, currently in effect are the following:
 - ICPC-100A "Interstate Compact Placement Request"
 - ICPC- 100B "Interstate Compact Report on Child's Placement Status"
 - ICPC- 100C "Quarterly Statistical Report: Placements Into An ICPC State."
 - ICPC- 100D "Quarterly Statistical Report: Placements Out of An ICPC State."
 - ICPC – 101 "Sending State's Priority Home Study Request."
4. Form ICPC 102 "Receiving State's Priority Home Study Request" is an optional form that is available for use.
5. Words and Phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
6. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 29 through May 2,

2001; the regulation as amended, was approved May 2, 2001 and is effective as of July 2, 2001.

REGULATION I

Conversion of Intrastate Placement into Interstate Placement; Relocation of Family Units

1. Regulation No. 1 was first effective May 1, 1973, is repealed and replaced by the following:
2. A placement initially intrastate in character becomes an interstate placement subject to the Interstate Compact on the Placement of Children (ICPC) if the child's principal place of abode is moved to another state.
3. If the child is to be sent or brought to a receiving state more than forty-five (45) days in the future, the normal procedures of ICPC for an interstate placement shall be initiated. However, the ICPC 100A and the information accompanying it shall make it specific and clear that the relocation of the family unit involved and that the family home is not yet in the receiving state. As much information as reasonably possible shall be given to the receiving state concerning the location and character of the intended family home in the receiving state.
4. (a) In any instance where the decision to relocate into another state is not made until forty-five (45) days or less before the date on which it is intended to send or bring the child to the receiving state, an ICPC 100A and its supporting documentation shall be prepared immediately upon making of the decision, processed promptly by the sending agency's state compact administrator and transmitted to the receiving state compact administrator. The sending agency's state compact administrator shall request that the receiving state provide prompt handling of the case with due regard for the desired time for the child to be sent or brought to the receiving state.
 - (b) The documentation provided with a request for prompt handling shall include:
 - (1) A form ICPC-100A fully completed
 - (2) A copy of the court order pursuant to which the sending agency has authority to place the child or, if authority does not derive from a court order, a statement of the basis on which the sending agency has authority to place the child.
 - (3) A case history for the child.
 - (4) In any instance where the sending state has required licensure, certification or approval, a copy of the most recent license, certificate or approval of the qualification of the custodian(s) and /or their home showing the status of the custodian(s), as qualified custodian(s).
 - (5) A copy of the most recent home study of the custodian(s) and any updates

thereof.

- (6) A copy of the child's permanency plan and any supplements to the plan.
 - (7) An explanation of the current status of the child's Title IV-E eligibility under the Federal Social Security Act.
- (c) Requests for prompt handling shall be as provided in paragraph 4 (a) hereof. Some or all documents may be communicated by express mail or any other recognized method of expedited communication. The receiving state shall recognize and give effort to any such expedited transmission of an ICPC-100A and/or supporting documentation, provided that it is legible and appears to be a complete representation of the original. However, the receiving state may request and shall be entitled to receive originals or duly certified copies if it considers them necessary for a legally sufficient record under its laws.
 - (d) In an instance where a custodian(s) holds a current license, certificate or approval from the sending state evidencing qualification as a foster parent or other custodian, the receiving state shall give effect to such license, certificate or approval as sufficient to support a determination of qualification pursuant to Article III (d) of ICPC, unless the receiving state compact administrator has substantial evidence to the contrary. This provision applies to a case which meets the description set forth in paragraph 4 (b) of this regulation.
 - (e) The receiving state may decline to provide a favorable determination pursuant to Article III (d) of ICPC if its compact administrator finds that the child's needs cannot be met under the circumstances of the proposed relocation, or until it has documentation identified in subparagraph (b) hereof.
 - (f) If necessary or helpful to meet time requirements, the receiving state may communicate its determination pursuant to Article III (d) to the sending agency and the sending agency's state compact administrator by "FAX" or other means of facsimile transmission. However, this may not be done before the receiving state compact administrator has actually recorded the determination on the ICPC 100A. The written notice (the completed ICPC-100A) shall be mailed or otherwise sent promptly to meet Article III (d) written notice requirements.
5. If the referral is submitted by a custodian(s), a receiving state shall recognize and give effect to evidence that the custodian(s) have satisfactorily completed required training for foster parents or other parent training. Such recognition and effect shall be given if:
- (a) the training program is shown to be substantially equivalent to training offered for the same purpose in the receiving state; and

- (b) the evidence submitted is in the form of an official certificate or other document identifying the training.
6. Nothing in this regulation shall be construed to alter the obligation of a receiving state to supervise and report on the placement; nor to alter the requirement that the custodian(s) comply with the licensing and other applicable laws of the receiving state after arrival therein.
 7. A favorable determination made by a receiving state pursuant to Article III (d) of the ICPC and this regulation means that the receiving is making such determination on the basis of the best evidence available to it in accordance with the requirements of paragraph 4 (b) of this regulation and does not relieve any custodian or other entity of the obligation to comply with the laws of the receiving state as promptly after arrival in the receiving state of the child as possible. If it is subsequently determined that the placement in the receiving state appears to be contrary to the interest of the child, the sending agency shall arrange to return the child or make an alternative placement as provided in Article V (a) of the ICPC.
 8. Within thirty (30) days of being notified by the sending state or by the custodian(s) that the custodian(s) and the child have arrived in the receiving state, the appropriate personnel of the receiving state shall make an initial contact with the custodian(s) to ascertain conditions and progress toward compliance with applicable laws and requirements of the receiving state.
 9. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
 10. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999.

REGULATION III

Placements with Parents, Relatives Non-agency Guardians, and Non-family Settings

The following regulation adopted by the Association of Administrators of the Interstate Compact on the Placement of Children is declared to be in effect on and after July 2, 2001.

1. "Placement" as defined in Article II(d) includes the arrangement for the care of a child in the home of his parent, other relative, or non-agency guardian in a receiving state when the sending agency is any entity other than a parent, relative, or non-agency guardian making the arrangement for care as a plan exempt under Article VIII (a) of the Compact.

2. "Conditions for Placement" as established by Article III apply to any placement as defined in Article II(d) and Regulations adopted by the action of the Association of Administrators of the Interstate Compact on the Placement of Children.
3. The terms "guardian" and non- agency guardian" have the same meanings as set forth in Regulation No. 10 of the Regulations for the Interstate Compact on the Placement of Children.
4. The term "family free or boarding home" as used in Article II (d) of ICPC means the home of a relative or unrelated individual whether or not the placement recipient receives compensation for care or maintenance of the child, foster care payments, or any other payments or reimbursements on account of the child's being in the home of the placement recipient.
5. The term" foster care" as used in Article III of ICPC, except as modified in this paragraph, means care of a child on a 24-hour a day basis away from the home of the child's parent(s). Such care may be by a relative of the child, by a non-related individual, by a group home, or by a residential facility or any other entity. In addition, if 24 hour a day care is provided by the child's parent(s) by reason of court ordered-placement (and not by virtue of the parent-child relationship), the care is foster care.
6.
 - (a) Pursuant to Article VIII (a), this compact does not apply to the sending or bringing of
of
a child in a receiving state by the child's parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's guardian and leaving the child with any such relative or non-agency guardian in the receiving state, provided that such person who brings, sends, or causes a child to be sent or brought to a receiving state is a person whose full legal right to plan for the child: (1) has been established by law at a time prior to initiation of the placement arrangement, and (2) has not been voluntarily terminated, diminished or severed by the action or order of any court.
 - (b) the Compact does not apply whenever a court transfers the child to a non-custodial parent with respect to whom the court does not have evidence before it that such parent is unfit, does not seek such evidence, and does not retain jurisdiction over the child after the court transfers the child.
7. Placement of a child requires compliance with the Compact if such placement is with ether of the following:
 - (a) any relative, person, or entity not identified in Article III of the Compact; or

- (b) any entity not included in the definition of placement as specified in Article II (d) of the Compact.
- 8. If a court or other competent authority invokes the Compact, the court or other competent authority is obligated to comply with Article V (Retention of Jurisdiction) of the Compact.
- 9. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
- 10. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its meeting of April . 29 through May 2, 2001; the regulation, as amended, was approved on May 2, 2001 and is effective as of July 2, 2001.

REGULATION IV

Residential Placement

The following regulation adopted by the Association of Administrators of the Interstate Compact on Placement of Children is declared to be in effect on and after April 20, 1983, was readopted in 1999, was amended in 2001, and is declared to be effective, as amended, as of July 2, 2001.

- 1. In determining whether the sending or bringing of a child to another state is exempt from the provisions of the Interstate Compact on the Placement of Children by reason of exemption for various classes of institutions in Article II(d), the following concepts and terms shall have the following meanings:
 - (a) "Primarily educational institution" means an institution which operates one or more programs that can be offered in satisfaction of compulsory school attendance laws, in which the primary purpose of accepting children is to meet their educational needs; and which does not do one or more of the following:
 - (1) accept responsibility for children during the entire year;
 - (2) provide or hold itself out as providing child care constituting nurture sufficient to substitute for parental supervision and control or foster care;
 - (3) provide any other services to children, except for those customarily regarded as extracurricular or cocurricular school activities, pupil support services, and those services necessary to make it possible for the children to be maintained

on a residential basis in the aforementioned school program or programs.

- (b) "Hospital or other medical facility" means an institution for the acutely ill which discharges its patients when they are no longer acutely ill, which does not provide or hold itself out as providing child care in substitution for parental care or foster care, and in which a child is placed for the primary purpose of treating an acute medical problem.
 - (c) "Institution for the mentally ill or mentally defective" means a facility which is responsible for treatment of acute conditions, both psychiatric and medical, as well as such custodial care as is necessary for the treatment of such acute conditions of minors who either voluntarily or involuntarily committed by a court of competent jurisdiction to reside in it. Developmentally disabled has the same meaning as the phrase "mentally defective."
 - (d) Treatment for a chronic mental or behavioral condition, as described in this regulation, that is 24 hour care away from the child's parental home is foster care such as in Article III of ICPC.
2. (a) Admission for treatment of an acute condition includes the treatment and care of minors who are mentally ill, or developmentally disabled and who require stabilization of such condition for short-term treatment. Such short term treatment is exempt from the Interstate Compact on the Placement of Children.
- (b) Placement for treatment of a chronic condition includes the treatment and care of minors who may be mentally ill, emotionally ill, or developmentally disabled and require treatment beyond what was required for stabilization of the underlying acute condition. Treatment modalities for chronic conditions may include psychotherapy and psychopharmacology.
 - (c) Any placement of a minor for treatment of that minor's chronic mental or behavioral condition into a facility having treatment programs for acute and chronic conditions must be pursuant to the Interstate Compact on the Placement of Children. The Interstate Compact on the Placement of Children becomes applicable once the minor is placed for treatment of a chronic condition regardless of whether that child was originally placed in the same facility for treatment of an acute condition.
 - (d) A minor may be accepted into a residential treatment center without first having been in that facility for the treatment of an acute condition. An interstate placement of a minor into such a facility must be pursuant to the Interstate Compact on the Placement of Children.

3. An institution for the mentally ill or developmentally disabled may accept a child for treatment and care without complying with ICPC, if the treatment and care and other services are entirely out-patient in character.
4. The type of funding source or sources used to defray the costs of treatment or other services does not determine whether the Interstate Compact on the Placement of Children applies. Such determination is made on a case-by-case basis.
5. The type of license, if any, held by an institution is evidence of its character, but does not determine the need for compliance with ICPC. Whether an institution is either generally exempt from the need to comply with the Interstate Compact on the Placement of Children or exempt in a particular instance is to be determined by the services it actually provides or offers to provide. In making such determinations, the criteria is set forth in this regulation shall be applied.
6. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
7. This regulation was amended pursuant to Article VII of the Interstate Compact of the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 29 through May 2, 2001; such amendment was approved on May 2, 2001 and is effective as of July 2, 2001.

REGULATION V

Central State Compact Office

The following regulation adopted by the Association of Administrators of the Interstate Compact on the Placement of Children is declared to be in effect on and after April 20, 1982.

Regulation Number 5 as first effective April 1982 is amended to read as follows:

1. It shall be the responsibility of each state party to the Interstate Compact on the Placement of Children to establish a procedure by which all Compact referrals from and to the state shall be made through a central compact office. The Compact Office shall also be a resource for inquiries into requirements for placements into the state for children who come under the purview of this Compact. The Compact Administrator and deputies appointed by the executive head of each state under Article VII shall be located in this central state office.

2. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
3. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999.

REGULATION VI

Permission to Place Child: Time Limitations, Reapplication

The following regulation originally adopted in 1991 by the Association of Administrators of the Interstate Compact on the Placement of Children is amended in 2001 and declared to be in effect, as amended, on and after July 2, 2001 .

1. Permission to place a child given pursuant to Article III(d) of the Interstate Compact on the Placement of Children shall be valid and sufficient to authorize the making of the placement identified in the written document (ICPC-100A) by which the permission is given for a period of six (6) months commencing on the date when the receiving state compact administrator or his duly authorized representative signs the a foresaid ICPC-100A.
2. If the placement authorized to be made as described in Paragraph 1. of this Regulation is not made within the six (6) months allowed therein, the sending agency may reapply. Upon such reapplication, the receiving state may require the updating of documents submitted on the previous application, but shall not require a new home study unless the laws of the receiving state provide that the previously submitted home study is too old to be currently valid.
3. If a foster care license, institutional license or other license, permit or certificate held by the proposed placement recipient is still valid and in force, or if the proposed placement recipient continues to hold an appropriate license, permit or certificate, the receiving state shall not require a new license, permit or certificate be obtained in order to qualify the proposed recipient to receive the child in placement.
4. Upon reapplication by the sending agency, the receiving state shall determine whether the needs or condition of the child have changed since it initially authorized the placement to be made. The receiving state may deny the placement if it finds that the proposed placement is contrary to the interests of the child.
5. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning..

6. This regulation was readopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on Placement of Children at its meeting of April 1999; It is amended pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 29 through May 2, 2001, was approved May 2, 2001, and is effective in such amended form as of July 2, 2001.

REGULATION VII

Priority Placement

The following regulation adopted by the Association of Administrators of the Interstate Compact on the Placement of Children is declared to be in effect on and after July 2, 2001.

1. Words and phrases used in this regulation shall have the same meanings as those ascribed to them in the Interstate Compact on the Placement of Children (ICPC). A word or phrase not appearing in ICPC shall have the meaning ascribed to it by special definition in this regulation or, where not so defined, the meaning properly ascribed to it in common usage.
2. This regulation shall not apply to any case in the sending state wherein:
 - (a) the request for placement of the child is for licensed or approved foster family care or adoption; or
 - (b) the child is already in the receiving state in violation of ICPC.
3. Whenever a court upon request, or on its own motion, or where court approval is required, determines that a proposed priority placement of a child from one state into another state is necessary, the court shall make and sign an order embodying that finding. The court shall send its order to the Sending Agency within two (2) business days. The order shall include the name, address, telephone number, and if available the FAX number, of the judge and the court. The court shall have the sending agency transmit, within three (3) business days, the signed court order, a completed Form 100A ("Request for Placement") and supporting documentation pursuant to ICPC Article III, to the sending state Compact Administrator. Within a time not to exceed two (2) business days after receipt of the ICPC priority placement request, the sending state Compact Administrator shall transmit the priority request and its accompanying documentation to the receiving state compact Administrator together with a notice that the request for placement is entitled to priority processing.

4. The court order, ICPC-100A and supporting documentation referred to in paragraph three (3) hereof shall be transmitted to the receiving state Compact Administrator by overnight mail together with a cover notice calling attention to the priority status of the request for placement. The receiving state Compact Administrator shall make his or her determination pursuant to Article III (d) of ICPC as soon as practicable but no later than twenty (20) business days from the date the overnight mailing was received and forthwith shall send the completed 100A by FAX to the sending state Compact Administrator.

5.
 - (a) If the receiving state Compact Administrator fails to complete action as the receiving state prescribed in Paragraph Four (4) hereof within the time period allowed, the receiving state shall be deemed to be out of compliance with ICPC. If there appears to be a lack of compliance, the court, which made the priority order, may so inform an appropriate court in the receiving state, provide that court with copies of relevant documentation in the case, and request assistance. Within its jurisdiction and authority, the requested court may render such assistance, including the making of appropriate orders, for the purpose of obtaining compliance with this Regulation and ICPC.

 - (b) The foregoing shall not apply if:
 - (1) within two (2) business days of receipt of the ICPC priority placement request, the sending state Compact Administrator determines that the ICPC request documentation is substantially insufficient, specifies that additional information is needed, and requests the additional documentation from the sending agency. The request shall be made by FAX, or by telephone if FAX is not available, or

 - (2) within two (2) business days of receipt of the ICPC priority placement request, the receiving state Compact Administrator notifies the sending state Compact Administrator that further information is necessary. Such notice shall specifically detail the information needed. For a case in which this subparagraph applies, the twenty (20) business day period for the receiving state Compact Administrator to complete action shall be calculated from the date of the receipt by the receiving state Compact Administrator of the information requested.

 - (c) Where the sending state court is not itself the sending agency, it is the responsibility of the sending agency to keep the court, which issued the priority order, informed of the status of the priority request.

6. A court order finding entitlement to a priority placement shall not be valid unless it contains an express finding that one or more of the following circumstances applies to the

particular case and sets forth the facts on which the court basis its finding:

- (a) the proposed placement recipient is a relative belonging to a class of persons who, under Article VIII(a) of ICPC could receive a child from another person belonging to such a class, without complying with ICPC and ; (1) the child is under two (2) years of age; or (2) the child is in an emergency shelter; or (3) the court finds that the child has spent a substantial amount of time in the home of the proposed placement recipient.
 - (b) the receiving state Compact Administrator has a properly completed ICPC-100A and supporting documentation for over thirty (30) business days, but the sending agency has not received a notice pursuant to Article III (d) of ICPC determining whether the child may or may not be placed.
7. Time periods in this regulation may be modified with a written agreement between the court which made the priority order, the sending agency, the receiving state Compact Administrator, and the sending state Compact Administrator. Any such modification shall apply only to the single case to which it is addressed.
 8. To fulfill its obligations under ICPC, a state and its local agencies must process interstate cases no less quickly than intrastate cases and give no less attention to interstate hardship cases than to intrastate hardship cases. If in doing so a receiving state Compact Administrator finds that extraordinary circumstances make impossible for it and its local agencies to comply with the time requirements set forth in this regulation, it may be excused from strict compliance therewith. However, the receiving state Compact Administrator shall, within two (2) business days of ascertaining inability to comply, notify the sending state Compact Administrator via FAX of the inability to comply and shall set forth the date on or before which it will complete the action. The notice shall contain a full identification and explanation of the extraordinary circumstances which are delaying compliance.
 9. Unless otherwise required or allowed by this regulation, all transmittals of documents or other written materials shall be by overnight express mail carrier service.
 - 10 This regulation as first effective October 1, 1996 and readopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999, is amended pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 29 through May 2, 2001; the regulation as amended, was approved on May 2, 2001 and is effective as of July 2, 2001

REGULATION VIII

Change of Placement Purpose

1. An ICPC 100B should be prepared and sent in accordance with its accompanying instructions whenever there is a change of purpose in an existing placement, e.g., from foster care to preadoption even though the placement recipient remains the same. However, when a receiving state or a sending state requests a new ICPC-100A in such a case, it should be provided by the sending agency and transmitted in accordance with the usual procedures for processing of ICPC-100As.
2. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
3. This regulation is effective on or after April 30, 2000, pursuant to Article VII of the Interstate Compact on Placement of Children by action of the Association of Administrators of the Interstate Compact on Placement of Children at its annual meeting on April 30, - May 3, 2000.

Regulation IX

Definition of a Visit

1. A visit is not a placement within the meaning of the Interstate Compact on the Placement of Children (ICPC). Visits and placements are distinguished on the basis of purpose, duration, and the intention of the person or agency with responsibility for planning for the child as to the child's place of abode.
2. The purpose of a visit is to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has not assumed legal responsibility for providing child care services.
3. It is understood that a visit for twenty-four (24) hours or longer will necessarily involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services will not, of itself, alter the character of the stay as a visit.
4. If the child's stay is intended to be for no longer than thirty (30) days and if the purpose is as described in Paragraph 2, it will be presumed that the circumstances constitute a visit rather than a placement.

5. A stay or proposed stay of longer than thirty (30) days is a placement or proposed placement, except that a stay of longer duration may be considered a visit if it begins and ends within the period of a child's vacation from school as ascertained from the academic calendar of the school. A visit may not be extended or renewed in a manner which causes or will cause it to exceed thirty (30) days or the school vacation period, as the case may be. If the stay does not from the onset have an expressed terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.
6. A request for a home study or supervision made by a person or agency which sends or proposes to send a child on a visit will conclusively establish that the intent of the stay or proposed stay is not a visit.
7. A visit as defined in this regulation is not subject to the Interstate Compact on the Placement of Children.
8. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
9. This regulation as first adopted April 26, 1983, by resolution of the Association of Administrators of the Interstate Compact on the Placement of Children is readopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999.

Regulation X

Guardians

1. Guardian Defined. As used in the Interstate Compact on the Placement of Children (ICPC) and in this regulation:
 - (a) "Guardian" means a public or private agency, organization or institution which holds a valid and effective appointment from a court of competent jurisdiction to have custody and control of a child, to plan for the child, and to do all things for or on the behalf of a child which a parent would have authority and responsibility for doing by virtue of an unrestricted parent-child relationship. Guardian also means as individual who is a non-agency guardian as defined in subparagraph (b) hereof.
 - (b) "Non-agency guardian" means an individual holding a currently valid appointment from a court of competent jurisdiction to have all of the authority and responsibility of a guardian as defined in subparagraph (a) hereof.

2. Prospective Adoptive Parents Not Guardians. An individual with whom a child is placed as a preliminary to a possible adoption cannot be considered a non-agency guardian of a child, for the purpose of determining the applicability of ICPC to the placement, unless the individual would qualify as a lawful recipient of a placement of the child without having to comply with ICPC as provided in Article VIII (a) thereof.
3. Effect of Guardianship on ICPC Placements.
 - (a) An interstate placement of a child with a nonagency guardian, whose appointment to the guardianship existed prior to consideration of the making of the placement, is not subject to ICPC if the sending agency is the child's parent, stepparent, grandparent, adult brother or sister or adult uncle or aunt.
 - (b) An appropriate court of the sending agency's state must continue jurisdiction over a non-exempt placement until applicability of ICPC to the placement is terminated in accordance with Article V (a) of ICPC.
4. Permanent Status of Guardianship.
 - (a) A state agency may pursue a guardianship to achieve a permanent placement for a child in the child welfare system, as required by federal or state law. In a case of a child who is already placed in a receiving state in compliance with ICPC, appointment of the placement recipient as guardian by the sending state court is grounds to terminate the applicability of the ICPC when the sending and receiving state compact administrators concur on the termination pursuant to Article V (a). In such an instance, the court which appointed the guardian may continue its jurisdiction if it is maintainable under another applicable law.
 - (b) If subsequent to the making of an interstate placement pursuant to ICPC, a court of the receiving state appoints a non-agency guardian for the child, such appointment shall be construed as a request that the sending agency and the receiving state concur in the discontinuance of the application of ICPC to the placement. Upon concurrence of the sending and receiving states, the sending agency and appropriate court of the sending state shall close the ICPC aspects of the case and the jurisdiction of the sending agency pursuant to Article V (a) of ICPC shall be dismissed.
5. Guardian Appointed by Parent. If the statutes of a jurisdiction so provide, a parent who is chronically ill or near death may appoint a guardian for his or her children, which guardianship shall take effect on the death or mental incapacitation of the parent. A nonagency guardian so appointed shall be deemed a nonagency guardian as at the term is

used Article VIII (a) of ICPC, provided that such nonagency guardian has all of the powers and responsibilities that a parent would have by virtue of an unrestricted parent-child relationship. A placement with a nonagency guardian as described in this paragraph shall be effective for the purposes of ICPC without a court appointment or confirmation unless the statute pursuant to which it is made otherwise provides and if there is compliance with procedures required by statute. However, the parent must be physically present in the jurisdiction having the statute at the time that he or she makes the appointment or expressly submits to the jurisdiction of the appointed court.

6. Other Definitions of Guardianship Unaffected. The definitions of “guardian” and “nonagency guardian” contained in this regulation shall not be construed to affect the meaning or applicability of any other definitions of “guardian” or “nonagency guardian” when employed for the purposes or to circumstances not have a bearing on placement proposed to be made or made pursuant to ICPC.
7. Words and phrases used in this regulation have the same meanings as in the Compact, unless the context clearly requires another meaning.
8. This regulation is adopted pursuant to Article VII of the Interstate Compact on the Placement of Children by action of the Association of Administrators of the Interstate Compact on the Placement of Children at its annual meeting of April 1999.

5.4.2 DEFINITIONS

Statutory Definitions - The following definitions specifically related to the ICPC are contained in Article II of AS 47.70, the Interstate Compact on Placement of Children.

“As used in this compact:

- (a) “Child” means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.
- (b) “Sending agency” means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a persons, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- (c) “Receiving state” means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or placement with private agencies or persons.
- (d) “Placement” means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

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6.0 ADMINISTRATION

6.1 GENERAL

6.1.1 EMPLOYEE CODE OF ETHICS

AUTHORITY: AS 47.10 Children in Need of Aid

POLICY: Workers shall meet professional standard of conduct.

PROCEDURE: Workers shall adhere to standardized code of ethics as follows:

- a. Social workers shall adhere to the Code of Ethics of the National Association of Social Workers and the State of Alaska Code of Ethics for Public Employees.
- b. Social workers will receive copies of their code of ethics upon hire. Copies of the codes are also available for local and state personnel offices.

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6.1.2 CONFIDENTIALITY

AUTHORITY: AS 47.10.093 Disclosure of Agency Records, AS 47.10.92 Parental Right to Disclose Information, AS 47.17.040 Central Registry; Confidentiality, AS 47.35.039 Records Required, AS 09.25.110 Public Records Open to Inspection and Copying, 7 AAC 54.101-150 Confidentiality of Client Records, 6 AAC 96 Public Information, 42 U.S.C. 671 (P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980), 25 U.S.C. 1901-1923 (P. L. 95-608 Indian Child Welfare Act of 1978), 42 U.S.C. 5106a (Child Abuse Prevention and Treatment Act); P.L. 104-191 Health Insurance Portability and Accountability Act (HIPAA), 45 CFR 160-164 HIPAA regulations

PURPOSE: To provide guidance regarding the release of confidential information.

POLICY: Client records are confidential under Alaska and federal law. Confidentiality is the right of parents and children who are clients of the OCS to have information about them safeguarded against public disclosure. Each employee has an ethical and legal responsibility to safeguard information obtained by the OCS in the course of providing services to clients.

The OCS will follow state and federal law and regulations in balancing the clients' right to privacy with the child's need for health and safety, the parents' rights to seek redress, and the right of schools, foster parents, and the public to have certain information appropriate to their needs.

Protective services reports and reports of investigations for children who are subject of a CINA petition are protected and may only be disclosed for use by appropriate governmental and tribal agencies with child protection functions, inside and outside the state, in connection with investigations or judicial proceedings involving child abuse, neglect, or custody. This does not apply to the report that the OCS is required to furnish to the Department of Law under AS 47.17.025.

Disclosure of physical or mental health information that is used to make decisions about a person is subject to specific federal requirements which may be different than the requirements that apply to client records.

OCS records which are not confidential must be made available to the public upon request in accordance with 6 AAC 96 Public Information.

PROCEDURE:

a. Required Disclosure of Information:

If a child is the subject of a CINA proceeding, the OCS must provide appropriate information to the following agencies or individuals:

1. the child's guardian ad litem;
2. a person or agency asked by the OCS or the legal custodian to provide consultation or services for a child. The information to be provided is limited to that information necessary to enable the provision of the service requested.
3. an out-of-home care provider with whom the OCS has placed the child. All available information that will enable the caretakers to provide appropriate care for the child, protect the safety of the child and the safety and property of family members and visitors to the home, must be provided.
4. A School official to enable the school to provide appropriate counseling and support services to the child, to protect the child, and to protect the safety of school students and staff;
5. A government/tribal agency as necessary to obtain assistance in the OCS' investigation or to obtain physical custody of the child;
6. A law enforcement agency as necessary for the protection of any child or for the actions necessary by that agency to protect the public safety;
7. A member of a multidisciplinary CPS team to assist in the performance of their duties;
8. The state medical examiner;
9. A mandatory reporter under AS 47.17.020 to inform the reporter that the investigation of the report of harm made by that person was completed and of action taken to protect the child;
10. The child support enforcement agency as necessary to establish and collect child support for the child;
11. A parent, guardian, or caregiver of a child or an entity responsible for ensuring the safety of children as necessary to protect the child;
12. A review panel established by the department for the purpose of reviewing the

actions taken in a specific case.

What is appropriate information to disclose must be decided on a case-by-case basis and depends on the purpose of the information shared and the function of the agency or individual to receive the disclosed information.

b. Requests for Information.

1. Requests for public information may be referred to a supervisor, manager, or to State Office unless the worker has the information readily available. Requests for data should be referred to a Research Analyst in State Office.
2. When any client or other person requests a copy of OCS records pertaining to a client, the worker must consult with a supervisor or manager and an Assistant Attorney General should be involved in the decision.
3. If a request arises out of another civil or criminal case, whether made informally or by motion or court order, consult with a supervisor and attorney. All requests for information regarding cases involving litigation against the OCS will be referred to the Department of Law for response.
4. Parent's Request to Review Child's File:
 - A. Information on a child acquired while the child was not the subject of a CINA petition will be provided with the exception of names and any identifying information about persons reporting harm to a child and information referred to in B of this section.[7 AAC 54.050(b)(2) and 7 AAC 54.060(b)].
 - B. Information on a child acquired while the child was the subject of a CINA petition will be provided when the information is part of a court-ordered evaluation program, is necessary to assist the parent to participate in court-ordered treatment, or pertains to the parents residual rights to visitation, consent to adoption, marriage, or enlistment in the military, and to consent to major medical treatment, or when the court has ordered the disclosure.[7 AAC 54.060; AS 47.10.084]
5. Child's Right to Privacy: A child's right to privacy is not compromised by becoming a client of the OCS or the subject of a CINA petition. See 7 AAC 54.050(b) and 7 AAC 54.060(a)(2). In particular, a minor may give consent for diagnosis, prevention, or treatment of pregnancy, and for diagnosis and treatment of venereal disease, without notifying the parent. However, an unmarried minor who is in the State's custody may not have an abortion without the consent of her parent or guardian.

6. Requests from attorneys should be referred to the worker's attorney for resolution.
 7. Requests from guardians ad litem to review the file should be honored at a mutually convenient time.
 8. Tribes:
 - A. In any case involving an Indian child, the Indian child's tribe is a primary resource for consultation services for the child and family as described in (a)(2) above. Disclosure of information to the tribe for these purposes is governed by the Indian Child Welfare Act and 7 AAC 54.080.
 - B. If the Indian child's tribe has intervened, the tribe is a party to and is entitled to the same types of level of disclosure as any other party.
- c. Release of Information:
1. No information obtained by the OCS in the discharge of its agency duties may be disclosed directly or indirectly to anyone without the court's permission, except as provided in 7 AAC 54, AS 47.10.092(a), and AS 47.10.093.
 2. To comply with legal mandates, workers and other OCS staff will avoid even revealing whether a certain person is or is not a OCS client, unless that information serves a purpose directly connected with the administration of Family and Youth Services programs and other disclosure provisions described in this section.
 3. Before information is released to any person, the identity, affiliation, and authority of that person to have the information will be confirmed, and the information will be documented.
 4. Disclosure of information to adoptive parents, parents who have relinquished and adults who were adopted as children. See Permanency Planning Chapter, section 3.22 Requests for Information - Confidentiality.
 5. Information concerning a child or the child's family must be disclosed to the Governor, Lieutenant Governor and Commissioner of Health and Social Services, who are responsible for the OCS, and to the ombudsman under AS 24.55. In addition, in accordance with AS 47.10.092(a), information concerning a child or the child's family must be disclosed to a legislator or staff, and to the Commissioners of the Departments of Administration and Public Safety or their staff if a parent or legal guardian has disclosed confidential or privileged information about the minor to that

official. The official must have evidence that the parent or guardian has requested assistance in the case.

A. Requests for Information:

- i. When an oral request for information is received from a legislator or aide, the legislator/aide will be advised that they need to furnish a letter or signed release of information from the parent or guardian which authorizes the legislator or aide to discuss the case, and a completed Legislative Request for Confidential Information form (06-9744). The legislator or aide must provide that documentation to OCS before OCS will provide information about the case. Requests made to the legislator by relatives, caretakers, or friends of the client do not allow the OCS to disclose confidential information.
- ii. It is advisable that a supervisor, staff manager, or regional children's services manager takes the responsibility for responding to the request. However, a CSM may request that a worker return or participate in the call if circumstances indicate that it is appropriate.
- iii. Once the necessary forms have been received, response to the request should be provided within the next working day, unless there are specific circumstances which makes this impossible.
- iv. In general, any information may be shared verbally that will help to answer a legislator's question or assist him or her to resolve the client's complaint. Some exceptions may be information which implicates broader privacy considerations, such as drug treatment information, whether a minor has sought and received treatment for venereal disease, whether a party has been diagnosed with a mental disorder, or privileged attorney-client information.
- v. If a decision is made not to share specific information, the legislator or aide must be notified that the parent can file a grievance with OCS regarding that decision.
- vi. If a parent who has authorized the legislator or aide to discuss the case has their parental rights terminated, information regarding the case may still be shared, unless the parent files a notice with the Department stating they no longer need the assistance of the legislator or aide.
- vii. Any OCS staff contacted by a legislator or aide is required to notify their supervisor, their Children's Services Manager, and State Office of the contact either by submitting a completed Legislative Request/Contact Form (06-9519) or by providing the following information by e-mail: date and time of contact, name of person taking the call, name and phone number of the legislator or aide who called, what information was requested, and what information was given to the legislator/aide.

- B. Requests to Review Case Files:
- i. When a legislator asks to view a case file, make sure that the required letter/release of information from the parent or guardian and completed form 06-9744 has been received before making the file available to view.
 - ii. The file must be screened to protect information which may not be disclosable, such as the name of a reporter in a report of harm, information pertaining to other children who may be friends of the client in question, drug treatment, or medical or psychological records which may be otherwise protected.
 - iii. When the file has been located and screened, make arrangements for a physical review of the record. Copies of documents will be made available for inspection, but not distributed.
6. Disclosure of Information to Charitable Organizations: Names, either individually or in lists will not be furnished for use by community organizations or individuals for charitable purposes, such as distribution of Thanksgiving baskets or other contributions, without the permission of the individuals concerned.
7. Disclosure of information for purposes of discovery in court proceedings is dealt with in the Court Procedures Chapter, section 4.2.e Discovery.
8. Licensing records are open, except for items listed under AS 47.35.039.
9. Release of Information to Other Agencies: Before disclosing information to other agencies, the worker will review the file to determine what is appropriate for release.
10. Use of Disguised Examples: There may be occasions when the worker feels that it is appropriate to describe the circumstances of a particular anonymous client to illustrate a point for a person or persons outside of the office. This should be done only when there is reasonable certainty that the audience (and others to whom they may repeat the example) will not be able to discover the identity of the actual persons involved.
11. Copying Records: Records pertaining to children are protected from public inspection and copying by AS 09.25.120. In a fair hearing situation or when there is legal action pending, the parents, their attorney, the child's attorney, tribe if one has intervened, or a guardian ad litem may be allowed to review materials from a child's case record. OCS administrators or attorneys should make any decision about releasing client information.
12. In any case where records will be released, it will be the responsibility of the worker to call to the attention of their supervisor and/or attorney, information which they

believe should be protected (i.e. names and identity of reporter).

13. De-identification of Confidential Information: In situations where it has been determined that information, e.g. reports, which includes confidential information such as names of children and their families must be released to the public, use the following methods to properly de-identify the copies of the requested reports before releasing them to the public:

- A. Method 1:

Photocopy page(s). One the photocopied page(s), using a black marker, mark out all names. Photocopy page(s) again and mark out all names that were marked out previously. Check a copy to see if the name is readable when held to the light. Where necessary to make sense of the document content enter, "Child A, Child B" etc.

- B. Method 2:

Photocopy pages(s). Place white correction tape over each of the names. Write "Child A, Child B," etc., on the white correction tape and photocopy again for a final document.

- C. Method 3:

If the report was typed using a computer, search and replace the names with "Child A, Child B," etc.

- d. Health Information:

1. Physical health and mental health information are subject to the same confidentiality rules as other case information, except that the following additional rules apply to physical and mental health information that is used to make decisions about an individual (for example a mental health evaluation of a parent that is used in making a decision about whether their child should be returned home). The rules apply both to information which originates within the OCS and to information that OCS staff has received from another agency:
 - A. An individual has a right of access to inspect and obtain a copy of health information about themselves that is used to make decisions about them, except for psychotherapy notes or information that is compiled of, or for use in, a civil, criminal, or administrative action or proceeding (this includes an open CPS investigation).
 - B. a request to access information may be denied for the following reasons without providing the individual an opportunity to request that the denial be reviewed:

- i. the request is for psychotherapy notes or information that is compiled of, or for use in, a civil, criminal, or administrative action or proceeding (including an open CPS investigation); or
 - ii. the information was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information.
 - C. a request to access information may be denied for the following reasons, but the individual must be given an opportunity to request that the denial be reviewed by a licensed health care professional who is designated by the OCS to act as a reviewing official and who did not participate in the original decision to deny:
 - i. a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person; or
 - ii. the requested information makes reference to another person (unless such other person is a health care provider) and a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to the other person; or
 - iii. the request for access is made by the individual's personal representative and a licensed health care professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to the individual or another person.
 - D. If it is determined that the information is not used to make a decision about the individual and the information originates with another agency, the individual may be referred to that agency.
- 2. Requests for access to health information must be submitted in writing on DHSS form Request to Inspect or Receive a Copy of Protected Health Information (06-5881).
 - A. Upon receipt of the completed form, the worker and supervisor will determine whether the information should be released. If needed, the supervisor will consult the staff manager and/or Children's Services Manager. When appropriate, the service provider may be consulted regarding whether release of the information would be harmful. If further direction is needed, the supervisor will contact the OCS or DHSS HIPAA Privacy Official.
 - B. Written requests for information must be responded to within 30 days of receipt, unless the requested information is not maintained on site, in which

case the OCS has an additional 30 days to provide the information. The request is considered to have been received on the date that a signed request is received. The response must be provided on DHSS form Notice of Access, Extension or Denial of Request for Protected Health Information (06-5883). If the request is denied, the basis for the denial must be indicated on the form. If the denial is based on the determination of a licensed health care professional and the requesting individual asks that the denial be reviewed by a different licensed health care professional, the individual will be referred to the OCS or DHSS HIPAA Privacy Official.

3. Authorization to Release Information:

- A. The DHSS form Authorization for Release of Information (06-5870) must be used for authorizing release of physical health or mental health information. Authorization is not required for disclosure of information
- i. if ordered by a court;
 - ii. to report abuse, neglect, or domestic violence, if related to child protection or vulnerable adults;
 - iii. for treatment, payment, or operations purposes;
 - iv. to avert a serious threat to health and safety to a person or the public; or
 - v. directly to the individual or the individual's legal representative (the Request to Inspect or Receive a Copy of Protected Health Information form is used for this purpose – see (d)(2) above).
- B. If an individual who has signed an authorization to release information wants to revoke the authorization at a later date, the revocation section of the form must be completed.

4. Health Information about a Child:

- A. Specific information, defined in section 2.9, must be provided to the foster parent or other care provider at placement.
- B. Physical health and mental health issues about children are addressed in caseplanning and discussed in case conferences and court hearings.
- C. Request by Parent:
- i. If a parent or legal guardian requests physical health or mental health information about a child who is currently in custody or has been released from custody and the information has been used to make decisions about the child, and the parent's rights have not been terminated, the requested information will be provided unless:

- one of the reasons for denying access addressed in (d)(1)(B) and (C) exists (including information obtained in an open CPS investigation); or
 - the information pertains to medical or mental health services that the minor was authorized to consent to and release of the information therefore would violate the child's right to privacy (see b(5) above); or
 - the child has been emancipated by the court or reached the age of majority.
- ii. The request must be submitted in writing and considered and processed in accordance with section d(2) above.
- D. Request by Child:
- i. If a child who is currently in custody or has been released from custody requests physical health or mental health information about themselves and the information has been used to make decisions about the child, the requested information will be provided unless one of the reasons for denying access addressed in (d)(1)(B) and (C) exists (including information obtained in an open CPS investigation).
 - ii. The request must be submitted in writing and considered and processed in accordance with section d(2) above.
5. Health Information about a Parent:
- A. Releasing Parent's Health Information to Child's Care Provider: Physical health and mental health information about a parent may be released to a foster parent or other care provider only to the extent that is necessary in order for the provider to provide care for the child.
 - B. Releasing Parent's Health Information to the Parent: When the OCS has in its possession physical health or mental health information about a parent, and the information is used to make decisions about them, the information will be released unless one of the reasons for denying access under (d)(1) exists.
6. Retention of Authorization, Request, and Response Forms: A copy of signed Authorization to Release Information (06-5870) and, when applicable, copies of Request to Inspect or Receive a Copy of Protected Health Information (06-5881), and Notice of Access, Extension or Denial of Request for Protected Health Information (06-5883) will be filed in the case file.

e. Physical Handling, Storage, and Mailing of Confidential Materials

1. OCS staff will guard against the accidental disclosure of confidential information.
2. All confidential materials will be kept out of view, in their proper storage locations. These storage places will be locked whenever the immediate area is not occupied by OCS staff. Computer monitors should be protected from public view.
3. Case records stored in worker offices will be kept in locked desks or filing cabinets, or in locked offices.
4. When confidential records are in use, they are to be protected from view by persons other than OCS staff members. These materials are not to be placed in unprotected In and Out baskets, or in unprotected reception or coffee areas.
5. Confidential materials to be discarded should be stored in locked areas until they can be shredded. They are not to be placed in wastebaskets. Destroy confidential information by hand, if shredding is not possible.
6. Telephone conversations can be overheard by persons other than OCS staff members. Be discreet.
7. E-mail: Caution should be used if sending confidential information via e-mail is being considered.
 - A. OCS Offices: It is anticipated that e-mail between OCS offices will be more secure when all H&SS offices will be on Microsoft Exchange 2003. Until then, confidential data should not be sent by e-mail between H&SS offices without taking the precautions below .
 - B. Other Agencies and Individuals: E-mail messages sent to other departments within the state government, and to any other e-mail addresses inside or outside the state, including contract agencies, are not secure. Consequently, e-mail should not be used to transfer confidential information. Therefore use initials or ORCA case numbers instead of names.
 - C. General e-mail security guidance. Employees should refer to the State of Alaska's Enterprise Technology Services for suggested security procedures related to the State of Alaska's enterprise e-mail system. See: <http://www.state.ak.us/local/akpages/ADMIN/info/security/AB04-email.shtml>
8. Confidential information and memos to be sent through the mail should be placed in

a sealed envelope, marked "confidential". When material such as this is received, it will be given immediately to the appropriate person or placed in a secure area until this can be done.

9. Case files should be mailed certified.
10. All confidential information stored in any memory device will be protected from public access and properly destroyed.
NOTE: When computers are sold or transferred, all files on the hard drive are to be deleted.
11. Refer to Records Retention Schedule before destroying case files.

6.1.3 CONFLICT OF INTEREST

AUTHORITY: AS 47.050.010 Duties of Department

PURPOSE: To ensure objectivity and fairness in the licensing process.

POLICY: A licensing investigator may not participate in the license review of an entity where the investigator has been employed, participated in an educational program or provided volunteer services at the entity for one year following the conclusion of the relationship.

PROCEDURE:

- a. If it appears that there may be a conflict of interest in regards to an OCS employee's job responsibilities as a licensing investigator at OCS and
 1. the employees previous employment; or
 2. work done for a community agency while the employee was on educational leave from OCS; or
 3. volunteer services that the employee has provided,

the employee will submit to the supervisor a disclosure statement about the previous employment, work done through the educational program, or volunteer services.

- b. The supervisor will review the provided information and consult with the staff manager to determine whether there is a conflict of interest. Examples of a conflict of interest include, but are not limited to, the employee participating in a licensing review at a facility where the employee worked or provided volunteer services within the last year.
- c. If it is determined that a conflict of interest exists, the supervisor (staff manager) will ensure that the employee is reassigned and/or not be assigned to participate in the licensing review of that facility for one year after the employee's relationship with the facility ended.

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6.1.4 ADMINISTRATIVE COMMUNICATION

AUTHORITY: AS 47.05.010 Duties of Department.

POLICY: Supervisors at all levels must be kept advised of developments within their areas of responsibility. In conducting official business, written communication Family Service employees and other division/department employees and employees of other divisions/departments of a higher, same or lesser rank shall be routed through appropriate supervisory channels.

PROCEDURES:

- a. Any employee wishing to communicate with someone of higher rank shall address the memorandum or letter through their immediate supervisor and all intervening levels of supervision as appropriate.
 1. Supervisors will indicate their agreement or approval of the contents by initialing the document.
 2. If the supervisor does not approve of the content, the supervisor will not initial the document, and may attach additional comments.
- b. An employee wishing to give instructions to someone of the same or lesser rank who is supervised by another will address their letter, memorandum or verbal instructions through their immediate supervisor as well as the immediate supervisor of the person to whom the instructions are addressed.
- c. If an employee receives direct instructions from a supervisor other than their own, they will immediately notify their own supervisor.
- d. Employees will refer to the Family Services organizational chart and division or department personnel rosters to determine the appropriate lines of authority.

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6.1.5 GRIEVANCE PROCEDURE

AUTHORITY: AS 47.10.098 Grievance Procedure, 7 AAC 54.205 - 7 AAC 54.240 Grievance Procedure, 7 AAC 54.010 - 7 AAC 54.150 Confidentiality of Client Records.

PURPOSE: To provide a dispute resolution process by which individuals involved in a dispute with OCS can voice their concerns and reach a fair resolution agreeable to all.

POLICY:

- a. When it is evident that a formal organized approach to resolving concerns would be beneficial to enable two parties to reach a resolution, the grievance procedure contained in the Alaska Administrative Code should be offered. Unless such an approach is necessary, less formal, alternate resolution processes should be used.
- b. A grievance may be filed based on the grievance procedure in the Administrative Code on the following grounds:
 1. to challenge an application of an OCS policy or procedure; or
 2. to challenge an action or failure to act by the OCS; or
 3. to challenge a licensing investigation completed by OCS.
- c. The grievance procedure is not available:
 1. to appeal:
 - A. a decision or action taken by the department that is reviewable by the court under AS 47.10, or AS 47.14;
 - B. a decision or action taken by the department that occurred more than twelve months after the complainant had actual notice of the decision or action;
 - C. late payments or to contest base foster care rates paid;
 - D. a decision regarding grant programs that may be appealed under 7 AAC 78.310; or
 - E. a decision regarding civil rights actions covered under the department's civil rights complaint procedures;
 2. to complain of child placement or child removal decisions of the department as a result of intervention under AS 47.10;
 3. to a state employee unless the employee is also a client of the department, a client's

parent or guardian, or a service provider by the department;

4. for contract services disputes.

d. Meetings and Reviews in the Grievance Process

1. Informal meeting: Held as a result of a written complaint (see b. above).

2. Review by the Regional Children's Services Manager (CSM): Can be requested by a complainant to discuss the supervisor's proposed decision that is based on the informal meeting.

3. Review by a Regional Appeal Panel: This process is provided for

A. a complainant who is not satisfied with the CSM's review of the complainant's grievance; or

B. a complaint that involves an action by an OCS staff member who is directly supervised by a CSM; or

C. a foster parent grievance as described in section g. below.

e. Regional Appeal Panel

1. Appointed by the CSM in another region than where the complaint was submitted. The panel consists of the CSM or designee, a staff manager, and a private citizen who has expertise in the provision or administration of a human services program. The CSM may select a program specialist from the OCS to serve on the panel in place of the CSM or staff manager.

2. The findings, recommendations, and proposed resolution issued by the regional appeal panel is a final administrative decision and may be appealed to the superior court under the Alaska Appellate Rules of Procedure.

f. Substantiated Child Abuse or Neglect Finding

1. If AS 47.17 does not give a complainant a right to seek court review of a substantiated child protection finding made against the complainant by the OCS, the complainant may have the finding reviewed by either submitting a request to the OCS that the appeal be

A. heard through the Office of Administrative Hearings as provided for in AS 44.64; or

B. reviewed as a grievance through the procedure under 7 AAC 54.220-240 as described in this section.

2. An individual who appeals a substantiated child protection finding through the grievance procedure in 7 AAC 54.220-240 waives the right to an appeal heard by the

Office of Administrative hearings,

3. An appeal referred to the Office of Administrative Hearings is processed under AS 44.64.060, except that the hearing is closed to the public and the administrative law judge's proposed decision and record are confidential and not public records. The administrative law judge shall serve the commissioner with the proposed decision. The commissioner will adopt, revise, modify, or amend the proposed decision, or return the proposed decision to the administrative law judge for further proceedings under AS 44.64.060.

g. Foster Parent Grievances

1. If a complaint involves the actions of a foster parent and the OCS decides to remove the child from the foster home on a non-emergency basis, the OCS will notify the foster parent of the intent at least 48 hours in advance of the intended removal. A foster parent may grieve a decision to remove a foster child from the foster home by submitting a written request to the CSM that the child not be removed from the foster home until there is a final resolution of the grievance.
 2. The CSM will grant the request made by the foster parent unless the CSM issues a written decision that finds that
 - A. removal is in the best interests of the child;
 - B. the child is being returned to the legal parent or guardian;
 - C. removal is in response to an allegation of abuse or neglect in the foster home; or
 - D. removal is ordered by a court.
 3. A foster parent grievance will be reviewed by a regional appeal panel.
- h. Each parent of a child in custody must be provided with a written copy of the grievance procedure.

PROCEDURE:

- a. When a complainant contacts the worker by phone or letter, the worker should examine closely the concerns expressed. If it is an area that the worker can immediately be responsive to, then that response should be offered to the complainant. This can be an explanation for actions that have been taken on a case or the provision of something (such as a clothing voucher) the complainant needs immediately. These actions may bring immediate closure to the complaint. The contacts and actions should be recorded in the case record chronological history.
If the initial complaint comes to the supervisor, the supervisor follows the same steps. An additional step may be making an agreement with the complainant that the worker will contact the complainant to respond to their concern.

- b. If the worker or supervisor is not able to offer a response that will resolve the complaint, the complainant should be offered the use of the grievance procedure, unless it is clear that another process is indicated (see the policy section above).
 - 1. Offering use of the grievance procedure includes giving a verbal description of the grievance procedure and providing a copy of the Complaint Form (06-9538) and a copy of the grievance procedure regulation, 7 AAC 54.205 - 7 AAC 54.240.
 - 2. Information provided to the complainant will include the requirement that the completed complaint form be submitted to the supervisor of the person whose actions are the subject of the grievance.
 - 3. If the complaint involves an action by an OCS staff member who is directly supervised by the CSM, the complainant should submit the written complaint to the CSM.
 - 4. If the complaint is regarding a substantiated child protection finding, the complainant will be informed of the option to have the complaint heard through the Office of Administrative Hearings in accordance with 7 AAC 54.215 and provided with the Request for OAH Appeal form and information about where to send the completed form.
- c. Should the complainant decline to utilize the grievance procedure, a summary of the contact will be made in the case file and a copy forwarded to the supervisor.
- d. When the complainant has agreed to use the grievance procedure, the worker will prepare a complaint packet for use during the grievance procedure. The packet is to contain a copy of all relevant case file information including the original complaint and a written summary by the worker outlining the issues and contacts with the complainant. This summary should include a listing of all parties and their roles. The summary should cover the time period for which the complaint is related.
- e. Upon receipt of a complaint form, the supervisor (or CSM, if applicable) will:
 - 1. provide a copy of the procedure in 7 AAC 54.210-240 to the complainant unless a copy already has been provided;
 - 2. within three working days of receiving the complaint, determine the nature of the complaint, and whether use of the regulatory grievance procedure is applicable.
 - 3. If the grievance procedure is not applicable, the supervisor will notify the complainant and the Children's Services Manager in writing, describing the reasons why the grievance procedure does not apply and informing the complainant that the

supervisor's decision may be appealed to the CSM.

4. If the grievance procedure is not applicable and the CSM made the initial decision that the grievance procedure does not apply, the CSM will inform the complainant that he/she may appeal to the regional appeal panel.

- f. If the supervisor determines the complaint should be processed under the grievance procedure, the supervisor will contact the complainant to arrange an informal meeting with the complainant and the involved OCS staff. The meeting will be conducted within ten working days after receipt of the complaint unless the complainant or involved department staff is unable, for good cause shown, to attend within that period. The person unable to attend shall submit the reasons in writing and the supervisor will schedule the meeting to be held as soon as the person is available.

- g. Should the complainant request to have an advocate present, the advocate must sign a Confidentiality Agreement form (06-9463).

- h. In conducting the informal meeting, each party will be given the opportunity to state their understanding of the facts at issue and make suggestions for resolution. If necessary, more than one informal meeting may be held. At the conclusion of the meeting, the supervisor will complete a Grievance Procedure Meeting Summary Form (06-9486) and include the action that is or will be taken. If the supervisor and the parties agree with the summary of the meeting as described on the form, each person will sign the form, and will receive a copy of the form.

- i. If a resolution of the concerns was not reached at the informal meeting, the supervisor will, within five working days after the final informal meeting, complete a written proposed resolution and mail it to all parties. The statement will include:
 1. grounds for the complaint,
 2. a statement of the facts,
 3. actions taken or planned to resolve the complaint,
 4. a statement of the complainant's right to request a review of the supervisor's proposed decision by the CSM or by a regional appeal panel appointed by the CSM.
 5. the name and office address of the Children's Services Manager, and
 6. a statement of the complainant's right to include a statement and documentation for the regional appeal panel's review.

- j. If a complainant has requested a meeting with the CSM to discuss the supervisor's

proposed decision, the meeting must be held in the same manner and according to the same time frames as the informal meeting described in f.-i. above.

- k. A complainant who wishes to request a review of the supervisor's proposed decision by a regional appeal panel must request the appointment of a panel within fifteen working days after the date of the supervisor's proposed decision. If the request is not submitted within the deadline, the request will be denied as untimely.

- l. Regional Appeal Panel Review

- 1. The CSM in the region where the original complaint was submitted will ask a CSM in another region to appoint an appeal panel to address the complaint.
- 2. The CSM in the second region will appoint a regional appeal panel as soon as possible and no later than twenty-one working days after receipt of a request for a panel review.
- 3. Each panel member will be provided with a copy of the complainant's grievance file.
- 4. The panel will review the grievance file and conduct a fact-finding meeting within ten working days unless the complainant or involved staff is unable, for good cause shown, to attend within that period. If the complainant or an involved department staff is unable to be present during the fact-finding meeting, the individual will advise the panel in writing of the reasons the individual is unable to be present and specify a date when the individual will be available. The panel will reschedule the fact-finding meeting to be held as soon as the individual is available.
- 5. The panel may request the complainant or involved staff to provide additional documentation. If this occurs, the complainant and staff will be allowed to review the additional documentation that is submitted.
- 6. Within five working days of the fact-finding meeting the panel will hold a deliberation meeting where the complainant and the involved staff are not present.
- 7. Within ten working days of the deliberation meeting the panel will
 - A. issue a written report of findings, recommendations, and proposed resolution to the complainant, and
 - B. send a written copy of the report to all parties and inform the complainant of the right to appeal under the Alaska Rules of Appellate Procedure.

6.1.6 VOLUNTEERS

AUTHORITY: AS 47.05.010 Duties of Department, 7 AAC 54 Confidentiality of Client Records

POLICY: Training and supervision regarding confidential information must be given to all non-employees or temporary employees spending time in division offices or with division clients.

PROCEDURE:

- a. Training will be accomplished through discussion and providing manual policy and regulations to read as necessary.
- b. Non-employees and temporary employees will be asked to sign statements regarding confidentiality.
- c. Individuals applying to be volunteers will provide a work and educational history.
- d. Three references will be checked.
- e. Volunteers will be used in support to workers and will not have supervisory authority over children.
- f. Children's Services Managers must approve all non-employees and temporary employees.

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6.1.7 RESEARCH

AUTHORITY: 7 AAC 54.130 Disclosure For Research Purposes.

POLICY: The director shall foster and encourage research efforts which contribute to improved practices while providing for the protection of children from abuse or neglect, public safety, the development of individual competencies and enhancing juvenile accountability. The division may disclose otherwise non-disclosable information to a person or organization doing research or maintaining health statistics, if the anonymity of the client is assured, and the division recognizes the project as a bona fide research or statistical undertaking. The division will collaborate with other justice systems and human services agencies in information gathering, exchange and standardization.

PROCEDURE:

- a. Approving authority and dissemination of research information will rely solely with the director or designee.
- b. In order to prevent a misrepresentation of statistical or other research information written approval from the director or designee is required prior to dissemination.
- c. Collaboration and promotion of research efforts:
 1. Any research conducted under the auspices of Family Services will provide for the privacy and anonymity of juveniles, their families, and victims.
 2. The division will sanction only research efforts which will ensure juveniles participating in research receive the same basic services afforded other children.
 3. The division collaborate in research projects and the sharing of information with other child protection and juvenile justice agencies, universities, and other human service contributors who share mutual program concerns.
 4. The division promotes and encourages research to improve the protection of children and the administration of justice.
 5. The director and his/her designee will periodically formulate questions for internal research, recommend the type of data to collect, and the manner of its presentation.

The Children's Services Manager will review the preliminary findings prior to publication.

6. The division will use internal and external resources to conduct research efforts.
7. The division prohibits the use of children for medical, pharmaceutical or cosmetic experiments. This policy does not preclude individual treatment of a children based on his or her need for a specific medical procedure that is not generally available.
8. A child may participate voluntarily in a non-medical, non-cosmetic, and non-pharmaceutical research program if:
 - A. The director or his/her designee reviews the research design and determines the probability that no negative effects will accrue to the children in the program.
 - B. The permission of the parent, guardian, or the court should be required before the involvement of any children in research.
 - C. The permission is to be indicated by a signed informed consent from the client and the parent or legal guardian for each client involved in a research activity. The participation of the client in research or follow up studies requiring individual.

6.1.8 TRAINING

AUTHORITY: AS 47.10.011 Children in Need of Aid

POLICY: Workers will participate in required training designed to develop, enhance and increase their skills.

Required training

- a. All new workers having responsibility for cases will complete a two-week Training and Orientation for New Employees (T.O.N.E.) which includes training on the Child Protection Policy and Procedures Manual, required forms used by the agency, and Core 101 and 102 trainings, prior to being assigned a case/work load. Social Service Associates may attend the required training at the discretion of their supervisors based on the nexus to their job descriptions.
- b. All supervisors who are new to the division must also complete the T.O.N.E. within the first month of hire.
- c. Each new worker will have an individual "passport" which lists all preservice competencies and activities to be completed within the first eight (8) weeks of initial hire. These will be completed at the two-week T.O.N.E. and in the new employee's permanent place of employment. (See a.3. and c.1. under procedures for definition of "passport"). SSA's (Social Service Associates) and CCLS's (Community Care Licensing Specialists) may have their work site portion of the Passports adjusted by their supervisors as deemed necessary, in consultation with the Training Academy.
- d. All new workers will complete Core 103, The Effects of Abuse and Neglect on Child Development and Core 104, Separation, Placement, and Reunification within the first six months of employment.
- e. All new workers and supervisors will complete the following within 12 months of hire:
 1. 204, Risk Assessment
 2. 208, Indian Child Welfare Act
- f. All new permanency planning and "generic" workers and supervisors will complete 211, Specialized Foster Care and Adoption within the first twelve months of hire. All other workers (CCLS, Intake, and Investigation) will complete the class on a space available basis and may go beyond the twelve-month timeline.

- g. All new intake, investigation, and “generic” workers and supervisors will complete 239, Advanced Intensive Sexual Abuse Interviewing Skills within the first twelve months of hire. All other workers (CCLS, and permanency planning) will complete the class on a space available basis and may go beyond the twelve-month timeline.
- h. All experienced workers and supervisors, after twelve months with OCS and having completed the above training , will, subject to the availability of training and travel funds, annually complete at least 23 continuing education hours of specialized, advanced competency-based training related to child welfare practice.

PROCEDURE:

a. Training Academy

- 1. The two-week Training and Orientation for New Employees (T.O.N.E.) and the two Core 103/104 trainings will be provided by the OCS-UAA Training Academy.
- 2. New workers and supervisors who are required to complete T.O.N.E. will report to work at the Training Academy the first Monday of the first session that is offered immediately after their hire.
- 3. At the time of hire, new employees will be provided with a “Passport” of learning activities to be completed within eight (8) weeks of initial hire. Some of these activities will be part of T.O.N.E., others will be structured to be completed on the job. The new employee will begin working on the completion of these activities immediately upon hire, in consultation with his/her supervisor.

b. Content of T.O.N.E. and Core 103/104 Training

- 1. T.O.N.E. will, at minimum, include the CPS Manual, the standard forms used by the agency, and the Core 101 and 102 curricula. Core 101/102 curricula train new workers in basic child protection social work practice and child protection law and court procedures, following the competency-based training curricula endorsed by the Child Welfare League of America.
- 2. The Core 103/104 curricula trains new workers on the effects of child abuse and neglect on child development and attachment issues, and the effects of separation, grief and loss on children.

c. Employee Training Records

1. All new staff will receive a "passport" that lists competencies (knowledge and skills) and activities that they need to acquire or complete in the T.O.N.E. and Cores 103/104, and in their on the job orientation and work learning assignments. When they have successfully completed an item or activity, the trainer or supervisor will mark the learning passport, verifying their knowledge/completion of the item.
2. The worker's passport is shared among the worker, the worker's supervisor, and the Training Academy staff. Once the passport is completed it becomes part of the employee's personnel record. A copy of a completed passport is given to the Training Academy.
3. Each worker's attendance at a training will be documented in a permanent training record of the employee's training history and outstanding training needs.
4. Immediately upon notification of a new hire, the supervisor will notify the Training Academy of the hire and of the date the employee will start work, and register the new hire for the next T.O.N.E.

Registration is accomplished by notifying the Training Academy ten days prior to the event. Supervisors should be the ones to notify the Training Academy. Notification may be by phone, fax, or e-mail. This covers the training "seat" only; all other arrangements for travel are made by the regional office following their normal guidelines for travel.

5. The same registration procedure described in c.4 will be followed for all other Training Academy-sponsored training events.

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6.1.9 INCIDENT REPORTS

AUTHORITY: AS 47.05.010 Duties of the Department

POLICY: Social Workers are responsible for reporting incidents of harm and injury to children in custody, incidents which might result in adverse publicity, legal liability, political inquiry or situations requiring a coordinated response by the division.

PROCEDURE:

- a. A social workers who first becomes aware of the reportable situation, or who is responsible for the case if the incident is case-related, is to notify his/her immediate supervisor who then provides appropriate notification through the chain of supervision. Actual notification to the Program Administrator or Director will generally be made by the Children's Services Manager or a designated supervisor. The original written report will be forwarded as directed by the Children's Services Manager.
- b. The following incidents require immediate notification of the Program Administrator even after hours:
 1. Death of a child in state custody
 2. Successful suicide of a child in custody
 3. Serious injury of a social worker in the line of duty
- c. The following incidents require notification of the Program Administrator the following day:
 1. Contempt of court citation or clear likelihood of pending citation
 2. Child in state custody residing in out-of-home care who is the victim or perpetrator of actual or alleged sexual and/or physical abuse.
 3. Child in state custody residing in out-of-home care who becomes seriously injured, whether it is accidental or induced, resulting in the need for medical or psychiatric care

4. Child in state custody residing in out-of-home care who is seriously neglected by caregiver
 5. Assault on care giver by child in custody and requiring medical care
- d. The following incidents require reporting within five working days.
1. Legislative contact
 2. Commissioner/Governor Office contact
 3. Threatened law suit
 4. Actual notice of law suit
 5. Suicide attempt of a child in state custody resulting in the need for psychiatric and/or medical attention
 6. Self-abuse of a child in state custody resulting in the need for psychiatric and/or medical attention
 7. Child under Department supervision accused of any homicide offense
 8. Ombudsman complaint or original initial report of findings and recommendations
 9. Filing of a Step 1 grievance
 10. Any other incident with potential serious ramifications which meets the intent of this policy.
- e. Initial notification of all reportable incidents addressed in this policy may be made by telephone or e-mail. If the notification was made orally or if a complete report was not included in the e-mail message, the reporting worker should immediately draft an incident report on the approved form (06-9502 Incident Report) or provide the information in an e-mail message. The following information must be provided: type of incident; date, time, and location; person(s) involved; persons present; an exact description of what happened; action taken; and planned action. The worker will draft a follow-up memorandum if requested. Copies of all incident reports, including printouts of e-mail messages, for the month, including those previously submitted, immediately after the incident and on the next day basis are to be attached to the Program Administrator's report.

- f. Reports of Legislative contact require special procedures. The worker or supervisor contacted by a legislator or staffer, is required to submit a Legislative Request/Contact form (06-9519) or provide the information by e-mail. The following information must be provided: date and time of contact, name of person taking the call, name and phone number of the legislator or staffer who called, what information was requested and in what format (oral or written), and what information was given to the caller. This completed form or e-mail message is expeditiously routed through supervisory channels. If the worker is in doubt about whether an incident should be reported to State Office, he/she should immediately consult his/her supervisor. If a supervisor is in doubt, he/she should immediately consult with the Children's Services Manager.

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6.1.10 NEWS MEDIA

AUTHORITY: AS 47.05.010 Duties of Department, AS 47.10.090 Court Records, AS 47.10.093 Disclosure of Agency Records, 7 AAC 54 Confidentiality of Client Records.

POLICY: The Office of Children's Services will take a cooperative, proactive approach to working with news media in the interest of conveying accurate, informative and timely information that is of public interest on juvenile justice, family services, and related programs and issues. Confidential client or employee information will not be released. At no time should Division staff speak to the media without clearance from the regional supervisor.

PROCEDURES:

- a. Media initiated contacts which are investigatory and relate to client-specific incidents, such as serious offenses committed by juveniles, will be referred to supervisory personnel who will decide what information can be given to the media and how it will be presented.
 1. Every effort will be made to promptly provide the information requested, yet the confidentiality provisions of AS 47.10.090, AS 47.10.093 and 7 AAC 54 will be strictly followed.
 2. The content of information and manner of presentation must be appropriate for direct broadcast or publication.
 - A. Telephone interviews should be avoided if possible; however, if this is not practical, assume that the conversation is being recorded and consider remarks accordingly.
 - B. If explanatory information which should not be published or broadcast is necessary, the news media representative must make a commitment to consider such information "not for the record."
- b. When for program purposes Family Services actively seeks media coverage, advance prior approval from the Children's Services Manager is required.

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6.1.11 PUBLIC SPEECHES

AUTHORITY: AS 39.25.178 Employee Political Rights, AS 47.10.093 Disclosure of Agency Records, AS 47.75.010 Social Services Planning.

POLICY: In order to acquaint the public with programs of the Office of Children's Services , Family Services staff are encouraged to accept speaking engagements and public appearances when requested. Such speaking engagements, however, will not be accepted when it is determined that they will interfere with other official responsibilities or be detrimental to the goals and objectives of the Division.

Compensation for participation in any public presentation related to the employee's job responsibilities shall not be accepted.

While making public speeches in one's official capacity as a representative of the Division the subject matter of speeches will be limited to topics dealing with Family Services and/or related social issues. At no time will the content of such speeches include partisan political statements or the distribution of partisan political material or confidential case information.

PROCEDURES: Prior to accepting a public speaking engagement in an official capacity, an employee will contact the Children's Services Manager or designee and discuss:

- a. content of the speech; and
- b. appropriateness of the Division's participation.

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6.1.12 REVIEW OF CHILD FATALITIES OR NEAR FATALITIES

PURPOSE: Provide a review process of all child fatalities and near fatalities.

6.1.12.A CHILD FATALITY REVIEW TEAM

AUTHORITY: AS 12.65.120-140 State Child Fatality Review Team

POLICY: In the case of child fatalities of children in OCS custody or children who have been the subject of a report of harm under AS 47.17 or a child abuse or neglect investigation by the department, OCS will assist in the Child Fatality Review Team investigation by providing, if requested, records concerning abuse or neglect of the deceased child or another child in the deceased child's household; records of domestic violence involving a person who may have caused the death of the child; and records of domestic violence involving persons in the deceased child's household.

PROCEDURES:

- a. All occurrences of death of children in custody or children who have been the subject of a report of harm under AS 47.17 or a child abuse or neglect investigation by the department are referred to the OCS liaison with the Child Fatality Review Team.
- b. Upon receipt of a request for material by the Child Fatality Review Team, OCS will collect and forward it by overnight express delivery to the OCS liaison with the Child Fatality Review Team.

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6.1.12.B CRITICAL REVIEW

AUTHORITY: AS 47.10

POLICY:

- a. The Director of OCS must be notified of CPS case situations of all fatalities or near fatalities alleged to be due to abuse or neglect where the Department has prior involvement when
 1. The child is currently the subject of a report of harm under AS 47.17, an investigation pursuant to AS 47.17 is currently pending, or the child was in the department's custody at any time during the twelve months preceding the fatality or near fatality; or
 2. An investigation pursuant to AS 47.17 was completed in regard to the child or caretaker, regardless of the disposition of the investigation, within six months preceding the reported fatality or near fatality.
- b. OCS Critical Review:
 1. The Commissioner or the Director of OCS may request a critical review of child fatalities or near fatalities.
 2. The critical review shall evaluate the adequacy of the child welfare system's response to the child or family; identify barriers to the ultimate protection of the child; assess compliance with program policy; and identify staff needs in the areas of training, supervision, and program policy and management, and a written report shall be provided to the Commissioner and the Director.
 3. The written report from a critical review requested by the Commissioner or Director is confidential and must be directed and distributed only to the Director and the Commissioner. The report shall not be released to any other person, including other employees of OCS.

PROCEDURES:

- a. Notification Process: When an incident that meets the criteria outlined in a.1 or a.2. above occurs:

1. Any OCS employee will immediately notify his/her immediate supervisor, who then provides appropriate notification through the chain of supervision (see section 6.1.9 Incident Reports).
 2. The CSM must notify the Director by phone immediately; and immediately following the telephone notification, a completed Field Incident Report (06-9502) must be faxed to the Field Administrator
- b. Critical Review by OCS:
1. When a critical review has been requested, the Director or Commissioner will appoint an individual or panel to conduct the critical review. Staff directly involved with the case shall not be members of the review process.
 2. A written report containing the results of the review will be submitted to the Commissioner and Director within twenty-one calendar days of the date the individual or panel receives all requested documentation.

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6.1.13 LEGAL REPRESENTATION

AUTHORITY: AS 47.10

POLICY: Legal assistance is provided to the division by the Department of Law.

PROCEDURE:

- a. Social workers have access to legal guidance in all actions of carrying out their duties.
- b. Local protocol determines the method of contact and representation. Workers should consult with their supervisor for local protocol.

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6.1.14 AMERICANS WITH DISABILITIES ACT COMPLIANCE

AUTHORITY: Administrative Order No. 129

POLICY:

- a. No qualified individual with a disability shall be excluded, by reason of such disability, from participation in or be denied the benefits of the services, programs, or activities of the Division, or be subjected to discrimination by the Division.
- b. The Division shall not discriminate against a qualified individual with a disability because of the disability of such individual in regard to job applications procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and any other term, condition, and privilege of employment.
- c. The Division shall operate each of its services, programs, and activities so that a service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

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6.1.15 RESTRAINING CHILDREN

AUTHORITY: AS 47.05.060 Purpose and policy related to children

POLICY: In carrying out their duties, workers seek to secure for children the care and guidance that serves their moral, emotional, mental, and physical welfare. Workers will physically restrain children only when it is necessary in order to protect the child from harming, or causing harm to, themselves or others, and it is appropriate considering the child's age and the extent of the worker's training in physical restraint methods.

PROCEDURE:

- a. Violent Children: Workers may encounter children whose anger escalates into violence.
 1. In response to a physical assault against themselves or someone else, workers who complete bi-annual "Non-violent Crisis Intervention" training may use physical restraint methods. Workers may only use physical restraint methods taught in this workshop when all verbal means to de-escalate the situation fail. Untrained workers should not attempt to restrain a violent child.
 2. As a last resort, physical restraint prevents a violent child from harming themselves or someone else. Workers should release the child from restraint when they no longer pose a threat. Workers acting alone should not attempt to restrain someone physically larger or stronger than themselves. Two to four workers may use team techniques taught in the crisis intervention workshop to restrain a larger person.
 3. After the episode, workers must complete an incident report. An injured worker should seek medical attention and must complete worker's compensation claim forms. See manual sections 6.1.9 and 6.4.0.
- b. Runaways:
 1. In situations where a child tries to run away from a worker, for example when a worker is transporting a child from one placement to another, the worker will not physically restrain the child except when necessary to protect a young child from accidental injury (for example if the child is trying to run out into the street where there is traffic).
 2. If the child runs away, the worker will notify law enforcement and then try to follow

the child and keep the child in sight, taking action as needed to try to keep the child safe.

3. If the worker loses track of the child, the worker will immediately notify law enforcement of the location where they last saw the child and request that law enforcement locate the child. The worker will provide law enforcement with the names and addresses of relatives, foster parents, friends, or other persons to whom the child may have run, and specify where the child is to be taken, once located.
4. If the child is not located, the worker will, within 12 hours of the child's departure, notify the parent/caretaker that the child has run. See section 2.2.8 Runaway Minors in Department Custody for further information about required notification.

6.1.16 BACKGROUND CHECKS FOR DIVISION EMPLOYEES

AUTHORITY: AS 12.62.160 Release and Use of Criminal Justice Information, 13 AAC 68.315 Report of Criminal History Record Information Available to an Interested Person

POLICY:

- a. The division has identified specific qualifications and standards for foster parents and licensed residential care facilities. The division has adopted these same standards for all staff having direct field contact with clients, including, but not limited to Social Services Associates I – II, Social Workers I – V, Children's Services Specialists I – III, Community Care Licensing Specialists I and II, Mental Health Clinicians, the OCS Stipend Students, and Children's Services Managers.
- b. In general, substantiated perpetration of child abuse and/or neglect, domestic violence, sexual offenses, or a criminal conviction of either a misdemeanor or felony may preclude permanent employment with the division, and may be grounds for dismissal for existing employees. These standards are further described in the OCS Child Protective Services Manual section 6.8.4 Criminal Record Check under Procedures d(3)(A) and are in compliance with 7AAC 50.210.

PROCEDURES:

- a. New Employees.
 1. Division hiring managers must complete the following steps for all interviewed applicants:
 - A. Examine the Job Qualification Summary and Applicant Profile in Workplace Alaska for disclosure of a conviction(s) prior to offer of a job interview;
 - B. Conduct a name check against the Public Safety Sex Offender Registry and a Prober check prior to offer of a job interview; and
 - C. Have the applicant complete the Sworn Statement of Criminal and Child Protection Background form (06-9008) at the time of interview, and inform the applicant that they will need to provide a name check history from the Alaska Department of Public Safety before a job offer can be made.
 2. Division hiring managers must complete the following steps once they choose to

make a conditional job offer to an applicant:

- A. Review the results of a name check for criminal history that has been conducted by the Alaska Department of Public Safety no more than 30 days before the first day of work, and the results of the Prober check; and
 - B. The proposed appointee must be fingerprinted within one week of hire and must provide two Fingerprint Cards for the purposes of a criminal background investigation conducted by the Department of Public Safety. Attaining permanent status in the job class will be contingent on passing a criminal background check. (*Fingerprint cards can be obtained from the Department of Public Safety in Anchorage by calling (907) 269-5767.*)
3. Prior to Hiring: After granting a conditional offer of employment to any personnel, but prior to final hiring the following will occur.
- A. The hiring manager will provide to the proposed appointee the Pre-Employment Checklist (06-9009), including information about where to obtain name check for criminal history and fingerprinting (page 2 of the form), and two fingerprint cards which are pre-printed with the appropriate OCS identification information/number.
 - B. After conditional job offer and prior to being hired, the proposed appointee must complete the checklist, and return the completed checklist along with the following:
 - i. The completed fingerprint cards; and
 - ii. the results of a name check of criminal conviction history. (Remind the proposed appointee that attainment of permanent status in the job class will be contingent upon passing a criminal background check).
 - C. Costs of Fingerprinting:
 - i. The candidate who is conditionally offered employment is responsible for paying the cost of the name check criminal background investigation and the cost of having fingerprints taken (the "rolling" of the fingerprints).
 - ii. The division will pay the cost of having the fingerprints processed by the Department of Public Safety.
4. Final Hiring Determination:
- A. When the proposed appointee returns the checklist with all attached information to the hiring manager, the hiring manager will:
 - i. Review the information to ensure it is complete;

- ii. Consider the content of the information;
 - iii. Review name check of criminal history;
 - iv. Look for any criminal convictions on the name check of criminal history, comparing these with the Sworn Statement of Criminal Background form and the Job Qualification Summary and Applicant Profile in Workplace Alaska; and
 - v. Send the processed fingerprint cards to the designated person in your region (Regional Administrative Manager) who will then forward them to the Administrative Manager in State Office.
- B. The State Office Administrative Manager will complete the fingerprint card with a client tracking number and forward it to Department of Public Safety (DPS). DPS will send all reports to the State Office Administrative Manager, who is responsible for the security and retention of criminal background check reports and for notifying division hiring managers when a report from DPS is received.
5. After Hiring:
- A. The division will consider the attainment of permanent status in the job class contingent upon passing a criminal background check.
 - B. Upon receipt of the results of fingerprinting from the Department of Public Safety, the OCS State Office Administrative Manager will forward the report to the designated person in each region.
 - C. If a criminal history appears, the hiring manager will compare with individual's sworn statement to see if the employee disclosed the criminal background.
 - D. If the two do not match, indicating that an employee has failed to truthfully disclose a conviction of a felony or a misdemeanor involving a controlled substance, physical or sexual abuse (for further detail refer to CPS Manual 6.8.4(d)(3)(A)) the employee will be immediately terminated.
 - E. If the employee's disclosure statement includes prior convictions in the above mentioned areas and matches the results of the fingerprint and name check statements, then the prior convictions may be considered as grounds for dismissal.
6. Confidentiality: Information on the Sworn Statement of Criminal Background form, judgments, conditions of probation, a name check for criminal history, and results of fingerprinting must be kept confidential. Sworn statements and name check results will be viewed by division personnel involved in the hiring process and kept in

divisional files.

b. Existing Employees.

1. If a report of harm is received on a division employee, staff receiving the report will immediately notify the director's office (see section 2.1(g) Screening Referrals). A substantiated report of harm on an employee may be grounds for dismissal.
2. An employee's conviction of a crime described under policy (b) above and in section 6.8.4 under Procedures d(3)(A) during their employment with the division may be grounds for dismissal.

6.2 FINANCIAL

6.2.1 INCOMING FUNDS

6.2.1.1 BENEFITS FOR CARE AND MAINTENANCE OF CHILDREN

AUTHORITY: AS 47.14.100 Powers and Duties of Department over Care of Child, 7 AAC 53.360 Unearned Income of Children in State Custody

POLICY: When a child is in a placement where the division is making cost of care payment, and that child receives or is eligible for benefits such as Social Security, the worker will apply to have those benefits paid to the State.

PROCEDURE:

- a. Determine if the child is eligible for monetary benefits for care and maintenance, i.e., a child with a disability might be eligible for SSI (Supplemental Security Income), if the parent(s) are deceased the child might get Social Security survivor benefits, or Veteran's Benefits.
- b. If the child is receiving Social Security benefits, i.e. SSI (Supplemental Security Income) or OASDI (Old Age, Survivors, and Disability Insurance):
 1. The worker (or regional SSI/SSA designee) will contact the Social Security Administration (SSA) office. The SSA office will need the following information, and will probably request that the worker fax it: the child's name, date of birth, social security number, and a statement that OCS has custody of the child.
 2. The worker (or regional SSI/SSA designee) will contact the SSA office by telephone, and provide the following additional information: the physical address of the child, the custody or guardianship date, and the reason for custody. Based on the provided information, the SSA office will prepare the SSA Form 11, "Application for Payee" and send it to the Designee for signature. The payee and address to which the benefit checks are to be sent is:

Office of Children's Services for (client's name)
P. O. Box 110630
Juneau, Alaska 99811-0630
- d. If the child is not currently receiving, but may be eligible to receive Social Security benefits, contact the regional SSI/SSA designee who will arrange for the SSI contractor to review and, if appropriate, apply for benefits for the child.

Award and denial notices are sent to the Administrative Support Unit in State Office, who sends copies to the contractor, and to the regional SSI/SSA Designee who distributes a copy to the worker. The worker files a copy in the child's case record.

- e. If the child is not currently receiving, but may be eligible to receive Veteran's Benefits, communicate with the Veteran's Administration to determine eligibility.
- f. When eligibility for a benefit has been established, notify the awarding agency that the payee for the benefits is to be:
 - Office of Children's Services for
(client's name)
P.O. Box 110630
Juneau, Alaska 99811-0630
- g. When custody is released, or when a child is placed in a living arrangement in which no cost of care payments are made by the division, immediately notify the awarding agency in writing on a Report of Change form (06-3679B), with a copy to the Administrative Section in State Office:
 - 1. that custody was released or the child returned home;
 - 2. the effective date; (when)
 - 3. who will be applying as the new payee, if known. (where)
- h. When custody extends beyond a child's 18th birthday and the child still resides in a foster home or residential facility, the "Continuation of Custody Order" must specify that the division is to continue to be the representative payee for receipt of the child's benefits. The appropriate federal agency is to be notified with a copy of the "Continuation of Custody Order" and any completed federal forms.
- i. When the benefits received are not eligible to offset cost of care, a trust fund will be established in State Office to conserve the funds for the client.

6.2.1.2 CHILD SUPPORT

AUTHORITY: AS 47.10.084 Legal Custody, Guardianship, and Residual Parental Rights and Responsibilities, AS 47.10.120 Support of Minor, AS 47.14.100 Powers and Duties of Department Over Care of Child, AS 25.27.010-25.27.900 Child Support Enforcement Agency, Civil Rule 90.3 Child Support Awards.

POLICY: Parents have a residual responsibility to contribute monetary support towards the cost of care for children in licensed out of home care. The initial petition filed will initiate the process for the Child Support Enforcement Division (CSED) to assess the ability of a minor's parents to pay support and for the Department of Law to obtain the necessary orders from the court.

PROCEDURE:

a. Determining parental support obligation.

1. The AG or the worker, as applicable, will request in the initial petition that the court issue an order for the parent(s) to complete and mail or deliver the CSED forms included in the Child Support packet to CSED within 30 days and for CSED to determine the amount of the support and establish a support order.
2. At the end of any hearing in which the court grants the order requested in 1. above, the worker will provide the parent(s) with the Child Support Packet which includes:
 - A. Parent's Financial Statement form
 - B. Information Locate Sheet form
 - C. Instructions for completing the forms, and
 - D. A self addressed envelope for mailing the completed forms to CSED.

b. Collection of Child Support

The Child Support Enforcement Division is responsible for the collection of child support from the parents. Once collection has been initiated, the worker is responsible to keep the Child Support Enforcement Division informed of changes in placement or custody status which may change collection status. Those changes include:

1. return of a child to parental home,
2. discharge from custody,
3. termination of the rights of either parent,
4. prolonged runaway; or
5. death of a child.

When such events occur, the pink copy of a Report of Change is sent to the Child Support Enforcement Division.

If child support has been suspended because a child returns home and the Child subsequently returns to placement under the same court order, the Child Support Enforcement Division must be notified of the status change and will resume collection without the necessity of a new Child Support Collection Order. Failure to notify CSED of suspension or termination changes may result in embarrassing court actions. CSED has enforcement powers similar to those of the IRS.

6.2.1.3 FEDERAL SUPPORT - IV-E AND MEDICAID

AUTHORITY: AS 47.05.010 Duties of Department, AS 47.07.010 Purpose, AS 47.07.020 Eligible Persons, AS 47.07.030 Medical Services to Be Provided, 7 AAC 43.005 - 1990 Medical Assistance, 42 U.S.C. 670 675 Title IV Part E – Federal Payments for Foster Care and Adoption Assistance

PURPOSE: To ensure that Title IV-E foster care and adoption assistance and Medicaid benefits are received by eligible children in OCS custody and by eligible non-custody children receiving services from OCS.

POLICY:

- a. Federal funding for foster care and adoption assistance is provided to states under Title IV-E of the Social Security Act. This is OCS' largest source of direct support for our clients. Medicaid eligibility is important in order to meet children's medical needs. For each child in out-of-home placement a determination is made about whether the child meets Title IV-E and Medicaid eligibility requirements.
- b. The OCS Regional Eligibility Technicians are responsible for making determinations regarding eligibility for Title IV-E Foster Care and Medicaid for children in OCS custody, and OCS caseworkers are responsible for providing the Eligibility Technicians with the information and documentation that is needed for making eligibility determinations.
- c. Eligibility Requirements for Title IV-E Foster Care
 1. Although the AFDC program no longer exists, financial eligibility for Title IV-E is still linked with the AFDC program as it was in effect on 7/16/96. All AFDC eligibility determinations made for IV-E eligibility determination purposes are "would-be" AFDC eligibility determinations based on the AFDC rules in effect on 7/16/96. The only changes which have been made to the 1996 rules is that effective 12/14/99 the resource limit was increased from \$1,000 to \$10,000 and effective 10/1/02 the definition of deprivation based on unemployment was changed to correspond with the definition used for Medicaid.
 2. For each placement episode the following initial one-time criteria must be met to determine if a child is potentially eligible for Title IV-E Foster Care. A placement episode starts when a child is removed from home and ends when the child returns home. If these requirements are not met, the child will not be Title IV-E eligible for the entire placement episode.

- A. The child has been removed from the home of a parent or other specified relative who is the child's legal guardian. The removal can be either:
 - a physical removal from a parent or other specified relative who is the child's legal guardian; or
 - a constructive (legal) removal where
 - ◇ the child is living with a relative or non-relative caretaker but has lived with a parent or other specified relative who is the child's legal guardian within the last six months, and
 - ◇ legal custody is removed from the child's parent or other specified relative who is the child's legal guardian or the parent/guardian signs a voluntary placement agreement, and
 - ◇ the child remains in out-of-home placement (i.e. is not placed with the parent or legal guardian from whom legal custody was removed); and
 - B. at the first court ruling after the removal a judicial determination was made that remaining in the home would be contrary to the child's welfare, and within 60 days of the removal a judicial determination was made that reasonable efforts were made to prevent or eliminate the need for removal; or
 - C. a voluntary placement agreement has been signed; and
 - D. the child meets AFDC eligibility criteria (deprivation and financial) in the home from which removed during the month that court proceedings are initiated to remove the child from home or a voluntary placement agreement was signed (= the petition month). The petition month is the month the document is filed with the court which brings the removal to the attention of the court: usually a petition or - for second or subsequent removals - usually a motion. For constructive removals it is required that in the month of the constructive removal the child would have been AFDC eligible in the home of the specified relative from whom the child was constructively removed. This relative must have legal custody of the child. The date of a constructive removal is the date of the first judicial determination removing custody from the parent or other specified relative who is the child's legal guardian or the date the voluntary placement agreement is signed.
3. In order to be eligible for federal reimbursement for the foster care cost, all of the following additional criteria must be met, and all the criteria must be met for the period(s) of time that Title IV-E reimbursement is claimed:
- A. The child is in the legal custody of OCS; and
 - B. the child is a citizen of the United States or a qualified alien; and

- C. the following judicial determination has been made:
- i. if the placement started with a voluntary placement agreement, in order to continue IV-E claiming past 180 days after the beginning of the placement, a judicial determination must be made within 180 days of the beginning of the placement that it is in the best interest of the child to be placed out-of-home; **or**
 - ii. for a court ordered removal, a judicial determination that OCS has made reasonable efforts to finalize the permanency plan is made within 12 months of the date the child is considered to have entered foster care (see definition below) and at least once every 12 months thereafter while the child is in foster care; and
- D. the child is under age 18, or is expected to graduate from high school by his 19th birthday; and
- E. the child is in a Title IV-E claimable placement; and
- F. foster care payments are made for the child; and
- G. the child meets the AFDC financial and deprivation requirement.
4. End of Eligibility: Potential eligibility ends when a child returns home, or when a child turns 18 unless he is expected to graduate from high school by his/her 19th birthday.
5. Definitions
- A. Definition of Specified Relative: A specified relative is a person in one of the following groups:
 - A person who is related to the child by full or half blood and who is within the fifth degree of kinship to the child.
 - Stepfather, stepmother, stepbrother, or stepsister.
 - Persons who legally adopt a child or his parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law.
 - Spouses of any persons named above, even after the marriage is terminated by death or divorce.
 - B. Date the child is considered to have entered foster care is the date of the first probable cause hearing that addresses the removal of the child from the child's home. If there is no probable cause hearing, as could be the case when OCS

already has custody of the child at the time of the removal, the date the child is considered to have entered foster care is 60 days after the removal.

6. Return Home versus Trial Home Visit:
 - A. All placements in the child's home when OCS retains custody are considered trial home visits. During a trial home visit the child remains potentially IV-E eligible and if the child is then placed in out-of-home care again new judicial determinations and a new eligibility determination are not required.
 - B. A trial home visit cannot exceed six months or a time period ordered by a court. If a trial home visit exceeds the time limit, or if a child is placed at home and custody lapses and the child is placed in out-of-home care again, it is considered a second removal from home, and a new eligibility determination must be made based on that removal (the same time lines apply for an application, judicial determinations, etc, as for an initial removal).
7. Child's Parent in the Foster Home: If a child is placed in a foster home and a parent of the child moves into the foster home, Alaska statutes and regulations require that the foster care payments be suspended while the child's biological parent is in the foster home, even if the parent's parental rights have been terminated. According to the federal Title IV-E rules, the parent's presence in the foster home is not considered a return home, so the placement episode is not ended and potential eligibility continues.
8. Failed Adoptive Placement: For Title IV-E purposes, an adoptive home is not considered the child's home until the adoption is finalized, i.e. when a decree of adoption is issued by the court. Consequently, when a Title IV-E subsidized adoptive placement fails before finalization, the placement in the adoptive home is treated as a placement in an unlicensed foster care facility. When the child is placed back in foster care a new application and determination is not required, only a review application and determination. If an adoptive placement fails after finalization, a new application must be completed and Title IV-E eligibility must be determined based on the removal of the child from the adoptive parents.
9. Minor Parent and Baby in Placement: If a teenage Title IV-E eligible parent has a child who is residing in the same placement with the parent, different rules applies depending on whether the child and/or parent are in custody:
 - A. If the child and minor parent are both in custody:
 - i. a IV-E eligibility determination must be made individually for the minor parent and for the child even if they are placed together in out of home care, and separate foster care payments must be made for the minor

- parent and for the child, even if they are both residing in the same foster home.
- ii. If the minor parent and child were placed together in out of home care directly when custody was taken, then the child is considered to have been constructively removed from the minor parent. The AFDC eligibility determinations for the minor parent and for the child are based on different households:
 - if the minor parent did not live with another specified relative within six month of when the petition was filed, then the minor parent's eligibility is based on the household of her parents. Consequently, the child's income and resources are not counted for this eligibility determination.
 - if the child did not live with another specified relative within six month of when the petition was filed, then the child's eligibility is based on the minor parent's household, so the minor parent's and the child's income and resources are counted. If the child's AFDC eligibility is determined for a month when the child and the minor parent lived with the minor parent's parent(s), then the income of the minor parent's parent(s) must be deemed available to the minor parent and the child.
 - iii. The same placement episode continues if the child and minor parent are placed in separate placements, so a new eligibility determination for the child is not required. Since the foster parent, not the minor parent, has care and responsibility of the child, the minor parent's presence in the foster home has no effect on the child's IV-E eligibility. From a IV-E perspective, the child's placement status is foster care placement, not trial home visit, so consequently the length of time that the child and minor parent are placed together has no effect on the child's eligibility.
- B. If the minor parent and child are residing in the same foster home, and the minor parent is in custody and IV-E eligible but the child is not in custody,
- i. a IV-E eligibility determination is not made for the child but the child is eligible for IV-E Medicaid (but not IV-E administrative costs) based on the minor parent's IV-E eligibility. Federal IV-E reimbursement for the child's maintenance costs is provided only while the child is placed in foster care with the IV-E eligible minor parent.
 - ii. The maintenance cost for the child is covered by augmenting the minor parent's foster care payment with the maintenance cost for the child – separate payments for the minor parent and the child cannot be made.
 - iii. If the child is later taken into custody an eligibility determination must be made for the child.

10. Placements: A child's Title IV-E Foster Care eligibility might start and end several times during a period of potential eligibility, e.g. due to placement in an unlicensed home or other placement which is not IV-E claimable.
- A. IV-E Claimable Placement: Title IV-E reimbursement for foster care maintenance costs may be claimed only for placement of a Title IV-E Foster Care eligible child in a foster home or child care institution which meets the following requirements:
- i. A foster family home, which has been licensed or approved as meeting the State licensing standards. The term may include group homes, agency-operated boarding homes or other facilities licensed or approved for the purpose of providing foster care by the division. A foster home is IV-E claimable only when there is a current biennial or provisional license with nothing pending and no plan of correction and the foster parents meet the criminal background requirements described in section 3.5.5 Background Checks for Placement Resources and Interstate Requests for Child Protection Records Checks.
 - ii. A private child care institution, or a public child care institution which accommodates no more than 25 children, and is licensed by the State in which it is situated or has been approved by the agency of such State licensing authority as meeting the standards established for such licensing. A childcare institution is IV-E claimable only when certain safety requirements have been met, including the administrator meeting the criminal background requirement.
- B. Non IV-E Claimable Placements include placements in hospitals, psychiatric treatment facilities, detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.
11. SSI and IV-E:
- A. Receipt of SSI while in OCS custody: A SSI eligible child may receive Title IV-E Foster Care payments concurrent with the SSI payments. However, in that situation the child's SSI payment is reduced dollar for dollar by the amount of the Title IV-E Foster Care payment. As a result, because the Alaska cost of care is so high, concurrent receipt of SSI and Title IV-E Foster Care is not possible for children in Alaska foster care. OCS policy is to keep the SSI payments and not claim Title IV-E Foster Care.
- B. Receipt of SSI at the time of the removal from home: The rule about concurrent eligibility for SSI and IV-E Foster Care applies both in situations where a IV-E

eligible child becomes eligible for SSI while in OCS custody and where the child is receiving SSI at the time of removal. If a child is receiving SSI at the time of removal and all the other IV-E eligibility requirements are met, if the determination is made that the child would be eligible for AFDC if SSI had not been received, then the child is potentially eligible for IV-E Foster Care. The child would not be fully IV-E eligible until the SSI payments end.

12. Redeterminations of Eligibility: Review of eligibility for Title IV-E Foster Care is required at least every twelve months.
13. For detailed information about Title IV-E eligibility and the eligibility determination process, see the Alaska Title IV-E Manual.

d. Eligibility Requirements for Title IV-E Adoption Assistance

1. A child is eligible for a Title IV-E adoption subsidy if the division has determined that the child is a special needs child, as defined in section 6.2.2.6.A Adoption Subsidies, the child is either a United States citizen or a qualified alien, and one of the following situations applies:
 - A. Eligible for Supplemental Security Income (SSI) Benefits:
 - The child is eligible for SSI at the time the adoption proceedings are initiated; and
 - prior to the finalization of the adoption, the State has determined that the child is a child with special needs; or
 - B. Removed under a Voluntary Placement Agreement:
 - the child was removed from the home of a parent or other specified relative (i.e. a relative by blood, marriage or adoption who is within the fifth degree of kinship to the dependent child) who is the child's legal guardian pursuant to a voluntary placement agreement; and
 - the child lived with the specified relative from whom removed within 6 months of the most recent removal from home; and
 - at least one title IV-E foster care payment was made for the child; and
 - the child would have been eligible for AFDC (according to the AFDC rules in effect 7/16/96) in the home of the specified relative at the time of the removal; and
 - prior to the finalization of the adoption, the State has determined that the child is a child with special needs; or
 - C. Relinquished to OCS:
 - The child has been placed with the State agency or another public agency

(including Tribes) with whom the State has a title IV-E agreement via a voluntary relinquishment; and

- the child was not already in division custody at the time of the relinquishment; and
- the child lived with the parent or other specified relative (i.e. a relative by blood, marriage or adoption who is within the fifth degree of kinship to the dependent child) within 6 months of the most recent removal from home; and
- the State petitions the court within six months of the child living with the specified relative and obtains a judicial determination to the effect that remaining in the home would be contrary to the child's welfare. (Note: If the court merely sanctions the voluntary relinquishment without making a determination that it is contrary to the child's welfare to remain in the home, the child is not eligible for title IV-E adoption assistance); and
- the child would have been eligible for AFDC (according to the AFDC rules in effect 7/16/96) in the home of the specified relative at the time of the petition for a judicial determination; and
- prior to the finalization of the adoption, the State has determined that the child is a child with special needs; or

D. Removed Based on Court Order:

- The child was removed from the home of a parent or other specified relative (i.e. a relative by blood, marriage or adoption who is within the fifth degree of kinship to the dependent child) who is the child's legal guardian pursuant to a judicial determination that it was contrary to the child's welfare to remain in the home (reasonable efforts findings are not included in the eligibility requirements for a IV-E adoption subsidy) (Note: for children who were removed from home prior to 1/23/01 the judicial determination of contrary to the welfare must be made within six months of the removal from home; and for children removed from home on or after 1/23/01 the judicial determination must be made in the first court ruling that sanctions (even temporarily) the removal of a child from the home. If, for children removed on or after 1/23/01, the determination is not made in the first court ruling pertaining to removal from the home, the child is not eligible for title IV-E adoption assistance); and
- the child lived with the specified relative within 6 months of the most recent removal from home; and
- the child would have been eligible for AFDC (according to the AFDC rules in effect 7/16/96) in the home of the specified relative in the month that court proceedings were initiated which led to the removal; and
- prior to the finalization of the adoption, the State has determined that the

child is a child with special needs; or

E. Eligible as a Child of a Minor Parent:

- the child's parent is in foster care and receiving title IV-E foster care maintenance payments that cover both the minor parent and the child at the time the adoption petition is filed; and
- prior to the finalization of the adoption, the child of the minor parent is determined by the State to meet the definition of a child with special needs. (Note: If the child and minor parent have been separated in foster care prior to the time that the adoption petition is filed, the child's eligibility for title IV-E adoption assistance must be determined based on the child's current and individual circumstances); or

F. Eligible Due to Prior Eligibility for a Title IV-E Adoption Subsidy:

- the child is adopted and receives title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents die, and
- prior to signing the subsidy agreement for the subsequent adoption, the State determines that the child is a child with special needs.

2. A child's eligibility for an adoption subsidy continues until the subsidy agreement is terminated when the child turns 18. Under certain circumstances the agreement may be terminated at an earlier date (see section 6.2.2.6.A Adoption Subsidies). Annual reviews of eligibility are not required.

e. Eligibility for Medicaid

1. Children in Custody: Most children who are in OCS custody and in out-of-home placement are eligible for Medicaid. A child who is eligible for Title IV-E Foster Care is automatically eligible for Medicaid, but there are also other Medicaid categories under which children in custody may be eligible for medical services. Children who are placed in a youth facility are not eligible for Medicaid during that placement.

2. Independent Living:

- A. Most youth who were in foster care, but who are now living independently or transitioning into independent living, can maintain their eligibility for Medicaid at least until they reach their 21st birthday. The single most important step to insuring continuing health care coverage is to notify the Division of Public Assistance (DPA) as soon as possible when the young

person leaves state custody to inform DPA where they can reach the young person. DPA will then work directly with the young person to obtain information needed to maintain health care coverage.

3. Children with Adoption Subsidies: Children with Title IV-E subsidy or State adoption subsidy with Medicaid benefits agreements are eligible for Medicaid based on their eligibility for a subsidy.
4. For detailed information about Medicaid eligibility, see the Alaska Medical Assistance Manual.

PROCEDURES:

a. Application for Title IV-E Foster Care and Medicaid

1. When a child is removed from home, the child's worker is responsible for
 - A. updating ORCA with basic person information on the child, placement, and legal information; and
 - B. securing a copy of the first court order that addresses the removal and assuring that the required IV-E eligibility language is included in the order; and
 - C. assuring that the time lines are met for the judicial determinations that are required for initial Title IV-E Foster Care eligibility:
 - for court ordered removals: it is contrary to the welfare of the child to remain in the home (required in the first court ruling that addresses the removal), and reasonable efforts have been made to prevent or eliminate the need for removing the child from home (required within 60 days of when the child was removed from home); and
 - for removals based on voluntary placement agreement: it is in the child's best interest to be placed out-of-home (required within 180 days of the placement); and
 - D. making sure that a Parent's Self-Declaration of Income and Resources form (06-9794) is completed and filed in the case file, and
 - E. entering information from the Parent's Self-Declaration of Income and Resources form (06-9794) into ORCA; and
 - F. completing the Eligibility Basic Tab in ORCA; and

- G. completing a Title IV-E/Medicaid application on line in ORCA, and submitting it in ORCA within 15 days of the child's placement out-of-home (if the child is on a trial home visit, the worker may have to complete the Title IV-E/Medicaid application (06-3679, GEN #33) outside of ORCA and submit it to the Eligibility Technician; and
 - H. submitting the petition/motion and removal court order to the Regional Eligibility Technician.
2. Upon receipt of an application, the OCS Eligibility Technician reviews the application, information in ORCA, and supporting documentation and determines whether the child is eligible for Title IV-E Foster Care and/or Medicaid, documents the determination in ORCA and EIS (the Division of Public Assistance Eligibility Information System), and sends EIS (Eligibility Information System) notices for the Medicaid eligibility determination to the worker.
 3. If additional information from the worker is needed to make an eligibility determination, the OCS Eligibility Technician requests additional information from the worker, using e-mail for IV-E and an EIS notice for Medicaid. The worker must provide the requested information within 10 days of the request. If the worker does not respond to the request, the Eligibility Technician sends an additional request, by e-mail, to the worker with a copy to the worker's supervisor.
 4. The Eligibility Technician is required to make an eligibility decision on all Medicaid applications within 45 days of receipt.
 - If all the needed information to make a Medicaid eligibility determination is not available within that 45-day period, the Eligibility Technician makes an eligibility determination without the missing information. Most children in OCS custody and placement are eligible for some type of Medicaid coverage category, and if information required for making a determination of Title IV-E eligibility is not available the Eligibility Technician will open other Medicaid coverage if the child is eligible.
 - If the missing information was needed to determine Title IV-E eligibility, the Eligibility Technician will pend the IV-E case until the information is received.
- b. During a child's placement in out-of-home care the child's worker is responsible for :

1. ensuring that the information in ORCA is current and reflect changes which may effect a child's Title IV-E Foster Care or Medicaid eligibility, including change in custody status, change of venue, change in placement, trial home visit, runaway status, return home, changes in child's income or resources, and changes in the removal home that could effect AFDC deprivation (death, absence, incapacity, or unemployment/underemployment of a parent), including changes in the parents' income and resources; and
 2. submitting copies of all petitions, motions, and court orders pertaining to the child to the Eligibility Technician; and
 3. completing a Medicaid review form in ORCA every six months for each child who is in OCS custody and placed out-of-home (including children in runaway status) or placed at home for a trial home visit, and submitting the review form and supporting documentation to the Eligibility Technician; and
 4. assuring that judicial determinations that reasonable efforts have been made to implement the permanency plan are made annually for each child who was removed based on a court order (this judicial determination is not required for placements that began with a voluntary placement agreement), and submitting the court order to the Eligibility Technician as soon as it is received.
- c. When a child who has been placed at home (not on a trial home visit) re-enters out-of-home care, or a trial home visit has exceeded the time limits, or custody has been released or expired during a trial home visit, the child's worker is responsible for :
1. securing a new court order that addresses the new removal and includes the required judicial determinations; and
 2. complete steps a(1)(A – H) above.
- d. Reviews of Eligibility
1. Review of Medicaid Eligibility
 - A. For children receiving Alaska Medicaid, Medicaid reviews are required every six months from the removal date. Eligibility for Medicaid is always determined prospectively.
 - B. Review Date: The review date is based on when the review was due, not when it actually took place. Review dates are monitored automatically by DPA through the DPA Eligibility Information System (EIS). DPA does not adjust

the review date for the subsequent six-month review period if the review is filed late.

- C. When a Medicaid review is due, a review notice and a Review for Medicaid and/or Title IV-E Foster Care for a Child in DHSS Custody (GEN #33A, 06-3679A) are sent to the child's worker.
 - D. The worker completes the Review for Medicaid in ORCA and sends it to the Eligibility Technician (if the child is on a trial home visit, the worker may have to complete the Title IV-E/Medicaid application (06-3679, GEN #33) outside of ORCA and submit it to the Eligibility Technician).
 - E. The Eligibility Technician makes a determination about Medicaid eligibility and sends an EIS notice for the continued Medicaid review determination to the worker.
 - F. If additional information from the worker is needed to make an eligibility determination, the Eligibility Technician requests additional information from the worker on a EIS notice. The worker must provide the requested information within 10 days of the request. If the worker does not respond to the request, the Eligibility Technician sends an additional request, by e-mail, to the worker with a copy to the worker's supervisor.
 - G. Medicaid coverage may be discontinued if the review is not timely.
 - H. Annual Certification of Medicaid for Children Receiving Title IV-E Adoption Subsidies or State Adoption Subsidies with Medicaid Benefits
 - i. Children with Title IV-E adoption subsidy or state adoption subsidy with Medicaid benefits agreements are eligible for Medicaid as long as the subsidy agreement is in effect.
 - ii. State Office Resource Family Section Staff notifies the Eligibility Technicians annually which agreements are still in effect, and the Eligibility Technicians certify Medicaid for the next year for all children with open agreements.
2. Review of Title IV-E Foster Care Eligibility
- A. Review of eligibility for Title IV-E Foster Care is required at least every twelve months.
 - B. OCS Eligibility Technicians receive notification in ORCA when information is entered in ORCA that may effect a child's Title IV-E eligibility, and the Eligibility Technician completes a redetermination of eligibility at that time,

when applicable. If no changes that effect eligibility occurs in a year, the Eligibility Technician completes a redetermination within 12 months of the previous redetermination.

e. ICPC Procedures

1. Alaska Child Placed Out-of-State: When a child in OCS custody is placed in out-of-state foster care, the following procedures are followed which are intended to prevent interruption or delay of Medicaid services to the child.
 - A. When the placement takes place and the child's worker updates the child's placement in ORCA, the Eligibility Technician is notified through ORCA.
 - B. When the foster parents caring for a Title IV-E Foster Care eligible child move out-of-state and the child remains in their care, or when a Title IV-E Foster Care eligible child moves out-of-state to a new placement without the foster parents, the Eligibility Technician coordinates with the other state and the worker regarding closing the Alaska Medicaid case and opening a Medicaid case in the other state. Information about the child's Title IV-E eligibility status is included in the ICPC referral that is sent to the other state.
 - C. Reporting Changes - All Children in Out-of-State Placement: When one of the following changes occurs for a child in OCS custody who has been placed out-of-state, the worker updates ORCA, and for most of the changes the Eligibility Technician is notified of the change through ORCA: Changes that the Eligibility Technician need to be notified of include changes in
 - the child's placement (e.g. changes from one placement type to another, return home, or visit to the removal home),
 - child's income,
 - child's resources,
 - child's custody (including when a child is emancipated or ages out of foster care),
 - a change in the household composition of the parents' home (such as if an absent parent moves back in or if the child's parents reunite); or
 - a change in the parents' income or resources(if determination the child is deprived of parental support must be based on parent's unemployment.
 - D. Except in situations where the child continues to receive Alaska Medicaid, the child receives Medicaid from the other state, and Alaska Medicaid is, therefore, closed. If the child is receiving Medicaid from the other state the worker needs to reapply for Medicaid for the child when the child returns to Alaska.

2. Child from Another State Placed in Alaska: When a Title IV-E Foster Care eligible child in the custody of another state is placed in Alaska, the following procedures apply:
 - A. Placement with Specified Relative:
 - i. If the child is placed with a specified relative and the relative is licensed for foster care and is receiving foster care payments from the other state, the Alaska worker who is providing supervision applies for Medicaid for the child.
 - ii. The relative could choose to apply for benefits through the Alaska Temporary Assistance Program (ATAP) instead of receiving foster care payments. If the child is in the custody of a state that does not pay relatives for providing foster care, the foster parent has no other option than ATAP for getting financial assistance for caring for the child. The relative would be responsible for applying for ATAP/Medicaid for the child. The child would obviously not be Title IV-E eligible while in that placement, since the requirement of being placed in licensed foster care would not be met.
 - B. Placement with Non-Specified Unlicensed Relative: If the sending state's laws allow placement of a child with a non-specified relative who is not licensed for foster care, the child may receive Medicaid in Alaska. The relative must apply for Medicaid on behalf of the child. If the relative is unable to apply, the worker may apply on behalf of the child.
 - B. Placement in Licensed, Non-Relative Foster Care: If the child is placed in licensed, non-relative foster care, the child receives Title IV-E Medicaid in Alaska. The Alaska worker who is supervising the placement is responsible for applying for Medicaid for the child.
 - D. In no case is Alaska Medicaid opened for children from other states until a completed Medicaid application has been received by the OCS Eligibility Technician.
 - E. When the child is placed in licensed foster care, and the Alaska worker who is supervising the placement applies for Medicaid for the child, a Title IV-E eligibility certification must be provided by the state that has custody of the child. If the state which has custody of the child has not sent a Title IV-E certification, the Eligibility Technician asks the OCS worker who is providing supervision of the placement to request a certification from the local worker in the other state. If a certification from the other state has not been received at the time that a Medicaid eligibility review is due, the OCS worker should send

the review form to the worker in the other state to alert them to the need for a IV-E certification, and send a copy to the ICPC Deputy Administrator in OCS State Office.

- F. Reporting Changes: For a Title IV-E Foster Care eligible child who is placed in Alaska by another state and receiving Medicaid from Alaska, the Alaska worker notifies the Eligibility Technician of changes in the child's placement or custody within 10 days of the change with a copy to the ICPC Deputy Administrator in OCS State Office.

f Voluntary Placements

1. If a placement begins with a voluntary placement agreement, federal rules treat it as a voluntary placement (VP) case during the whole placement episode even after the required court order is issued.
2. For VP cases a judicial determination that continued placement is in the best interest of the child must be made within 180 days of the beginning of the placement. Please note, however, that OCS policy discourages lengthy voluntary placements and Alaska statutes limits voluntary placements to a period up to six months. If a judicial determination of best interest is not made within 180 days, the child becomes ineligible for Title IV-E Foster Care on the 181st day and is ineligible for the remainder of the placement episode.
3. The routing, review schedule and procedures for VP cases are the same as for non-VP cases.
4. At the initial eligibility determination for these cases the Eligibility Technician treats the case as any Title IV-E Foster Care case, with the exception of certifying that court language is present.
5. The Eligibility Technician monitors the case for appropriate court action within 180 days. If there is no court action within 180 days, the child's Title IV-E eligibility ends.
6. For VP cases, the Title IV-E eligibility rules do not require annual judicial determinations that reasonable efforts have been made to implement the permanency plan.

6.2.1.4 VERIFYING CITIZENSHIP OR IMMIGRATION STATUS

AUTHORITY: 42 U.S.C. 671(a)(27) Title IV-E – Federal Payments for Foster Care and Adoption Assistance

PURPOSE: To establish procedures for verifying citizenship or immigration status for children in custody, as required by federal law.

POLICY: OCS will verify the citizenship or immigration status of each child in the custody of the department. The information is needed to determine the child's eligibility for Title IV-E and Medicaid - the eligibility requirements for both Title IV-E and Medicaid include the requirement that the child is a U.S. citizen or meets the program's definition of "qualified alien".

- a. Acceptable documentation of U.S. citizenship include:
 1. U.S. passport;
 2. Certificate of Naturalization;
 3. Certificate of U.S. Citizenship;
 4. U.S. birth certificate. However, additional verification is needed if a U.S. birth certificate has been issued for a foreign-born child who has been adopted by a U.S. citizen if the birth certificate includes a statement that the birth certificate is not evidence of U.S. citizenship.

- b. Acceptable documentation of immigration status include:
 1. Alien Registration Card ("green card") or other document issued by the U.S. Citizenship and Immigration Services (USCIS);
 2. Verification through the Automated Status Verification System (ASVS) operated by the U.S. Citizenship and Immigration Services.

PROCEDURE:

- a. When a child who is a U.S. citizen is taken into custody and removed from home, the worker documents the child's citizenship status on the Person Basic Tab in ORCA. The information is provided to the Eligibility Technician on the Application for Medicaid and Title IV-E Foster Care.

- b. When a child who is not a U.S. citizen is taken into custody and removed from home, the worker obtains documentation about the child's immigration status and provides the information to the Eligibility Technician. If the worker is unable to obtain copies of USCIS documents, the worker will provide as much information as possible to the Eligibility Technician.

- c. The Eligibility Technician is required to verify the immigration status of each non-U.S. citizen Medicaid applicant on the Automated Status Verification System (ASVS).

6.2.2 OUTGOING FUNDS

6.2.2.1 THE PROVIDER PAYMENT SYSTEM

AUTHORITY: AS 47.14.100 Powers and Duties of Department over Care of Child

POLICY:

The provider payment system is used to make payments for foster care and CPS child care and provides the computer application where licensed care providers (F1B) are stored. There are three components of the provider payment system that are necessary to make payments.

- Form 1 Green (F1G) or Client Service Plan
 - Form 1 Blue (F1B) or Facilities Management System
 - Authorization and Invoices (A&Is)
- a. Form 1 Green (FIG) - The Client Service Plan is a two part form designed to maintain case management information. Data from the form is entered into the computer system. Form 1 Green was formerly the only data base with client information, but at this time it is used mainly for payment purposes.
- b. Form 1 Blue (F1B) is two part form designed to maintain information about licensed care providers. Data from the form is entered into the computer system. F1B provides information for the automation of payments to licensed foster care providers and CPS child care providers who provide support services to division clients.
- c. The Authorization and Invoice (A&I), form 06-9000, is the form used for authorizing payments for foster care and CPS child care.

PROCEDURES:

- a. Form 1 Green (FIG): In order to make payments, the following information must be completed on the FIG:
1. FIG case number (Only clients in foster care placements (relative and non-relative) will have a FIG case number)
 2. Effective date- date of action/change or update (the date of action may differ from

date of input into FIG).

3. Region Code- necessary for routing updated FIG turnaround documents and provides fiscal section with payment info (dollars and units) for projections and other similar activities.
4. PCN-necessary for routing updated FIG turnaround documents
5. Name of client (last name, first name)
6. Social Security Number - assists in matching client with other DHSS/OCS data bases
7. Date of birth
8. Sex
9. Village Code
10. Utility field 2- should be inputted with workers name (i.e. ?SOCIALWKR)preceded with question mark.
11. Services being opened (i.e. Children Protective Services; CPS Daycare; Foster care)
12. Eligibility Codes: In order to insure proper fiscal management and maximize federal funding, it is essential that correct eligibility codes are entered on all cases in the Form 1 Green system.

A. The following eligibility codes are used for Family Services cases:

W used to identify family services clients who are pending IV-E determination. (The code is used when a client enters foster care placement for the first time or returns to care after a placement back home has disrupted. The code must be converted to "Z", "P + S", or "S" once a IV-E eligibility determination has been made.

S used to identify the following groups of clients who have been determined potentially eligible for Title IV-E Foster Care:

- Children who are eligible for both Title IV-E Foster Care and SSI, when the Division has elected to receive SSI instead of IV-E.

- Children who meet all other IV-E eligibility requirements except for placement in licensed foster care, and who are placed with an unlicensed relative. This code may not be used for placement in detention, hospital, and other types of placements which are not claimable under Title IV-E.

A used to identify the following groups of clients:

- Children who meet all other IV-E eligibility requirements except for placement in licensed foster care, and who are placed in detention, hospital, in-state or out-of-state residential psychiatric treatment facility, or other placement which is not claimable under Title IV-E (for children who were IV-E eligible before the placement, IV-E coding may continue for the first 30 days, but must be converted to "A" code after 30 days).
- Children in runaway status who were IV-E eligible before they ran away (the IV-E code may continue for the first 30 days of the runaway episode, but must be converted to "A" code after 30 days). Children who have been determined eligible for IV-E Foster Care (court-ordered removal), but the annual judicial determination of reasonable efforts is not made within the deadline (= within 12 months of when the child entered out-of-home care and at least every twelve months thereafter). The child becomes ineligible from the end of the twelfth month following the date the child entered foster care or the date of the previous annual reasonable efforts determination, and remains ineligible until the judicial determination is made. The IV-E code must be converted to "A" code effective the first of the month after the judicial determination was due, and converted back to the IV-E code effective the first of the month that the judicial determination is made. If the judicial determination is made prior to when it is due, the next annual determination of reasonable efforts is due one year from when the determination was made. The requirement for an annual reasonable efforts finding does not apply to cases where the placement episode started with a Voluntary Placement Agreement.

S + P this combination of codes is used for clients who have been determined both potentially eligible and eligible for Title IV-E and are placed in licensed foster care.

F + P + S this combination of codes is used for cases where the definition of

“S & P” applies and the placement episode started with a voluntary placement

(NOTE: “F” shows the voluntary placement, and “P + S” that the cases can be claimed for IV-E. IV-E can be claimed for the first 180 days. If there is no court order within 180 days with a finding that remaining in out-of-home placement is in the child’s best interest or that returning home is contrary to the welfare of the child, the child would become ineligible for IV-E on the 181st day. Then the code would be changed to “Z”. If there is a court order within 180 days, and all other IV-E eligibility requirements also are met, the F + P + S code remains.)

F + A this combination of codes is used for cases where the definition of “A” applies based on placement in a non-IV-E claimable placement or runaway status, and the placement episode started with a voluntary placement and the required judicial determination was made within 180 days of the placement.

F + S this combination of codes is used for cases where the definition of “S” applies, and the placement episode started with a voluntary placement and the required judicial determination was made within 180 days of the placement.

Z used for family services clients who are placed in an out-of-home placement as a result of a CINA related action, and who have been determined not eligible for Title IV-E Foster Care.

B. Cases with Dual Responsibility: For cases which have both family services and youth corrections involvement, the custody authority is the determining factor in how the case is coded. For example, for a child who is subject to the supervision of youth corrections but is placed in an out-of-home placement under a CINA related custody authority, family services eligibility codes would be used.

C. Responsibility for Entering Codes:

- i. When a child is initially placed, the worker or the data entry person, according to local procedure, will enter the eligibility code “W” for family services clients.
- ii. The Regional IV-E Designee will change the “W” code to the appropriate code upon receipt of the IV-E eligibility determination. Only the IV-E Designees are authorized to enter the codes “S”, “S & P”, “F &

P & S", and "A".

- iii. Workers who are questioning the eligibility coding for a child should seek the guidance of the Regional IV-E Designee.
 - iv. In cases where there is a change in custody authority from family services to youth services or vice versa, the section which attains custody authority is responsible for making sure that a Medicaid or Medicaid/Title IV-E application is submitted, and that the correct codes are entered.
- b. Form 1 Blue (F1B): In order to make timely and accurate payments, all the information on the F1B, including the provider's address, must be kept current. In order to be paid, foster care providers must have a current and valid license.
- c. The Authorization and Invoice (A&I): Following are instructions for completing and routing the form.

CLIENT'S NAME		CASE		PERSON		INVOICE NUMBER	
		10		17		E 412180 1	
SERVICE NUMB		SERVICE DESCRIPTION		# UNITS		PROVIDER FILL IN:	
33				33		UNITS DELIVERED	
PROVIDER NO.		ALLOCATION		RE-ISSUE		YOUR PROVIDER NUMBER	
31		44 45		68 Y = YES			
THIS SERVICE AUTHORIZATION ENTITLES THE ABOVE NAMED PERSON TO RECEIVE THE SERVICE SPECIFIED IN THE PRESCRIBED MANNER BETWEEN THE FOLLOWING DATES.				ROUTE		C = CLIENT W = WORKER P = PROVIDER L = LICENSING AGENT	
50				59		DATE OF BILLING	
BEGIN		THRU		END		I certify that this is a just and proper billing and I understand that I will be paid at the rates and address stated in my current provider agreement for all valid claims here-in.	
52 DAY		54 DAY		58 YEAR		X	
WORKER SIGNATURE				DATE OF AUTH.		PROVIDER SIGNATURE	
X							

DEPT. OF HEALTH AND SOCIAL SERVICES
 DIVISION OF FAMILY & YOUTH SERVICES/BOOK H-03
 AUTHORIZATION AND INVOICE

1. General Instructions: When a worker authorizes the delivery of a support service, the provider must be issued an A&I.
 - A. The worker fills out the left side of the form, and
 - i gives the white copy to the provider; and
 - ii sends the green copy of the A&I to State Office (where the information

will be entered into the computer system); and
 iii. maintains the gold copy in the case file.

- B. If the worker requests, the computer will reissue a new authorization to the provider 15 days prior to the next billing period. (see). It should be noted that the automatic reissuance box should only be completed for service 13 foster care.
- C. The worker will know that the computer is automatically sending out authorizations (once instructed to do so) by the appearance of the word "auth" to the left of the corresponding open box on the front side of the FIG.
- D. This process will continue until the worker closes the service on the Client Service Plan, or changes the authorized number of units.
- E. Whenever a client changes providers (i.e. moves to a new foster home), and the service code does not change the worker needs only to complete a new A&I and give the original A&I to the provider.

2. Completing the form - Information to Be Entered by the Worker

- A. Client Name: Enter the client's name in the following order: enter last name, comma, space, first name, space and middle initial. (The legal name must always be used, not a nickname. The name should match Prober.)

CLIENT'S NAME	CASE						CK	PERSON		
	10							17		
Jones, Joseph P.										

- B. Case Number: The client's FIG case number must be filled in next to the client's name:

CLIENT'S NAME	CASE						CK	PERSON		
	10							17		
Jones, Joseph P.	0	1	2	3	4	5	4	0	1	

If this is the first authorization for a new client, leave this box blank, but attach (staple) the green copy of the A&I to the green copy of the Client Service Plan (FIG), and route to the input clerk (regional or in field office).

- C. Service:
 - i. Service Number: Enter the two digit number code from the services section on the Client Service Plan. (Do not confuse the service code with

the housing code). (The Plan must show this service is open). For example, if the service is foster care, enter code "13". The code for emergency shelter is "14", CPS daycare - fulltime is "04", and CPS daycare - part-time is "05".

SERVICE NUMBER	SERVICE DESCRIPTION
33 1 3	Foster Care

ii. Service Description: Enter the service description as found on the Client Service Plan. For example, if the service number is "13" write "foster care".

D. Number of Units: Enter the number of units that are authorized to be delivered. THIS NUMBER, BY DEFINITION, MAY NOT BE GREATER THAN THE NUMBER OF DAYS IN THE PERIOD COVERED BY THE AUTHORIZATION.

i. Example: Authorized foster care for one week:

UNITS
35 0 0 7

ii. If the number of units exceeds the amount that could possibly be provided within the authorized period, the computer will pay only the amount that could fit between the beginning and ending dates. (Do not include the day of removal as authorized).

Example: Client placed on 12/2/98 removed on 12/31/98. Dates on A&I should be 12/2-30/98 for a total of 29 days).

E. Provider Number: Enter the provider number of the person/agency. The provider number will be the same as the facility's license number. To find out the provider number, either ask the provider what his license number is or contact your regional licensing worker(s).

PROVIDER NO.
38 0 0 9 9 9 9

This field is mandatory in the case of foster care, CPS daycare, and residential care. If it is left blank, the computer will not be able to find the provider's name and address, so the authorization will be sent to the worker. If this occurs, there may be a delay in the provider receiving the authorization and thus a delay in the support to the client or payment to the provider.

* BE SURE CLIENTS ARE NOT PLACED WITH UNLICENSED PROVIDERS.

- F. Reissue Code: Mark "y for YES" if you want the authorization to be issued on a monthly basis. Example:

REISSUE
 Y = YES

The computer will then reissue the number of units you have indicated for this period (except that it will make adjustments for the differing number of days in a month). To decrease or increase the number of units, the worker must issue a new authorization. Reissue cannot be requested for any Service other than service 13. DO NOT mark this box for other services.

If this is a one time only authorization, leave this box blank.

- G. Route Code: This box is used with the reissue box. Enter in this field the code relating to where the new authorization is to be sent. The computer will mail the new authorization to the person(s) or agency designated by this code. Example:

ROUTE
 C = CLIENT
W = WORKER
P = PROVIDER
L = LICENSING AGENT

The computer will obtain the address from the appropriate form (e.g. if the route code indicates the provider, the address will come from the facilities management system (Form 1 Blue); or, if the code indicates the worker, the address and the worker's name will come from the Social Service Plan (Form 1 Green).

Most authorizations (foster care , residential child care) should generally be routed to the provider. However, in some cases you may wish the authorization

to go to the worker (e.g. the foster parent may have no mailing address; or cannot read English enough to complete the form). Remember, this box is marked only if service is reissuable (Service 13).

- H. Augmentation Rate: Leave this block blank. The provider payment section will complete upon receipt of a request for augmented/specialized funds.
- I. Authorization Period: This is the period of time in which services are authorized to be provided.

Example: Services to be provided from 5/5/98 - 5/31/98:

50 0 5 MO	BEGIN 52 0 5 DAY	THRU	END 54 3 1 DAY	56 9 8 YEAR
-------------------	-----------------------------	------	---------------------------	---------------------

Example: Services to be provided for one unit of Emergency Shelter. 5/31/98 - 5/31/98:

50 0 5 MO	BEGIN 52 3 1 DAY	THRU	END 54 3 1 DAY	56 9 8 YEAR
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Example: Services to be provided for ten units of Foster Care when the child enters care on 5/5/98, leaves on 5/16/98:

50 0 5 MO	BEGIN 52 0 6 DAY	THRU	END 54 1 5 DAY	56 9 8 YEAR
-------------------	-----------------------------	------	---------------------------	---------------------

1998 the date entered would be 5/5/83. If completed incorrectly, State Office will return it to the provider to correct. This date cannot be prior to the last day of the month or the last day the service was provided.

- E. Provider Signature: The provider is then to sign invoice and mail to State Office. The address to State Office is on the back of the invoice. The licensed foster care provider must complete the "Units Delivered" section and sign the invoice to submit a certified billing to receive reimbursement for care.
4. Lost Authorization and Invoices: When a provider contacts a worker stating that an A&I has been lost or misplaced, the worker must check the computer system or contact the regional office to determine whether there is an outstanding A&I for the specific client for the specific period of time.
- A. If so, the worker should complete the left side of an original A&I, crossing out the preprinted serial number and writing the serial number above it as is shown in the system as outstanding. If it does not show in the system, but has been sent to State Office the serial number of the appropriate A&I in the case file should be entered. The green and gold copies of the A&I should be destroyed.
- B. If there is not an appropriate A&I in the system or in the case file, the worker should complete a new A&I set, giving the original to the provider, and sending the green copy to State Office, while placing the gold copy in the file.

Under no circumstances is a provider to submit an A&I for a different month than for which service is being billed, nor for a different client.

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6.2.2.2 FOSTER CARE EMERGENCY PLACEMENT, LICENSING, AND PAYMENT

AUTHORITY: AS 47.10.142 Emergency Custody and Temporary Placement Hearing, AS 47.35.023 Provisional License; Biennial License

POLICY: Even in an emergency a worker shall attempt to place a child in a home that meets placement preferences and the child's needs. If the home is not licensed, the worker shall complete steps for emergency licensing unless the child is placed with a relative and the relative clearly does not want foster care payment. Other than with a relative, a child may not be placed in an unlicensed home. Licensure is required for payment.

Examples appropriate to issuing an emergency license include:

- A relative of the child is available and willing to care for the child, but needs payment and does not qualify for or does not choose to apply for ATAP (Alaska Temporary Assistance Program, formerly AFDC) for the child.
- The community does not have an available licensed foster home.
- There is no space available for a sibling group in a licensed foster home.
- A family, not currently licensed, meets ICWA placement preferences.
- A family, not currently licensed, but familiar to the child, may best meet this child's needs.
- Continuity for the child may be attained by placement with a friend or neighbor allowing the child to be near family and to attend the same school.

PROCEDURE:

- a. Placement and licensing foster homes under emergency conditions. When a placement worker determines a home that is not currently licensed is the best placement for the child, the worker follows nine steps. In urban communities the placement worker usually completes steps one through six and a licensing specialist completes steps seven and eight. The ninth step is physically placing the child. In many communities, the placement and the licensing worker are the same person.
 1. Make a placement choice to best meets this child's needs. Even in an emergency the worker seeks continuity for the child by considering relatives, reliable close friends of the child and ICWA when applicable, as well as considering licensed homes.
 2. Child(ren) don't accompany the worker during the licensing evaluation. The placement worker drops the child(ren) off in a safe place while visiting the prospective foster home to do the licensing evaluation. A worker should rarely place a child at the same time as

the evaluation visit to the home. If this is not possible, the worker (either a division worker, or acceptable local alternate) must still take time to do an evaluation of the suitability of the prospective foster home before making the decision to leave the child.

3. Best practice is to provide the foster family with a Placement Packet prior to placement, however if that is not feasible, the packet may be provided no later than five working days after the child has been placed. The Consent for Emergency and Routine Medical Care Form (06-9716), in the packet, must be completed and given to the family before or at placement. The Foster Care Plan and Agreement Form (06-9735) should be completed at placement, if feasible. If not, review the form and verbally provide the family with necessary known information on the child. Give the family the Foster Parent Handbook, if available. Review A&I instructions. Give the family the brochure, "Becoming a Foster Family: What You Should Know".
4. Document required licensing items on the Foster Home Visit Worksheet (06-9013). Relatives of the child must meet these requirements for foster care payment. The last section of the form is a reminder of items to be submitted later, but are not required at the time of the initial home visit.
5. Obtain application and clearance form(s). The foster family completes: the Application Form (06-9162) (signed by both foster parents if possible), and a Clearance for Licensing Form (06-9437) for each adult resident of the household.
6. Initial background check. Character and reputation of all adults living in the home are primary safety factors.
 - A. Requirements are listed on the Foster Home Visit Worksheet.
 - Clearance for Licensing forms. The worker reviews the clearance forms during the home visit. If any self reported problem(s) is noted the worker discusses it with the adult and considers it as a factor in the decision of whether to place the child.
 - One positive reference contact is documented and should cover both foster parent applicants
 - CPS check. The worker checks open, closed and intake files to verify type and extent of prior contact.

Note: Agencies outside of the division (i.e., placement agencies) cannot access CPS files. They submit a copy of the application and clearance forms to the division for this review. If there is a report with a valid probable cause finding, the division will advise it is not OK to license. The applicant/adult will need to give the agency a release of information in order for the division to release permissible information.

- B. Other non-mandatory ways to assess the applicant(s) should be used if feasible:
- Review of licensing files to see if there is a licensing history, &/or complaints
 - Review of local court record (especially to verify incomplete information)

If any of the background information indicates a negative history, and the worker is still considering placement and licensure, the worker attaches a written justification approved by the worker's supervisor to the worksheet. A variance might be required. Agencies outside of the division will need to refer this recommendation to the division for action.

7. Is a variance needed? Initial year licensure of a foster limits capacity to two (2) children. If a worker needs to place more than two children, or if the total number of children in this home will exceed six (6) as a result of this placement, the home will need an approved variance soon as possible. Variance requests can be expedited by using a faxed request.
8. The recommendation: The application, clearance and home visit worksheet are reviewed and the recommendation for licensure is documented on License Action Recommendation, Approval for Issuance and Closures (06-9124) and submitted for appropriate signature.
9. Following the licensing evaluation, the worker places the child in the home. During placement, the focus is on assisting the child in the transition to residing in this home.

b. Long Distance Licensing may be necessary if:

- the prospective foster parent lives in a community without direct road access to a division office or at a distance of more than one hour by road access to a community in which there is a division office; or
- if weather conditions prevent travel to the community then the quick licensing assessment still must be done prior to placement, but the paperwork may follow the placement ASAP, usually no more than three weeks.

The home will be licensed and there will be no payment penalty. Procedure:

1. The community member designated to complete the quick licensing evaluation must either already have an emergency foster home licensing packet or the division worker will need to fax or e-mail the forms to the community member.
2. The division worker does the CPS clearance prior to placement and notifies the community member that it is okay or not okay. (This may be done by telephone.)

3. The community member obtains the completed foster home license application and clearance forms, visits the home, completes the home visit worksheet and forwards the paperwork to the nearest division office.
 4. In a community described under b above, the division worker may either delegate the quick licensing evaluation to a community member; or if feasible, may travel to conduct the evaluation directly.
- c. If the child is placed in the home before the licensing evaluation of the prospective foster home, the following procedures apply:
1. The date of signature on the foster home application and home visit worksheet must be prior to or on the date of placement of a child. That is required under licensing and funding law. That is also preferable in a long distance licensing situation as described above, however if forms are not be immediately available in the community, the date of signature may follow the placement by one week with justification noted on the worksheet.
 2. In a community with a division office or close to a division office, if circumstances warrant or a mistake is made and the application or home visit worksheet is not completed before or at the time of placement of a child, it is submitted afterwards.
 3. In order to obtain payment to the foster parents for foster care provided prior to the signed application or home visit worksheet a memorandum is submitted.
 - through supervisors, including the Children's Services Manager
 - to fiscal describing the circumstances and requesting payment to the foster parents.
 - (Note long distance exception in b. above.)
- d. REMINDERS:
1. It is important to inform persons licensed under emergency conditions that the license will be for maximum of 90 days only, and if they wish to remain licensed after that date, they will need to submit the additional required application attachments as soon as possible and have a full licensing evaluation before the 90 days is up.
 2. The license issued under emergency conditions is valid only for the specific child(ren) initially placed in the home. A full licensing evaluation and conversion of the license must occur before a worker may place additional children in the home.

3. Placing a child under emergency conditions is always difficult. With advance planning and following this guide, a placement worker can be assured they have done what is reasonable to choose a home that fits the child(ren)'s needs; reduced risk to the child(ren) in the prospective foster home through a quick licensing assessment; and ensured payment for the care authorized.

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6.2.2.3 FOSTER CARE PAYMENT

AUTHORITY: AS 47.10.010 Jurisdiction, 7 AAC 53.010 - 140 Child Foster Care Payments

POLICY: The division will authorize foster care payments provided the child is a division client and the placement has been made by a division worker. The division will authorize foster care payment only in a licensed foster home. The division will pay for the date of admission, but not for the date of departure.

Foster care payments are considered reimbursement for expenses incurred by foster parents caring for the child. Foster parents are not employees of the division, nor is the payment considered a salary. The IRS does not consider foster care payments as taxable income. Foster parents who have questions should be referred to IRS Publication 17, or to the nearest IRS office for more information. Payments which are made to stand-by foster homes under agreement (Agreement for Services Stand-By Emergency Shelter Child Foster Home 06-9381) to be on call for emergency placements are not reimbursement for care and are taxable, however foster care payments for actual placements made to stand-by foster homes would be reimbursement and would not be taxable.

PROCEDURE:

- a. Foster Care Payments: A worker initiates foster care payments when a child in division custody has been placed in a foster home, a Foster Care Plan and Agreement Form (06-9735) has been signed by the foster parent(s) and the worker, and the worker has provided the foster parent(s) with an Authorization and Invoice (A&I) form. A license is required PRIOR to placement of a child in order for payment to occur. The provider must have a Form 1 Blue entered on the system.
 1. Foster Care Base Rates: include payment for the items listed below. The percentage listed after each item indicate the approximate percentage of the foster care base rate which should be spent on the item:
 - food, including meals and snacks (35%);
 - clothing replacement (10%);
 - shelter, (room and board) including utilities and use of household furnishings and equipment, but not including excessive damages or loss covered in 7 AAC 53.110; and

daily supervision, including those activities that a parent would normally carry out to assure protection, emotional support, and care of the child (14%);

personal items and grooming care for the foster child, such as toothpaste, toothbrushes, diapers, soap, combs, haircuts, shoe polish, replacement of formula bottles and nipples, safety pins, and other essentials (2%);

school supplies and regular school activities (5%);

games, toys, books (5%);

general recreation for the foster child such as picnics, swimming lessons, recreational equipment, and other items costing less than \$100 per item that are appropriate to the ages of the children in care and sufficient in quantity to promote normal growth and development, community sports, and movies (12%);

usual transportation expenses on behalf of the foster child, including the purchase of bus passes for a child old enough to take a bus, and reasonable local travel to the child's home for visitation (6%);

other/miscellaneous items such as first aid supplies, bandages, aspirin, and cough syrup and other items considered usual in the care and supervision of a child (5%);

an allowance for the foster child appropriate to the age of the child (2%);

baby-sitting and pre-school expenses (4%);

2. Ongoing Augmented/Difficulty of Care Rates: The foster care base rate may be augmented when it has been determined that the child has more specialized needs and the child's need for care and supervision is at a level beyond basic care. See section 6.2.2.3.A Augmented/Difficulty of Care Rates for Children in Foster Care.
3. Special Needs: Additional payments may be authorized for ongoing or direct costs for maintenance, administration, training, or service expenditures relating to children in custody and placement. See section 6.2.2.7 Request for Special Needs Funds.

b. Types of Foster Care Payment.

1. Emergency Shelter Care.

- A. Emergency shelter care rates may be paid for placement in a foster home with an emergency shelter specialization, in a facility which is licensed specifically as an

emergency shelter home, or in a stand-by foster home. The division will authorize emergency shelter rates only during an emergency situation in which the worker gives less than 24 hours notice to the foster home before placing a child in the home for care. In these circumstances, the foster home is paid "Emergency Shelter" rates of 120% of the standard base rate for up to the first 10 nights of placement in that home. If that same child is moved to a new foster home which has not been given 24 hours notice of the child's arrival, that foster home is also paid emergency shelter for the first 10 nights of placement in that home.

- i. Foster Home with an Emergency Shelter Care Specialization: To receive an emergency shelter rate, a foster home must first have an emergency shelter specialization on its license.
 - ii. Emergency Shelter Home: The facility must be a specialized emergency shelter group home with a completed contract (Agreement for Services Emergency Shelter Availability Foster Group Home 06-9382). Emergency shelter care payments are augmented with \$40 per night. Extension of the emergency shelter care rate after the first 10 nights requires approval by the Children's Services Manager, and the emergency rate may not be extended past the 30th night of the placement. If a child is still in care at the end of the 30 days, the \$40/night augmentation does not apply and regular foster care rates are paid to an emergency shelter home .
 - iii. Stand-By Foster Home: The facility must be a specialized emergency shelter foster home with a completed contract (Agreement for Services Stand-By Emergency Shelter Foster Home 06-9381). Stand-by foster homes are paid a weekly stipend for being on call 24 hours a day. Keeping a child in a stand-by foster home for more than 30 days requires approval by the Children's Services Manager.
- B. Procedures for emergency shelter payment:
- i. Worker verifies that the home has a license specialization for emergency shelter care.
 - ii. Open "Emergency Shelter Services" on the Form 1 Green. Enter the placement for the client in PROBER (placement data file) using placement type 05.
 - iii. Give the white portion of an Authorization and Invoice (A&I) to the provider at the time of placement, indicating emergency shelter (type 14).

Submit the green copy to State Office the next day. Keep the goldenrod copy in the case file.

2. Standard Foster Care :

- A. For purposes of payment, the foster care base rate is paid in situations where a worker gives the foster home more than 24 hours notice before placing a child in the home. The foster care base rate is also paid after the first 10 days of emergency shelter care have elapsed and the child is still in the same foster home. The foster care base rate is lower than the emergency shelter rate, so when the 10 days emergency shelter rate period has ended, the worker must enter the new placement type (foster care) in Form 1 Green and Prober and complete a new A&I, indicating standard foster care (type 13). If the child is going to continue in this placement, indicate reissue on the A&I.
- B. Procedures for standard foster home payment:
 - i. Open "Foster Care" (service type 13) on the Form 1 Green.
 - ii. Enter the placement for the client in PROBER (placement data file) using placement type 04, 06, 07, or 18.
 - iii. When a child departs a foster care placement and, if the child is being placed in a non-foster care setting (i.e. parental or relative home, residential, or other placement), the worker should complete the FIG turn-around document updating the client's whereabouts and closing down foster care to disable the A&I reissuance mechanism.

3. Out-of-State Foster Care:

- A. Foster home care rates paid to foster parents residing in other states will be the standard foster care rate established by the city, county, and state in which the foster parents reside. (If augmented/difficulty of care rates have been approved, see section 6.2.2.3.A(g) for further information about rates and procedures). The foster family must be licensed or approved as a foster home in the state where they reside.
- B. A copy of the foster care license and the foster care rate tables from the other state must be submitted to the Administrative Support Unit in State Office in order for foster care payments to be initiated.

- C. For Alaska providers who are moving out of state and who are now licensed in the receiving state, the out-of-state rate will go into effect a maximum of 30 days after the family is residing in another state. The Division will not pay the Alaska rate for more than 30 days after the date of departure from the Alaska residence.
 - D. Foster parents approved to vacation outside Alaska with a foster child will continue to receive Alaska rates for up to 30 days. If vacations are expected to last longer than 30 days, the worker will contact the Provider Payment Section in State Office. Vacation is a temporary departure, and the foster parents maintain their licensed residence in Alaska.
 - E. In all cases, the caseworker must be notified that the child is leaving the state. The worker should notify the licensing worker and the Provider Payment Section when a provider is moving out of state.
 - F. See ICPC Chapter for procedures for placement, and section 6.5.10 Trips for a Child in Custody for procedures for approval of travel.
- c. Lost or Stolen Check: If a worker is contacted by a provider because the provider did not receive a warrant, and it is suspected that the check is lost or stolen, the worker will refer the provider to the Provider Payment Section in State Office.

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6.2.2.3.A AUGMENTED/DIFFICULTY OF CARE RATES FOR CHILDREN IN FOSTER CARE

AUTHORITY: AS 47.14.100 Powers and Duties of Department Over Care of Child, 7 AAC 53.050 Ongoing Direct Costs, 7 AAC 53.060 Specialized Foster Care Services, 7 AAC 53.120 Foster Care Rates Paid Out of State

POLICY: The basic foster care rate may be augmented for children placed by OCS if the level of care a child requires has been assessed and determined by OCS to exceed the basic level of care provided in a foster home licensed under 7 AAC 50.050 – 7 AAC 50.990. The level of augmented rates, is determined by identifying specific needs and behaviors of children by using an assessment tool. Approval of augmented care rates will be authorized only on regional office approval, based upon documented need and funding ability of OCS. If appropriate to support the case plan, additional payments may be authorized through special needs, on an as-needed basis, for ongoing or direct costs. See section 6.2.2.7 Request for Special Needs Funds.

PROCEDURE:

- a. Care must be taken to distinguish the difference between augmented care rates, which are to provide for a child's need for additional care and supervision beyond basic care, and ongoing direct costs and/or one-time or short-term expenditures which are payable through Request for Special Needs Funds. (For ongoing direct costs and one-time/short-term expenditures, see Administration Chapter, section 6.2.2.7 Request for Special Needs Funds).
- b. Augmented care rates may be authorized in the following situations:
 1. It has been determined that the child needs specialized or structured foster care (see c. below); or
 2. Teen parent and baby are placed together in the same foster home; or
 3. Child is medically fragile.
- c. Specialized and Structured Foster Care:
 1. Specialized Foster Care: Children placed in specialized foster care have more specialized needs and require more intensive care and supervision from the foster parent.

2. Structured Foster Care: Structured foster care is foster care for children with severe problems that require specialized training for the structured family parents to meet the special needs of the child. The structured family home is a resource to meet the needs of foster children who are not appropriate for basic or specialized foster care, can still be maintained in a family setting, and who do not require residential care placements to meet their needs.
 3. To determine if the foster care rate for a child should be augmented based on the child's need for specialized or structured foster care, the worker must complete an Augmented Care Worksheet (form 06-9687). The form must be signed by the worker and the supervisor, and submitted with the completed Request for Augmented Care Funds form (06-9734).
- d. Procedure for Requesting Augmented Care Rates: Augmented rates are determined on an individual basis, and pre-authorization is required.
1. Complete Request for Augmented Care Funds form (06-9734).
 - A. Specialized or Structured Foster Care: If it has been determined that the child needs specialized or structured foster care, attach the completed Augmented Care Worksheet (form 06-9687). The augmentation for Specialized Foster Care is \$7.50 per day, and for Structured Foster Care \$15.00 per day above the base rate for foster care.
 - B. Teen Parent/Baby: When a teen parent and baby are placed together in the same foster home, if the teen parent is in custody, regardless of whether the baby is also in custody, augment the teen parent's foster care rate with the appropriate rate for the baby. If the baby is in custody, but the teen parent is not, augment the baby's foster care rate with the appropriate rate for the teen parent, except if the baby is placed with the teen parent's biological/legal mother /father in which case payment can be made only for the baby and not augmented for teen parent. See section 6.2.2.3.C Pregnant and Parenting Teens for additional information.
 - C. Medically Fragile Children:
 - i. The child must be on a Division of Senior and Disability Services (DSDS) waiver wait list.
 - ii. The worker should include verification that the child has been placed on a DSDS waiver list prior to submitting the request (the information must be documented in the case plan). Other documentation supporting the augmentation request should include what services are being provided by DSDS, ADA, DMA, or other community service agencies to provide

assistance. This may include personal care attendant services, respite care, medical, or therapeutic services.

- iii. The medical fragile augmented care may not include any services provided by other agencies or third parties such as the Medicaid program and may only include reimbursement to the foster parent for the additional intensive care, supervision, and management skills that they provide in maintaining a medically fragile child in a home environment.
 - iv. Any additional medical or therapeutic services or products not provided by the Medicaid program or other agencies but that are necessary to maintain the child in a home environment should be requested through a request for funds form for Medical, Dental, Vision, Diagnostic, Assessment Services for Children, and Medical Equipment, Furnishings, or Discretionary Devices for Children with Special needs (reference 6.2.2.7.b.21).
2. Determine if augmented care rates are appropriate but make no commitment to foster parents prior to approval by the Children's Services Manager or their appointee.
 3. The form is submitted through the supervisor, the Staff Manager, and the Children's Services Manager. Requests are reviewed and evaluated on a case-by-case basis, and are subject to the approval of the Children's Services Manager.
 4. When approved, State Office will complete and issue a new Authorization and Invoice (A & I) with reissue marked.
- f. Procedure for Review of Augmented Care Rate: The Request for Augmented Care Funds form is reviewed at a minimum of every six months. The review must be made when a change in the child's status or placement occurs. The worker must complete and submit an Augmented Care Worksheet for each review. At that time, make any changes necessary to reflect a change in the child's need for augmented care rates.
- g. Out-of-State Foster Care: Foster home care rates paid to foster parents residing in other states will be the standard foster care rate established by the city, county, and state in which the foster parents reside. Augmented Care rates are paid according to what the state of residence would pay if the child was from that state. The foster family must be licensed or approved as a foster home in the state where they reside.
1. A copy of the foster care license and the foster care rate tables from the other state must be submitted to the Administrative Support Unit in State Office in order for foster care payments to be initiated.

2. For Augmented Care rates, the primary worker will coordinate the rate augmentation with the worker in the other state and obtain documentation from that worker which details the need for rate augmentation. This documentation is usually a letter from the worker in the other state. The primary worker will submit the request through the regional approval process to the Provider Payment section in State Office for process.
3. For Alaska providers who are moving out of state and who are now licensed in the receiving state, the out-of-state rate will go into effect a maximum of 30 days after the family is residing in another state. OCS will not pay the Alaska rate for more than 30 days after the date of departure from the Alaska residence.
4. Foster parents approved to vacation outside Alaska with a foster child will continue to receive Alaska rates for up to 30 days. If vacations are expected to last longer than 30 days, the worker will contact the Provider Payment Section in State Office. Vacation is a temporary departure, and the foster parents maintain their licensed residence in Alaska.
5. In all cases, the caseworker must be notified that the child is leaving the state. The worker should notify the licensing worker and the Provider Payment Section when a provider is moving out of state.
6. See ICPC Chapter for procedures for placement, and section 6.5.10 Trips for a Child in Custody for procedures for approval of travel.

6.2.2.3.B PAYMENT DURING TEMPORARY ABSENCES

AUTHORITY: AS 47.14.100 Powers and Duties of Department over Care of Child, 7 AAC 53.080 Payment Conditions.

POLICY: The division will authorize continued foster care payments during a child's absence under conditions specified in this section. This section also specifies payment/holding a bed policy for absences from Residential Child Care facilities (in-state or out-of-state).

PROCEDURE:

- a. Unapproved absences: Payment may be authorized for each night of absence, not to exceed five nights, if a child is absent from the placement setting due to unapproved absence (runaway status) and only if the division is immediately notified by provider following an unapproved absence of a child in custody for more than 12 (to be consistent with licensing reporting regulations) hours.
- b. Hospitalization: In case of absence of a child from the placement setting due to a medical or psychiatric placement, payment may continue for a period not to exceed fifteen nights, if the child is expected to return to the placement or if it has not yet been determined whether the child will return.
- c. Home visits: Payment to the provider may continue for up to fifteen nights in cases of approved home visits if the child is expected to return to the placement or if it has not yet been determined whether the child will return.
- d. Detention: Payment to the provider may continue for up to fifteen nights when a child is in short term detention, and the plan is that the child continue to be with the provider.
- e. If the child's absence from a foster home extends beyond five nights, payment will resume when the child returns to the foster home and payment is authorized by the worker.
- f. Visits away from a residential facility which may lead to return home.
 1. When a child is placed in a residential facility not funded under a grant, and a plan is developed for a trial visit to the child's own home, guardian's home, or a relative's home, with the purpose being a permanent placement and discharge from the residential facility, approval must be requested by the facility and approved by the division in order for the facility to receive payment in the child's absence.

In these instances, the division may pay full payment during a child's absence for up to 15 days for in-state placements and 5 days for out-of-state placements.

2. When the child is placed in a residential facility funded under a grant with the division, and a plan is developed for a trial visit to the child's own home, guardians' home, or a relative's home with the purpose of being a permanent placement, the bed can be held for 15 or 5 days respectively (see above).
- g. Procedures for payment: If a child is absent from a home as described in a - d of this section, , the division decides not to return an absent child to the home, the division will discontinue payment the day notice is given to the foster parent. If a child's absence extends beyond the period authorized in a-d, the division will authorize resumption of payment when the child returns to the home. Determine the exact number of nights the child will be/has been away from the placement. If more than five nights, prepare a Form 1 Green, closing foster care with the effective date being the sixth day (/the day notice is given or sixth day).
1. Prepare a Form 1 Green to reopen foster care reflecting the first night the child has returned to the placement.
 2. Instruct the care provider that, when filling out the A&I, the number of units delivered cannot exceed the number of nights the child stayed with them, plus the number of nights authorized by a-d above.
 3. Once service is open on Form 1 Green, A&Is will automatically be generated until service is closed. Closing the service will cancel the next month's A&I.

Examples:

The child is to leave a provider on the 25th of October and return on the 30th of October. You need do nothing since the entire month of October can be paid as the absence was equal to or less than 5 days.

If the child does not return but remains home, the worker would close out foster care on Form 1 Green as of October 30 or on the day it was decided not to return the child to the foster home.

The child leaves a provider on the 16th of October and is due to return on the 15th of November. The worker would complete a new A&I with a begin date of 10/1 and an end date of 10/30, authorizing 15 units.

The worker would then complete a second A&I with a begin date of 11/15 and an end date of 11/30 for 16 units checking reissue.

The computer will then set up December's A&I for the entire month.

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6.2.2.3.C PREGNANT AND PARENTING TEENS

AUTHORITY: AS 47.10.084 Legal Custody, Guardianship, and Residual Parental Rights and Responsibilities, 42 U.S.C. 675(4)(B)

POLICY: The worker shall assist a pregnant or parenting teen receiving division services to obtain prenatal care, to explore all options available to them during and after their pregnancy, and to make arrangements for other available services, including foster care when appropriate.

PROCEDURES:

- a. The worker shall address the following as applicable, in assessment and case planning:
 1. decision making in relation to the infant;
 2. preparation for delivery of the baby, including childbirth classes;
 3. an assessment of the expectant father's interest in the child, including a notation of whether paternity has been legally established;
 4. help to the teen mother with family, peer, and other significant relationships, including paternal involvement;
 5. legal rights and obligations in relation to parenthood or relinquishment of parental rights;
 6. parenting and child development education for teen mothers keeping their babies;
 7. adoption counseling for teen mothers planning to relinquish their parental rights;
 8. health education, prenatal care, and postnatal care (including referral to the WIC program: referral may be made before the baby is born);
 9. foster care or residential care for pregnant and parenting teens including care and services to mothers and their infants after childbirth;
 10. the plan for and receipt of medical care and dental care for an infant or older child accompanying the pregnant teen;

11. socialization and support opportunities for single teen mothers;
 12. life skills development and preparation for independent living;
 13. pregnancy prevention and family planning;
 14. assistance in completion of high school or other training; and
 15. assistance with child care arrangements while teen parent is in school or working.
- b. In addition to items addressed in case planning in (a) of this section, a worker shall take the following specific actions, as applicable, to assist a pregnant or parenting teen.
1. Medicaid for the Teen:
 - A. If the pregnant teen is not already receiving Medicaid, the worker shall assist the teen in applying for Medicaid. Once she meets the eligibility criteria, including verification of pregnancy, she remains eligible throughout her pregnancy and for a 60-day postpartum period. Eligibility can be made retroactive for up to three months from the application, but cannot start until the beginning of the pregnancy. The worker shall sign the application since an adult signature is required.
 - B. If the teen is in OCS custody and is already receiving Medicaid, no further action is needed regarding Medicaid for the teen.
 2. Medicaid for the Infant:
 - A. Once the infant has been born, the worker will make sure that DPA receives a verification of the birth from the hospital. If the mother is Medicaid eligible, the infant is also Medicaid eligible until age one, and a Medicaid application needs to be submitted for the infant only in the following circumstances:
 - i. At the time that the infant turns one year old; or
 - ii. At any time, if the infant and the minor parent are placed in different placements.
 - B. If an application needs to be submitted, and if the infant is in OCS custody, the worker should complete and sign an Application for Medicaid and Title IV-E Foster Care (06-3679). If the infant is not in OCS custody, the minor parent should complete and sign a Denali Kid Care application. In both cases, it should be indicated on the application that both the mother and infant are in OCS placement.

3. Title IV-E: When an infant of a minor parent in OCS custody is placed in the same foster home as the parent, if the parent is IV-E eligible, the infant is also eligible for IV-E and Medicaid. If the infant and parent are later placed in different placements, this is considered a removal from home, and a judicial determination needs to be made which addresses the removal, a IV-E/Medicaid application (GEN #33, 06-3679) needs to be completed for the infant and a IV-E eligibility determination must be made.

4. Foster Care Payment:
 - A. Pregnant Teen: The foster care payment may, on a case-by-case basis, be augmented for a pregnant minor in custody, starting with the second trimester. To request augmentation, check "Other" on the Foster Care Level Checklist form (06-9689) and specify pregnancy, and specify "Pregnant Teen" on the Request for Augmented/Difficulty of Care Funds form (06-9734) under "1. Difficulty of Care Maintenance Payment". For foster care payment once the baby has been born, see B - D below.

 - B. Teen in custody: If the teen parent is in the custody of the State of Alaska and the infant is not in custody but they are placed together in a licensed foster care home, the division will pay the provider a daily rate for the teen and an augmented rate for the infant. The augmented rate will be the same as the infant's daily rate. The worker requests augmented rates using form 06-9734 Request for Augmented/Difficulty of Care Funds, and enters the appropriate rate for a parenting teen in custody and the appropriate foster care rate for the infant in the foster care agreement section of form 06-9735. The reason for augmentation, rather than authorizing a second foster care payment for the infant, is to be consistent with the method required under IV-E rules where IV-E applies. In order to claim IV-E reimbursement for the infant's maintenance costs, the maintenance costs for the infant must be included in the parent's foster care payment even if both the parent and the infant are in division custody. If separate payments are made for the parent and the child, the child's foster care payment may not be claimed for IV-E reimbursement.

 - C. Infant in custody but parent not in custody: If the teen's infant is in custody and not the teen parent and they are placed together in a licensed foster care home then the division will pay the provider a daily rate for the infant, and an augmented rate for the teen parent. The augmented rate will be the same as the teen's daily rate. **EXCEPTION**: If the infant is placed with the grandparents (the teen parent's biological/legal mother/father), payment can be made only for the infant and not augmented for the teen parent as it is illegal to pay a biological/legal parent to care for their own child. The worker enters the appropriate foster care rate for the teen parent, with an augmentation for the

infant, on form 06-9734 Request for Augmented/Difficulty of Care Funds. (Note: augmentation for a parent who is a young adult residing in the foster home may be appropriate as well as a family centered strategy, however if the placement is with a relative, Children's Services Manager approval is required.) If the parent is not in custody, the infant cannot be IV-E eligible when both are placed in the same foster home.

- D. Both teen and infant in custody:
- i. If both the teen and the infant are in State of Alaska custody and are placed together in a licensed foster care home the division will pay the provider through an augmentation at the teen parent's foster care daily rate plus the age appropriate daily foster care rate for the infant.
 - ii. If the teen and the infant are placed in separate licensed foster care homes the Division will pay each provider foster care for the child in care (both teen parent and infant will have separate A&Is).
4. When the plan for a parenting teen and infant is foster care, the worker adds assisting the teen in gaining parenting skills to the foster care plan in form 06-9735. Parent skill development is part of the foster care plan whether the teen or the infant is in custody or both are in custody.
5. The worker shall assist a pregnant teen in obtaining prenatal care as soon as possible.
6. If the pregnant teen is interested in relinquishing her child, consult with the Regional Adoption worker or Permanency Planning worker on options and procedures.
7. If the pregnant teen (in custody) requests an abortion, parental consent may be required. Seek advice from your Assistant Attorney General.
8. Alaska Temporary Assistance Program (ATAP):
- A. Temporary Assistance for Minor Parent: When a minor parent is placed in the same foster home as her infant, there is a choice between the division making foster care payments or the minor parent applying for Temporary Assistance for herself.
- B. Temporary Assistance for Infant:
- i. If the infant is in department custody, the infant is not eligible for Temporary Assistance.
 - ii. If Title IV-E Foster Care payments are made for the minor parent, the infant is not eligible for Temporary Assistance even if the infant is not in custody.

- iii. If the minor parent is in foster care but is not eligible for Title IV-E Foster Care, and the infant is not in custody two choices exist: the worker may authorize an augmentation on mother's foster care payments for the infant, or the minor parent may apply for Temporary Assistance for the infant even if foster care payments are made for the minor parent. NOTE: It is illegal to pay foster care payments and receive ATAP at the same time.
 - C. Application: The minor parent completes the Temporary Assistance application for herself and/or the infant.
 - D. Payee: Temporary Assistance for a minor parent and/or a minor parent's infant is paid to a designated adult payee, not to the minor parent. It is determined on a case-by-case basis who the payee should be. For minor parents and infants placed in foster care, the payee is usually the foster parent. The payee is responsible for making sure that the money is used for the minor parent/infant, and is also responsible for teaching the minor parent about money management.
 - E. If the minor parent is approaching release from custody and has not achieved an income source to support herself and her infant, the worker will assist the minor parent in applying for Temporary Assistance. Applying for Temporary Assistance should be a last alternative as the minor parent should first be assisted to finish high school or GED and obtain employment that leads to self-sufficiency.
9. Child care for child if parenting teen is working or in school:
- A. Child care assistance is available through the state's child care assistance programs administered by Division of Public Assistance and Department of Education and Early Development to teen parents up to age 19 who are in school working on their high school diploma or GED and maintaining school attendance, and to low income working parents.
 - B. Protective services child care is not appropriate unless there are child protection issues. See Permanency Planning Chapter, section 3.2.2.d Service Delivery, and Administration Chapter, section 6.2.2.4.A Protective Services Child Care. In addition, protective services child care cannot be utilized unless the teen parent is in the teen's own home or the teen's parent home and the teen or teen's child is in custody or under supervision.

6.2.2.4 CHILD DAY CARE

6.2.2.4.A PROTECTIVE SERVICES CHILD CARE

AUTHORITY: 7 AAC 53.340(a) Prevention of Out-of-Home Placements and Reuniting Families

POLICY: Protective services child care (day care) is a support service designed to help keep families together. It may be authorized for children at risk of abuse or neglect and for whom child care during the day is part of a family treatment plan. It's objective is to enable the child to remain with his or her biological family or to return the child to the child's own family following an out-of-home placement.

PROCEDURE:

- a. See section 3.2.2.d. Service Delivery regarding correct use of protective services child care.
- b. Protective services child care **MAY NOT** be used for child care for foster children in out-of-home placement. It may be used when a child is placed in his or her own home for a trial home visit as part of the transition to returning the child from foster care back home. CPS child care must take place in a licensed child care facility with a CPS child care agreement on file and following the guidelines provided by the agreement.
- c. A worker who determines that protective services child care should be provided authorizes the appropriate number of hours/days (units) of child care as follows:
 1. The worker verifies that the selected provider has a current child care license and an Agreement for Services for the current fiscal year by checking the Facilities Management System/Form 1 Blue. Licensing and fiscal staff are a resource regarding use of the Form 1 Blue. If the provider has not already received protective services child care orientation, the worker provides the orientation, as outlined in the Licensing Basics manual, or arranges for the orientation to be provided.
 2. Authorization and Invoice (A&I) form, 06-9000, is completed as follows:
 - A. The worker completes the left side of the A&I. Part time child care is service type 05 (up to 5 hours in a 24 hour period); full time care is service type 04 (5 to 10 hours in a 24 hour period). Days of care per month may not exceed 26 days.

- B. The worker gives the white copy of an A&I to the provider at the time of authorization. The provider must use this to submit the billing after care is provided. Send the green copy to State Office immediately. Keep the goldenrod copy in the case file.
 - C. A new A&I must be completed by the worker and submitted to the provider for each month or portion of month that child care is authorized.
 - D. At the end of the period covered by A&I, the provider completes the right side of the A&I and submits to State Office, and payment is made to provider.
 - E. OCS will pay only for the number of units of child care authorized on the A&I. If a provider bills for the number of units of child care authorized on the A&I, OCS will pay for the authorized number of units, even if the child did not attend child care all of those days.
3. The worker enters Client Services Plan (Form 1 Green) for the child in the Facilities Management System.

6.2.2.4.B CHILD CARE FOR CHILDREN IN FOSTER CARE OR UNLICENSED RELATIVE PLACEMENT

AUTHORITY: AS 47.14.100 Powers and Duties of Department over Care of Child, 4 AAC 62.310 Admission in Child Care Facilities, 7 AAC 53.030(a)(11) Standard Rates and Rate Adjustments, 7 AAC 53.050(b)(5) Ongoing Direct Costs, 7 AAC 53.330 One-Time Items, 19 AAC 65, Day Care Assistance.

POLICY:

- a. OCS may authorize child care payment for a child who is in the custody and care of the OCS and is in an out-of-home placement. This includes licensed and unlicensed relative placement. The child must be placed in a licensed child care facility.
- b. Licensed child care may be authorized to maintain continuity of care for a child if the foster parents/unlicensed relative caregiver are unable to provide care due to full-time employment.
- c. The child care provider must be licensed, and the child care payments may not exceed 10 hours in any 24 hour period or 26 days in any one month. The worker shall include child care in the case plan in conformance with OCS regulations for child care services. The costs of baby-sitting for errands or evenings out are included in the foster care base rate and are not reimbursable.
- d. Other resources must be exhausted first. For example, a foster parent/unlicensed relative who is working and whose income may allow them to be eligible for child care assistance through Division of Public Assistance (DPA), should be referred to the local Child Care Assistance Program (or Tribal child care program) for child care assistance under their state and federal funding prior to accessing any special needs funds for the child care costs. The foster care payment should not be counted in their eligibility determination. A referral is not a guarantee of full or part funding from those agencies.
- e. What may be paid:
 1. Licensed child care for foster parent's/unlicensed relative caregiver's employment may be paid by OCS on a case-by-case basis. This is child care that provides daily supervision during a foster parent's/caregiver's working hours when the child is not in school, and applies to a 2 parent or 1 parent foster/relative home where both foster parents/caregivers (in a two-person home) are employed full-time. Child care expenditures may be reimbursed up to \$550 per child per month.

Definition of employment includes employment away from the home or a business run from the home. As foster care payments are considered reimbursement and not wages, being a foster parent is not considered employment.

2. The costs of providing care to foster children are not intended to include reimbursement in the nature of a salary for activities that fall under "ordinary parental duties". These duties may include:
 - A. Attending foster child's school conference or pupil evaluation team meetings; and
 - B. Visiting a foster child who is temporarily out of the home.
3. A foster parent/unlicensed relative caregiver who provides day care in their home cannot bill OCS for daycare for a foster child in their care.

PROCEDURES:

- a. Responsibility of the Foster Parents/Unlicensed Relative Caregivers Requesting Child Care Assistance: The foster parent/caregiver will provide their request in advance for child care assistance to the child's assigned case worker. The request should be accompanied by supporting documentation which may include:
 1. A description of services and fee schedule that a licensed child care provider is required to provide to a parent who wants to enroll a child; and
 2. The license number of the child care provider.
 3. Documentation that the foster parent/caregiver is not eligible for child care assistance through DPA. This documentation may be obtained via the on-line calculator at <http://health.hss.state.ak.us/dpa/programs/ccare/calculator/index.cfm>. This documentation will identify the portion of payment the foster parent is responsible for paying towards child care costs (up to \$550 a month), above what the Day Care Assistance may pay. Printed documentation would be used to access the special funds request.
 4. In situations where it is not possible to determine eligibility for assistance in advance, the worker can request, through the special funds process, payment for one month of child care.
- b. The worker will:

1. make available upon request a listing of licensed child care providers (a listing is available on the Division of Public Assistance web site, Form 1 Blue, or from local child care resource agencies);
 2. verify the foster parent/unlicensed relative caregiver has provided the necessary and required information and that it meets the requirements of the type of child care assistance requested; and
 3. prepare the necessary form (Request for Special Needs Funds for Foster Care (06-9695) or Request for Special Needs Funds for Unlicensed Relative Placements (06-9697)) before the services are purchased, and submit it to the supervisor for approval and prior authorization.
- c. Approval Process:
1. Supervisors or Social Worker IVs who have completed the Special Needs Purchasing Authority Training and been granted delegated authority to approve special needs requests have authority to approve up to \$550 per month for up to six months for licensed child care.
 2. Children's Services Managers and Staff managers or Social Worker Vs have authority to approve up to \$550 per month for up to six months for licensed daycare.
- d. OCS will make timely payment or reimbursement as long as the provider has received prior approval and submitted the required documentation.
- e. Once the worker has completed a Request for Special Needs Funds for Foster Care form (06-9695) or Request for Special Needs Funds for Unlicensed Relative Placements (06-9697) and has received approval for child care in a licensed child care facility, payment may be made in two ways:
1. if a child care provider will be paid directly, OCS staff completes a Purchase Authorization (06-9710) and provides it to the child care provider. A Purchase Authorization may cover a period up to six months or less as approved on the Special Needs Request form. The child care provider submits the Purchase Authorization and an original or certified true copy of the invoice to the regional fiscal office for processing payment; or
 2. if the foster parent/unlicensed relative caregiver provides an original or certified true copy of the invoice or receipt from the child care provider, verifying that they have paid the child care provider, the foster parent/caregiver is reimbursed for the cost.
- f. Requests will be reviewed at least every six months to assess the current need for child

care. Requests may not overlap fiscal years.

CAUTION: If another foster home is used for reimbursement or trading care, and the number of children in the home would exceed licensing requirements, a licensing variance is required.

6.2.2.5 RESPITE CARE

AUTHORITY: AS 47.14.100(d) and (h) Powers and Duties of Department over Care of Child, 7 AAC 53.050(b)(5) Ongoing Direct Costs, 7 AAC 53.070 Respite Care

POLICY: A worker may, with advance regional office approval, authorize respite care to temporarily relieve a foster parent from the demands of caring for children in accordance with AS 47.14.100(d).

PROCEDURES:

- a. A worker shall determine the eligibility of a child to receive respite care. A worker may authorize respite care services for a child in foster care for the purpose of providing temporary relief from the stresses of caring for a foster child.
- b. A criminal background check must be done on the individual who provides the respite care.
- c. Respite Care in the Foster Home: When respite care is provided in the foster home, the foster parent becomes an employer. The division pays the foster parent who assumes responsibilities as an employer to secure respite care.
- d. Respite Care in Another Out-of-Home Care Setting: Settings might include child care, another foster home with reimbursement, or another foster home that will trade for respite. When the respite care is provided outside of the home where the child is living, payment for the respite care can be provided directly to the respite care provider, at regional discretion.

CAUTION: If another foster home is used for reimbursement or trading respite care, and the number of children in the home would exceed licensing requirements, a variance is required.

- e. Procedures for securing respite care in emergency situations:
 1. Obtain supervisory approval by completing Request for Funds form (06-9710), indicating circumstances and rate of payment. In an emergency, faxed advance regional approval may be obtained with the local supervisor signing the original form for the Children's Services Manager and attaching the faxed approval to the case file copy.
 2. State clearly the name and address of the individual to whom payment is made for respite care provided.

3. If the foster parent is to receive payment (and will pay the respite care provider himself), issue a Request for Funds (up to \$8.00/hour, or otherwise negotiate a rate, e.g. a daily rate which complies with wage and hour requirements)
4. The supervisor will submit the form to the designated person in the regional office, according to regional instructions.

6.2.2.6 SUBSIDIES

6.2.2.6.A ADOPTION SUBSIDIES

AUTHORITY: AS 25.23.210 Amount and Duration of Subsidy Payments, AS 25.23.240(7) Definitions, AS 47.14.100 Powers and Duties of Department over Care of Child, 7 AAC 53.200-299 Subsidized Adoption and Subsidized Guardianship Payments, AS 25.23.190 Adoption Assistance, 42 U.S.C. 673 Title IV Part E – Adoption Assistance Program

PURPOSE: Adoption assistance subsidies are offered to families adopting children with special needs. The purpose of the adoption subsidy is to assist the adoptive family with defraying the costs for care in meeting the child's on-going special needs.

POLICY:

- a. Under federal and state law, a subsidy may be provided to families who would not be able to offer an adoptive home to a hard-to-place/special needs child without continuing financial and/or medical assistance. There are two types of adoption subsidies: federal (Title IV-E) and state. All adoption subsidies must be approved by the Director or Designee prior to the finalization of the adoption.
- b. The adoption subsidy benefits may include:
 1. A monthly payment to the adoptive parents on either a short or long-term basis, to assist the adoptive family with meeting the special needs costs for the child;
 2. Medicaid coverage for the adoptive child; and
 3. Reimbursement for non-recurring costs for the finalization of the adoption.
- c. In order for a child to qualify for an adoption subsidy, the child must:
 1. have a determination of special needs; and
 2. have a determination of eligibility for either the Title IV-E or State-funded assistance.
- d. Special Needs Determination: The following three criteria must be met for a child to be determined as a special needs child eligible for an adoption subsidy (federal or state), or for reimbursement of non-recurring adoption expenses:

1. A reasonable, but unsuccessful, effort has been made to place the child without providing a subsidy except where it would be against the best interest of the child due to such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child. Documentation of these efforts includes, but is not limited to:
 - A. A relative search;
 - B. Child-specific recruitment efforts;
 - C. If the child is Alaska Native, Tribal searches for possible adoptive/guardianship parents;
 - D. Listing the child on adoption exchanges (Alaska Adoption Exchange, Northwest Adoption Exchange and AdoptUsKids).
 2. The State has determined that a specific factor or condition exists with respect to the child because of which it is reasonable to conclude that the child cannot be placed for adoption without adoption assistance. Factors/conditions may include:
 - A. ethnic background;
 - B. age;
 - C. membership in a minority or sibling group;
 - D. the presence of factors such as medical conditions or physical, mental, or emotional handicaps; or
 - E. high risk of such factors e.g. due to alcohol or cocaine being present when the child was born or mental illness of the child's parent(s).
 3. The State has determined that the child cannot or should not be returned to the home of her/his parents, which, in Alaska is determined by a court order.
- e. Eligibility Determinations: In order to qualify for an adoption subsidy the child must be eligible for either a federal Title IV-E adoption subsidy or a State-funded adoption subsidy.
1. Title IV-E Subsidy: For specific information on the child's eligibility for Title IVE Adoption Subsidies, refer to 6.2.1.3 Federal Support – IVE and Medicaid. A child is eligible for a Title IV-E adoption subsidy if the OCS has determined that the child is a special needs child, as defined in d. of this section, the child is either an United States citizen or a qualified alien (see Title IV-E Manual section 4.3), and one of the following situations applies:
 - A. The child is eligible for Supplemental Security Income (SSI) Benefits; or
 - B. The child is removed from the home of a parent or other specified relative under a Voluntary placement agreement; or

- C. The child was relinquished to OCS; or
 - D. The child was removed from the home of a parent or specified relative based on court order; or
 - E. The child is eligible as a child of a minor parent, in which the child's parent is in foster care and receiving Title IV-E foster care maintenance payments that cover both the minor parent and the child at the time the adoption petition is filed; or
 - F. The child is eligible due to prior eligibility for a Title IV-E adoption subsidy, in which the child is adopted and receives Title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents die.
- f. State-Funded Adoption Subsidies:
- 1. State Subsidy: A special needs child who does not meet the eligibility requirements for a Title IV-E adoption subsidy would be eligible for a state subsidy. State-funded subsidies do not have Medicaid benefits attached.
 - 2. State Subsidy with Medicaid: If a special needs child who is eligible for a state adoption subsidy is also eligible for Medicaid immediately prior to the signing of the subsidy agreement, the child is eligible for a State Subsidy with Medicaid.
- g. Monetary Subsidy Agreements: The OCS may provide a monetary subsidy payment to a child when the special needs of the child are documented and on-going services and resources are in place that must continue to the child after the finalization of the adoption. A monetary subsidy agreement may include a monthly payment to the adoptive family as well as continued Medicaid benefits to the child.
- h. Deferred Subsidy Agreements: The OCS may provide a deferred subsidy to a child when the special needs of the child are not yet diagnosed, but are anticipated in the future. A deferred subsidy provides no monetary reimbursement to the family, but will continue Medicaid benefits for the child. Deferred subsidy agreements are generally offered to adoptive families when the child has at-risk factors such as those outlined below:
- 1. Recognized high risk of physical and mental disease:
 - A. Abandonment
 - B. Alcohol/drug abuse in the home
 - C. Domestic violence
 - D. Emotional abuse
 - E. High risk behavior—alcohol abuse
 - F. High risk behavior—drug abuse
 - G. Neglect

- H. Physical abuse
- I. Prenatal exposure to alcohol
- J. Prenatal exposure to cocaine
- K. Prenatal exposure to other drugs
- L. Sexual abuse

- 2. Child is hard-to-place/special needs for the following reasons:
 - A. Race or origin
 - B. Age
 - C. Membership in a sibling group

i. Children under the age of three:

- 1. For children under the age of three, additional considerations apply in determining if a child should receive a monetary or a deferred subsidy. To qualify for a monetary subsidy, the child must have a diagnosed special need within the identified special needs categories listed below:
 - A. Child has a medical condition or physical/emotional disability with documentation of a clinical diagnosis by a qualified professional:
 - (a) Mentally retarded
 - (b) Visually impaired
 - (c) Hearing impaired
 - (d) Physically disabled
 - Cerebral Palsy
 - Paraplegic
 - Spina bifida
 - Orthopedic impairment
 - Quadriplegic
 - (e) Emotionally disturbed
 - Attachment disorder
 - Autism
 - Depression/suicidal tendencies
 - Mental illness/psychosis
 - Oppositional Defiant Disorder (ODD)
 - Post-Traumatic Stress Disorder (PTSD)
 - (f) Other medical condition
 - ADD/ADHD
 - AIDS/HIV positive
 - Asthma/chronic respiratory problems
 - Diabetes
 - FAS/FAE
 - Learning disability

- Organic Brain Damage
- Sickle Cell Anemia
- Speech disability
- Failure to Thrive

B. A child under the age of three who does not meet the qualifications for a monetary subsidy is still eligible for a deferred subsidy, which would provide no monetary reimbursement, but would continue Medicaid coverage for the child. In the future, should the child develop diagnosed special needs, a monetary subsidy can be requested by the family to assist with meeting the child's special needs.

2. In exceptional circumstances, monetary subsidies for children under the age of three who do not have a diagnosed special need may be requested. Approval of the monetary subsidy requires regional and Director approval, *before the subsidy can be negotiated with the family*. These requests must be made in writing and document the reasons that the child's special needs will require a monetary subsidy at this time. The memo should be routed through: the worker, the supervisor, the Regional Adoptions Specialist, the Social Worker V, to the Director or designee.

j. Subsidy payment

1. Adoption subsidy payments are made to adoptive parents who have an approved adoption subsidy agreement. The adoption subsidy agreement is a written agreement, binding on all parties, between the OCS and the prospective adoptive parents. The agreement specifies:
 - the duration of the agreement;
 - the amount of subsidy payments (if any) and the nature and amount of any other payments;
 - services and assistance to be provided, including non-recurring adoption expenses;
 - that the agreement remains in effect regardless of the State of residence of the adoptive parents; and
 - for IV-E subsidy agreements, also that the child is eligible for Titles XIX and XX.
2. Monthly payments are made to adoptive parents on either a short or long-term basis, as established in the adoption subsidy agreement.
3. Subsidy payments begin on the first day of the month in which the Director or designee signs the subsidy agreement. For instance, if the subsidy agreement is signed on 7/15, the subsidy payment will begin on 7/1. This generally occurs prior to the finalization of the adoption; therefore, adoption subsidy payments will begin prior to the adoption finalization.

4. Unlike foster care payments, subsidy payments are paid ahead, with subsidy payments mailed on the last Friday of each month. The check for the month of April will be mailed on the last Friday in the month of March.
5. When an Alaskan child moves to another state:
 - A. If a child is in an adoptive placement that will be subsidized, but the subsidy has not yet been initiated because the child is not yet legally free and the family therefore receives foster care payments, follow the procedures under Chapter 5. ICPC Procedures.
 - B. Once the subsidy payment is established, the state with which an adoption subsidy agreement is signed remains responsible for paying the subsidy to the adoptive family when the adoptive family moves to another state. Adoptive parents who move to another state will be referred by the OCS to the appropriate Title XX agencies in their new state of residence.
6. Adoption subsidy payments will terminate when the child reaches age 18. Payments must also terminate if the parents cease supporting the child prior to age 18 or if the parents are no longer legally responsible for the child, and the parents must inform the agency if they become ineligible for further payments. The only two conditions under which a subsidy agreement may be unilaterally terminated are when:
 - A. The State determines that the parents are no longer legally responsible for the child; or
 - B. The State determines that the child is no longer receiving any support from such parents.
7. When a child with a Title IVE adoption subsidy has an adoption dissolve due to the termination of the adoptive parent's rights or due to the death of the adoptive parent(s), the child will remain eligible for a Title IVE adoption subsidy in a subsequent adoption. The new subsidy must be negotiated with the new adoptive family; the amount of the subsidy in the first adoption subsidy is not automatic in the subsequent adoption.
8. If the child is placed in foster or residential care, the state may not automatically suspend or terminate the subsidy payment. However, due to the change in the child's circumstances, the state may re-negotiate the agreement and change the payment with the concurrence of the adoptive parent, which may include the suspension or termination of the subsidy. Re-negotiation and adjustment of the payment must consider the specific needs of the adoptive child and the circumstances of the family at the time of subsidy re-negotiation.
8. Fair Hearing Process: The adoptive or prospective adoptive parents may appeal the

OCS's decision to reduce, change or terminate the Adoption Subsidy Agreement if the adoptive parent believes they wrongly denied benefits on behalf of the adoptive child, as outlined in 7 AAC 53.265.

k. Other Considerations and Services for Adoptive Families:

1. Adoptive families are eligible for other services through the Adoption subsidy program, including:

A. Medicaid Eligibility for the Adoptive Child:

- i. If a child is eligible for a Title IVE Subsidy, Medicaid coverage will continue for the child, regardless of the state of residence. Medicaid eligibility continues as long as the adoption subsidy remains in effect.
- ii. A state adoption subsidy does not include automatic Medicaid coverage. If a child is determined eligible for Medicaid under a state subsidy, there is no guarantee that the child will continue to receive Medicaid if the family moves to another state.
- iii. The adoptive family's health insurance resources will be considered in the provision of Medicaid benefits.
- iv. Annual reviews for continuing Medicaid eligibility for subsidy children are processed by the State Office Resource Family Section.

B. Title XX Social Services Benefits: Children who are eligible for a Title IV-E subsidy are also eligible for Title XX (Social Services), and the services are available in the state in which the child resides.

C. Non-Recurring Adoption Expenses Reimbursement: The worker may offer the family reimbursement for non-recurring adoption expenses incurred by the adoptive parents. These expenses may include attorney's fees, court costs, adoption home study fees, costs of preplacement visitation and travel, and other one-time expenses directly related to the adoption. There is a maximum of \$2000 per child. Approval by the Director prior to the adoption finalization is required. OCS can only reimburse expenses to the adoptive family; OCS cannot pay the vendor directly on behalf of the adoptive family. All special needs children in OCS custody are eligible for non-recurring expenses, up to a \$2,000 limit.

2. Adoption Subsidies and Non-Recurring Adoption Expenses Reimbursement for Private or Independent adoptions

A. Children who are determined to meet the Special Needs criteria and are adopted through private adoption agencies or independently are eligible for a Title IV-E adoption subsidy if they meet the following criteria:

- i. The child is eligible for Supplemental Security Income (SSI) benefits at

- the time the adoption proceedings are initiated; or
- ii. The child is eligible due to prior eligibility for a Title IV-E adoption subsidy, in which the child is adopted and receives title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents die.
- B. Adoption subsidies for non-custody children are generally approved only for children who meet the eligibility criteria for a Title IV-E adoption subsidy. Exceptions to this policy may be made in hardship situations, on a case-by-case basis, for special needs children who meet the eligibility criteria for a state adoption subsidy. Examples of hardship situations include the following:
- i. where a sibling of the child has already been adopted by the adoptive family; or
 - ii. the lack of a subsidy might prevent the adoption.
- C. To qualify for a state-funded adoption subsidy for a non-custody child, the adoptive parent must apply for Supplemental Security Income (SSI) for the child, and if SSI is denied, the parent must pursue the SSI appeal process. The state subsidy may be approved at the time that the SSI appeal is submitted to the Social Security Administration. The adoptive parent is responsible for notifying the State Office Resource Family Section of the outcome of the appeal. If SSI is approved, the state subsidy will be changed to a IV-E subsidy.
- D. Children who are adopted through private adoption agencies or through independent adoptions are eligible for reimbursement for non-recurring adoption expenses if, prior to the finalization of the adoption, the State has determined that the child is a child with special needs.
3. Post-adoption subsidies: Adoption subsidies must be approved before the adoption hearing. However, post-adoption subsidies may be approved both for children who were in OCS custody at the time of adoption and for non-custody children, in situations which meet the federal requirements for extenuating circumstances for the purpose of a fair hearing in regards to Title IV-E adoption assistance. Requests for post-adoption subsidies for non-custody children who do not meet the federal requirements will not be approved.

PROCEDURE:

- a. When the permanency planning goal for a special needs child is adoption, the child's worker will make a recommendation to the Permanency Planning Conference regarding whether or not the adoptive parents need a subsidy to meet the child's special needs. The Permanency Planning Conference will determine if the child meets the necessary special needs eligibility criteria for an adoption subsidy as outlined in 3.1.4 Permanency Planning Conference.

- b. When the Permanency Planning Conference has determined that an adoption subsidy is appropriate, the Regional Adoptions Specialist must receive, review, and approve the positive home study recommendation (see section 3.23.5(f)), and will notify the worker that the home study has been approved for adoption. Then the worker will:
1. First request approval from the Director or designee to proceed with negotiating a monetary subsidy for the child. If the child is determined to be at-risk for special needs and the child is under three years of age.
 2. Negotiate the subsidy payment for a monetary subsidy with the adoptive family (see section 6.2.2.6.C Negotiating Adoption and Guardianship Subsidies).
 3. Prepare and submit the ORCA adoption subsidy referral and the accompanying subsidy packet to the Regional Adoption Specialist for all adoption subsidies, and for non-recurring adoption expenses (see section 6.2.2.6.D Adoption and Guardianship Subsidy Referral Process).
- c. Approvals:
1. The worker must initially approve the ORCA adoption referral and route the referral, along with the subsidy packet, to the Regional Adoptions Specialist for regional approval.
 2. The Regional Adoption Specialist will review the ORCA adoption referral and the accompanying subsidy packet for completeness and accuracy. If the information and documentation is complete, the Regional Adoptions Specialist will re-route the ORCA referral as the regional approval and submit the ORCA referral and accompanying subsidy packet to the State Office Resource Family Section.
 3. The State Office Resource Family Section staff will forward the information to the State Office Eligibility Technician, who will review and determine what type of adoption subsidy the child is eligible for: Title IV-E subsidy, state subsidy with Medicaid, or state subsidy without Medicaid.

A state adoption subsidy will not be considered until it has been determined that the child is not eligible for a Title IV-E subsidy. The eligibility determination must be made before the adoption is finalized.
 4. After the adoption eligibility has been determined, the State Office Resource Family Section staff will review the ORCA adoption referral and subsidy packet submitted by the social worker for program compliance. The Resource Family Section will recommend approval of the requested subsidy when the subsidy information and

documentation is complete.

5. The State Office Resource Family Section staff will then create three original consents for adoption.
 6. The ORCA adoption referral, documentation, and OCS consents for adoption are forwarded to the Director or designee for approval and signature. The subsidy agreement and the OCS consents for adoption must be signed by the Director or designee before the adoption is finalized.
 7. Once the Director or designee has signed the adoption subsidy agreement and OCS consent for adoption, the ORCA adoption referral will be given a final approval in ORCA.
- d. The Resource Family Section staff will send copies of the signed agreement to:
1. the worker;
 2. the Regional Adoption Specialist;
 3. the adoptive parents;
 4. The OCS Eligibility Technician.

The signed, original subsidy agreement will remain in State Office adoption subsidy file.

- e. The Resource Family Section staff will also send
1. One signed, original copy of the OCS consent for adoption to the child's caseworker and/or Regional Adoption Specialist (see section 3.20.2(a)(4-6)).
 2. One signed, original copy of the OCS consent for adoption to the adoptive family's attorney, if requested by the Regional Adoption Specialist of the child's worker;
- One signed, original copy of the OCS consent for adoption remains in the OCS adoption subsidy file in OCS State Office.
- f. When the subsidy has been approved and signed, the State Office Resource Family Section staff will initiate the subsidy payment. (See payment section of this policy). Once an adoption subsidy has been approved and payments have started, any changes in the subsidy amount are negotiated according to the following procedures:
1. If the adoptive parents request a change in the subsidy amount before the adoption is

finalized, the worker is responsible for negotiating the amount.

2. If the adoptive parents request a change in the subsidy amount after the adoption has been finalized, State Office Resource Family Section staff is responsible for negotiating the amount.
 3. Adjustments in the monthly cash payment may be made with the concurrence of the adoptive parents and based upon documented changes in the needs of the child, or changes in the circumstances of the adoptive family.
 4. Changes in the maximum allowable subsidy payment due to increases in foster care rates are not automatic, but based on the needs of the child and the circumstances of the adoptive family.
 5. The OCS will notify the adoptive parents in writing of changes in subsidized adoption payments resulting from decreases in foster care rates. Adjustments will be considered at the request of the adoptive parents.
- g. Refer to 6.2.3.2.B Releasing Permanent Fund Dividend (PFD) Trust Account Funds for procedures for releasing the child's Permanent Fund Dividend account.
- h. Initiation of Medicaid Benefits for Adoption subsidy children:
1. When the adopted child remains in Alaska and the child has been determined eligible for a Title IV-E adoption subsidy or a State subsidy with Medicaid, the OCS Eligibility Technician is notified by the State Office Resource Family Section staff that subsidy payments have started.

The OCS Eligibility Technician will process the adoption Medicaid service request, and initiate the child's Medicaid benefits to the adoptive family.

2. When an adopted child from Alaska resides in another state at the time of the adoption finalization, the OCS Resource Family Section staff will initiate Medicaid coverage for the child in the other state through the Interstate Compact on Adoption and Medical Assistance (ICAMA).
3. The OCS will follow the procedures established by the Interstate Compact on Adoption and Medical Assistance (ICAMA) to facilitate the interstate coordination of Medicaid benefits. Those procedures are:
 - A. For adoption subsidies, where the child also receives Medicaid, the state where the child resides is responsible for providing Medicaid services to the child. When an adoptive child receiving an adoption subsidy moves from Alaska to another

state, the adoptive parents should notify the State Office Resource Family Section. After having received notification, the Resource Family Section staff sends information about the move to the new state of residence, which issues Medicaid coupons for the child. The adoptive parents do not need to do anything other than notifying the Resource Family Section of the family's planned move.

- B. When an adoptive child receiving an adoption subsidy from another state moves to Alaska, the sending state notifies the State Office Resource Family Section staff, and the Resource Family Section staff notifies the OCS Eligibility Technician, using standardized ICAMA forms. The Eligibility Technician processes the Medicaid and issues Alaska Medicaid coupons.
- C. When an adoptive child who is receiving a Title IV-E or State with Medicaid adoption subsidy from Alaska has moved from Alaska to another state and subsequently returns to Alaska, State Office Resource Family Section staff notifies the OCS Eligibility Technician of the need to reopen Medicaid and provides the Eligibility Technician with the adoptive family's new address, a copy of the current Title IV-E adoption subsidy agreement, and the most updated information on insurance coverage.
- D. If a child was receiving Medicaid under a Title IV-E adoption subsidy but the Medicaid has lapsed due to:
 - the adoptive parents previously requesting closure of Medicaid;
 - address changes from a family move, and the adoptive parents are requesting that Medicaid coverage for the child be reinstated.

The State Office Resource Family Section staff will contact the OCS Eligibility Technician certifying that the child is receiving an adoption subsidy and requesting that Medicaid be restored for the child.

- E. If Medicaid was not applied for at the time that an adoption subsidy agreement was signed, and the adoptive parents are requesting Medicaid coverage for the child, the adoptive parents complete an Alaska Medicaid application (GEN #50) or State Office Resource Family Section staff completes an Application for Medicaid and Title IV-E Foster Care for a Child in OCS Custody (GEN #33, 06-3679), and submits it to the OCS Eligibility Technician with a copy of the IV-E subsidy agreement. The only information needed on the application (GEN # 50 or GEN #33) is the adoptive parents' names and address, and information about insurance coverage for the child.

i. Non-Recurring Adoption Expenses:

- 1. The provisions of payment of non-recurring adoption expenses is included on the

subsidy agreement, so when a subsidy is approved, payment of non-recurring costs is also approved.

2. If the family elects to not receive an on-going adoption subsidy, however the adoptive family is requesting assistance with non-recurring costs for the finalization of the adoption a Non-Recurring Adoption Expense Agreement (06-9742) must be completed, and signed by the adoptive parents. The worker submits the signed form and one of the following documents to the Regional Adoption Specialist:
 - A. Termination Court Order/Relinquishments; or
 - B. the court determination that the child cannot return home and the parents' signed consent to adoption;
 3. The family submits the bills and/or receipts for non-recurring cost reimbursement to the State Office Resource Family Section staff. The family does not have to have already paid the bill; but must submit the actual bill. Receipts are required for non-billable items such as meals, lodging and gas. It is preferable to submit all bills at one time.
 4. Non-recurring adoption expenses are only available to families who have a finalized adoption. The family must submit a copy of the adoption decree to the State Office Resource Family Section as proof of the adoption finalization. If the adoption is not finalized, non-recurring expenses are not paid.
- j. A worker who receives a request for a subsidy or non-recurring adoption expenses for a child who is not in OCS custody, or for a post-adoption subsidy, will refer the request to the State Office Resource Family Section staff for further follow-up.

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6.2.2.6.B GUARDIANSHIP SUBSIDIES

AUTHORITY: AS 13.26.062 Subsidized Guardianship; Procedure, AS 25.23.200 Investigation, AS 25.23.210 Amount and Duration of Subsidy Payments, AS 25.23.240(7) Definitions, AS 47.14.100(d)(3) Powers and Duties of Department over Care of Child, 7 AAC 53.200 - 299 Subsidized Adoption and Subsidized Guardianship Payments.

PURPOSE: To establish procedures for awarding a guardianship subsidy.

DEFINITIONS:

- a. Guardianship Subsidy: Guardianship subsidies are provided to guardian families to assist with defraying the costs for meeting the special needs of a guardianship child who was in the custody of the OCS at the time of the guardianship legalization.
- b. Hard to Place (Special Needs) Child: A hard to place (special needs) child is defined as a minor who is not likely to be adopted by reason of physical or mental disability, emotional disturbance, recognized high risk of physical or mental disease, age, membership in a sibling group, racial or ethnic factors, or any combination of these conditions. The following three criteria must be met for a child to be determined as a special needs child eligible for guardianship subsidy:
 1. A reasonable, but unsuccessful, effort has been made to place the child without providing a subsidy except where it would be against the best interest of the child due to such factors as the existence of significant emotional ties with guardians while in the care of such caregivers as a foster child. Documentation of these efforts includes, but is not limited to:
 - A. a relative search;
 - B. child-specific recruitment efforts;
 - C. if the child is Alaska Native, Tribal searches for possible adoptive/guardianship parents.
 2. The State has determined that a specific factor or condition exists with respect to the child because of which it is reasonable to conclude that the child cannot be placed for guardianship without guardianship assistance. Factors/conditions may include ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps, or high risk of such factors e.g. due to alcohol or cocaine being present when the child was born or mental illness of the child's parent(s).
 3. The State has determined that the child cannot or should not be returned to the home of

her/his parents, in Alaska, this is determined by a court order that the child cannot or should not return home.

POLICY:

- a. The OCS may make subsidy payments to guardians of children who meet the following criteria:
 1. The child meets the definition of a hard-to-place child.
 2. Permanency Planning Conference documentation in ORCA recommends guardianship as the permanent goal for the child instead of adoption, and recommends a guardianship subsidy to meet the on-going special needs of the child.
 3. The guardian(s) have an approved guardianship homestudy.
 4. Since guardianships for children under the age 10 do not reflect best practice for placement of young children, careful consideration must be given for implementation of a guardianship plan for children under age 10. The following additional requirements apply:
 - A. The Director or designee has previously approved of the permanent plan of guardianship and the recommended guardianship subsidy; and
 - B. The child is part of a sibling group where one or more children is over the age of ten and the plan is for the sibling group to remain together under the guardianship of the proposed guardian; or
 - C. There are compelling cultural or other reasons which make guardianship the preferred choice over adoption as outlined in section 4.4(i)(5)(B).
- b. Child's Parent(s) Living in the Guardian's Home:
 1. A guardianship subsidy will not be approved if a parent of the child is in the guardian's home, except in situations where the parent is a non-offending minor parent or a non-offending adult parent who is terminally ill, or is permanently incapacitated. The parent must be included in the guardian homestudy and have a criminal background check, and the request for a subsidy must be evaluated and approved by the Permanency Planning Conference on a case-by-case basis to ensure the safety of the child.
 2. If a parent of the child moves into the guardian's home and the parent has not been approved under (b)(1) above, the subsidy will be terminated or suspended.

c. Subsidy Amount and Negotiation:

1. The amount of the subsidy payment is arrived at through an analysis of the child's needs and the family's ability to meet those needs on an ongoing basis. It is the child who is eligible for the subsidy, not the guardians; therefore a means test for potential parents may not be used as a basis for eligibility for subsidy payments. However, the OCS may consider all of the family's resources and ability to contribute to meeting the child's special needs in the negotiation process.
2. Factors to be considered in negotiating the amount of subsidy payment to the family include:
 - A. benefits received by the child that will follow the child into guardianship such as Social Security (survivor benefits) or Veteran's Benefits. In most instances, if one or both of the birth parents are deceased, the child may qualify for SSA survivor benefits;
 - B. cost of childcare, not covered by the childcare assistance program. Childcare costs are to be time-limited and should reflect what portion of costs will be provided by the guardianship parents;
 - C. cost of transportation that is extraordinary and required to meet the special needs of the child such as (but not limited to): transportation to therapy, medical treatment, special training, visitations with tribal communities, relatives, or siblings;
 - D. special diet;
 - E. documented cost of ongoing medical care and treatment not met by Medicaid or other medical coverage;
 - F. special equipment or clothing needed by the child;
 - G. developmental preschool not met by other programs such as Headstart and the school district;
 - H. infant stimulation programs;
 - I. specialized training or programs for the handicapped not paid for by the Division of Senior and Developmental Services;
 - J. therapy not paid for by insurance or Medicaid (therapeutic needs must be documented);
 - K. other needs related to meeting the child's special needs.
 - L. Family circumstances: Examples of family circumstances that may be considered in the negotiation of a subsidy payment include a relative placement in which the subsidy parent is retired or has a disability; a relative/kinship placement in which the family may not be able to adopt or become the guardian of a child without subsidy assistance.
 - M. Family resources: Examples of family resources include subsistence lifestyle; available relatives to provide a particular service to the child (such as childcare); church or other community supports that are resources that may be able to assist

with meeting the child's special needs.

3. Guardians should understand that future counseling or other services may be needed, and these services may be re-negotiated at a later date within the guardianship subsidy.
- d. Medical Insurance: Subsidized guardianship is entirely state funded. Consequently it does not carry any automatic Medicaid benefits for the child, even if the child was previously eligible for Medicaid through Title IV-E Foster Care. If the guardians apply for Medicaid for the child, the only income and assets that are counted when the eligibility determination is made is that of the child; the guardian's income and assets or the guardianship subsidy are not counted against the child. Benefits that the guardian receives for the child, e.g. SSI or survivor benefits, count as income. Since there is no automatic Medicaid, guardians should be advised to contact their insurance provider to see if a ward will be covered under their current plan. If not covered, or requiring an additional fee, that cost should be considered in determining the subsidized guardianship payment.
- e. Temporary Assistance (ATAP): A guardianship subsidy is considered income for the child in regards to eligibility for Temporary Assistance (ATAP). A guardian can apply for ATAP for a child only if the guardian is a caretaker relative as defined by ATAP rules.

PROCEDURES:

- a. After a permanency planning conference has determined a goal of guardianship and recommended a guardianship subsidy, the worker will review the plan with the child, when age appropriate, and complete discussions with the child, the proposed guardians, and the birth parents to ensure agreement with the plan of guardianship.
- b. For children under age 10, the worker will use the following process to request the Director's designee's approval of a guardianship subsidy:
 1. The worker will write a memo to justify why the guardianship is in the best interest of the child, and document efforts made toward a plan of adoption. The documentation in the Permanency Planning Conference in ORCA should reflect why the goal of guardianship is most appropriate (instead of adoption). This should also be referenced in the memo.
 - A. It is expected that the memo should be sent within 10 working days of the permanency planning conference.
 - B. The memo and Permanency Planning Conference form will be routed to the Director or designee, through the S.W. IV, S.W. V, and the Regional Adoption Specialist.

2. When the State Office review of the request has been completed, the Director or designee will document approval or disapproval of the guardianship plan within 10 working days in an activity note in ORCA.
 3. If approval for guardianship is not granted, the worker will need to schedule a permanency planning conference to discuss an alternate permanency plan for the child and the guardianship family.
- c. The worker will complete the steps for legal guardianship;
1. Review Court Procedures chapter, section 4.I(i) Guardianship of Minors for information about court procedures for guardianship.
 2. Contact the AAG for direction in filing appropriate legal proceedings. If time constraints prevent the AAG from taking action, proposed guardians may obtain their own attorney and file the court action.
 3. Be sure guardians understand their legal obligations as guardians, as well as the fact that after the guardianship is finalized and OCS custody ends, the AAG can no longer represent the case. Any subsequent court actions would require the guardians to obtain their own attorney.
- d. Obtain a guardianship home study that will be approved by the Regional Adoption Specialist; and
- e. Negotiate the guardianship subsidy with the guardian family.
1. The worker should have a thorough understanding of the child's special needs, prior to initiating the subsidy negotiation process with the guardianship family.
 2. The worker should have a thorough understanding of what special needs are currently met through existing and continuing resources such as family resources, Medicaid, Social Security, DD waivers, School District, childcare assistance, and others.
 3. To the greatest extent possible, the worker should outline the existing special needs, current services and resources for the child, and identify those services and resources which will continue in post-guardianship for an extended period of time.
 4. The family must be fully informed of the child's special needs and continuing services as well as the costs for post-adoption services and what resources can continue for the child. The worker should provide an outline of the special needs, resources and services to the family prior to the negotiation process.

5. Once the worker and the family are fully informed of the child's special needs, services and resources, begin the subsidy negotiation.
 6. All subsidy rates should be negotiated with the guardianship family based on the costs to the family in meeting the child's special needs and the family circumstances and resources that are available to meet the child's special needs.
 7. Once a service is identified to meet the child's ongoing special needs, the worker must identify the total cost for the services on a monthly basis, determine if any of the costs can be borne through other resources (Medicaid, Social Security, etc), and any existing family resources. The costs which are not covered by other resources may be considered in the negotiated subsidy payment. In some cases, the identified service may only be provided several times a year. In these cases, the worker should annualize the cost by adding up the total costs for services for the year, and then divide the total cost by 12 months, to find the monthly payment for this identified service.
 8. All subsidy negotiations begin at a zero dollar amount. Under no circumstances can the amount of the monthly subsidy payment exceed the amount that the child would receive in an OCS foster care payment.
 9. In most cases, the subsidy negotiation process occurs in a series of face-to-face meetings with the subsidy family and the worker. In conducting the subsidy negotiation process over several meetings, the family is given the opportunity to thoroughly consider the impacts of the negotiated subsidy in meeting the child's ongoing special needs. If the family does not agree with the amount of the subsidy, the subsidy negotiation process continues until the family and the OCS have reached agreement on the monthly subsidy rate.
 10. If the guardian parents request a change in the subsidy amount after the a guardianship subsidy has been approved and payments have started, State Office Resource Family Section staff is responsible for negotiating the amount.
- f. The worker will submit to the Regional Adoption Specialist, the ORCA guardianship referral and the signed Guardianship Subsidy Agreement for the child. If the child is under ten, submit documentation of the approval by the Director or designee.
 - g. The Regional Adoption Specialist will review the material for completeness and accuracy and provide regional approval, routing the referral and the signed guardianship subsidy agreement to the State Office Resource Family Section. Prior to submitting a subsidy request to State Office for approval, the Regional Adoption Specialist will confirm that there is a positive home study on the guardians.

- h. The State Office Resource Family Section staff will review the ORCA referral and verify that all the necessary information and documentation is present. State Office Resource Family Section staff will then forward the submitted forms and documentation and the subsidy agreement form to the Director or designee for approval and signature.
- i. When the subsidy has been approved and signed, the worker will be sent a notice of clearance so they can proceed with the guardianship in court. **Guardianship subsidy requests must be submitted to State Office for consideration and the subsidy agreement must be signed by the prospective guardians and the Director or designee prior to the guardianship hearing.**
- j. The subsidy file will be held until the court order of guardianship is submitted to State Office. Guardianship subsidy payments will be initiated the day after the guardianship order's effective date. Guardianship subsidies cannot begin until the signed guardianship order is received in State Office.
- k. If the guardian requests a change in the subsidy amount before the guardianship order is issued, the worker is responsible for negotiating the amount.
- l. If the guardian requests a change in the subsidy amount after the guardianship order has been issued, the State Office Resource Family Section staff is responsible for negotiating the amount.
- m. State Office will close the foster care placement and establish the guardianship subsidy case and payment in ORCA when the court has ordered transfer of custody from the OCS to the guardian(s) and the guardianship order has been sent to State Office. State Office will adjust the subsidy payments to reflect foster care payments in order to assure continuity of payment to the guardianship family.

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6.2.2.6.C NEGOTIATING ADOPTION AND GUARDIANSHIP SUBSIDIES

AUTHORITY: AS 25.23.210 Amount and Duration of Subsidy Payments, AS 25.23.240(7) Definitions, AS 47.14.100 Powers and Duties of Department over Care of Child, 7 AAC 53.200 - 250 Subsidized Adoption and Subsidized Guardianship Payments, AS 25.23.190 Adoption Assistance, 42 U.S.C. 673 (P. L. 96-272, Sec. 473 The Adoptions Assistance and Child Welfare Act of 1980).

PURPOSE: To outline policy and procedures for subsidy negotiation processes with adoptive and guardianship families.

BACKGROUND INFORMATION:

- a. Unlike foster care maintenance payments, subsidies are generally utilized to meet the ordinary and special needs of the child. Some costs, such as basic care costs, are expected to be covered (in whole or in part) by the adoptive or guardian parent. In adoption or guardianship, the Office of Children's Services (OCS) no longer has custody of the child; therefore, responsibility for care of the child becomes the responsibility of the adoptive or guardianship parent. As with any parent situation, adoptive and guardianship families are responsible for covering the basic needs of food, clothing, shelter, activities, etc. for the child. The adoption subsidy funding assists families with meeting the extraordinary costs for care to the child, in defraying the costs for the child's special needs services and resources. It is these costs that may be considered as a part of the overall monthly subsidy payment.
- b. The subsidy amount is individualized to each specific child being considered and consistency between families is not a factor. Families with the same incomes or in similar circumstances will not necessarily agree on identical types or amounts of assistance. The uniqueness of each child/family situation may result in different amounts of payment. In no case can the amount of the monthly subsidy payment exceed the foster care rate for which the child would be eligible in the state where the child resides, including augmented or specialized foster care rates, if applicable.
- c. The family does not have to change long-term plans, and the state does not participate in a family's choice of lifestyle or career plans.
- d. Prior to initiating the subsidy negotiation process with the adoptive or guardianship family, the worker should have a thorough understanding of the child's special needs and of what special needs are currently met through existing and continuing resources such as family resources, Medicaid, Social Security, DD waivers, School District, childcare assistance, and others.

- e. For children under the age of three, see policy 6.2.2.6.A(i) Adoption Subsidies

POLICY:

- a. All adoptive or guardianship subsidies must be individually negotiated, and agreed-upon, with the OCS and the adoptive or guardianship family based on:
- the identified special needs of the child;
 - the costs associated with meeting these special needs; and
 - the family's existing circumstances and resources, which may assist with meeting the child's special needs.
- b. The amount of the subsidy payment is arrived at through an analysis of the child's needs and the family's ability to meet those needs on an ongoing basis. It is the child who is eligible for the subsidy, not the adoptive family, therefore a means test for potential parents may not be used as a basis for eligibility for subsidy payments. However, the OCS may consider all of the family's resources and ability to contribute to meeting the child's special needs in the negotiation process.

PROCEDURE:

- a. When the Permanency Planning Conference has determined that the child is eligible for a monetary subsidy, and the family has requested a subsidy, the worker will negotiate the subsidy payment with the family.
- b. Negotiation:
1. The assigned worker will outline the existing special needs, current services and resources for the child, and identify those services and resources which will continue in post-adoption or guardianship for an extended period of time.
 2. The worker will fully inform the family regarding the child's special needs and continuing service needs as well as the costs for post-adoption services and what resources can continue for the child. The worker will provide an outline of the special needs, resources and services to the family prior to the negotiation process.
 3. Once the worker and the family are fully informed of the child's special needs, services and resources, the worker will begin the subsidy negotiation.
 4. All subsidy rates will be negotiated with the adoptive or guardianship family based on the costs to the family in meeting the child's special needs and the family circumstances

and resources that are available to meet the child's special needs.

5. Factors to be considered in negotiating the amount of subsidy payment to the family include:
 - A. benefits received by the child that will follow the child into adoption and/or guardianship such as Social Security (survivor benefits) or Veteran's Benefits. In most instances, if one or both of the birth parents are deceased, the child may qualify for SSA survivor benefits;
 - B. cost of childcare, not covered by the childcare assistance program. Childcare costs are to be time-limited and should reflect what portion of costs will be provided by the adoptive or guardianship parents;
 - C. cost of transportation that is extraordinary and required to meet the special needs of the child such as (but not limited to): transportation to therapy, medical treatment, special training, visitations with tribal communities, relatives, or siblings;
 - D. special diet;
 - E. documented cost of ongoing medical care and treatment not met by Medicaid or other medical coverage;
 - F. special equipment or clothing needed by the child;
 - G. developmental preschool not met by other programs such as Headstart and the school district;
 - H. infant stimulation programs;
 - I. specialized training or programs for the handicapped not paid for by the Division of Senior and Developmental Services;
 - J. Therapy not paid for by insurance or Medicaid (therapeutic needs must be documented);
 - K. other needs related to meeting the child's special needs;
 - L. Family circumstances: Examples of family circumstances that may be considered in the negotiation of a subsidy payment include a relative placement in which the subsidy parent is retired or has a disability; a relative/kinship placement in which the family may not be able to adopt or become the guardian of a child without subsidy assistance;
 - M. Family resources: Examples of family resources include subsistence lifestyle; available relatives to provide a particular service to the child (such as childcare); church or other community supports that are resources that may be able to assist with meeting the child's special needs.

6. Once a service is identified to meet the child's ongoing special needs, the worker will identify the total cost for the services on a monthly basis, determine if any of the costs can be borne through other resources (Medicaid, Social Security, etc), and any existing family resources.

The costs that are not covered by other resources may be considered in the negotiated

subsidy payment. In some cases, the identified service may only be provided several times a year.

In these cases, the worker will annualize the cost by adding up the total costs for services for the year, and then divide the total cost by 12 months, to find the monthly payment for this identified service.

7. All subsidy negotiations begin at a zero dollar amount. Under no circumstances can the amount of the monthly subsidy payment exceed the amount that the child would receive in an OCS foster care payment.
 8. In most cases, the subsidy negotiation process occurs in a series of face-to-face meetings with the subsidy family and the assigned worker. In conducting the subsidy negotiation process over several meetings, the family is given the opportunity to thoroughly consider the impacts of the negotiated subsidy in meeting the child's ongoing special needs. If the family does not agree with the amount of the subsidy, the subsidy negotiation process continues until the family and the OCS have reached agreement on the monthly subsidy rate.
- c. Once an adoption or guardianship subsidy has been approved and payments have started, any changes in the subsidy amount are negotiated according to the following protocols:
1. If the adoptive or guardian parents request a change in the subsidy amount before the adoption is finalized, the assigned worker is responsible for negotiating the amount.
 2. If the adoptive or guardian parents request a change in the subsidy amount after the adoption has been finalized, State Office Resource Family Section staff is responsible for negotiating the amount.
- d. For specific information on the subsidy payment processes see Section 6.2.2.6.A Adoption Subsidies and 6.2.2.6 B Guardianship Subsidies.

6.2.2.6.D ADOPTION AND GUARDIANSHIP SUBSIDY REFERRAL PROCESS

AUTHORITY: AS 25.23.210 Amount and Duration of Subsidy Payments, AS 25.23.240(7) Definitions, AS 47.14.100 Powers and Duties of Department over Care of Child, 7 AAC 53.200 - 250 Subsidized Adoption and Subsidized Guardianship Payments, AS 25.23.190 Adoption Assistance, 42 U.S.C. 673 (P. L. 96-272, Sec. 473 The Adoptions Assistance and Child Welfare Act of 1980).

PURPOSE: The purpose of this policy is to provide guidelines for processing and completing an adoption or guardianship subsidy referral.

POLICY: All adoption and guardianship subsidy referrals have two components: 1) the ORCA referral and, 2) the subsidy packet. All adoption and guardianship subsidy referrals require approvals at the field, regional and state office level. All subsidy referrals must be fully approved prior to the finalization of the adoption or guardianship.

PROCEDURE:

- a. For all subsidy referrals, the assigned worker will complete an ORCA adoption/guardianship referral, which will be forwarded with other required information to the Regional Adoption Specialist (RAS). Once the RAS has reviewed the referral and required information, the RAS will re-route the referral to the State Office Resource Family Section for review and approval.
 1. Data Requirements in ORCA: Much of the data in the child's and birth parents' ORCA person management information is required for federal reporting. Therefore, the ORCA person management information for the child and the child's birth parents must be completed in ORCA PRIOR to the creation of the ORCA adoption/guardianship referral.
 - A. Open the child's person management information in ORCA and verify that the Basic, ICWA, and Client Info tabs have been thoroughly completed. Fill in any missing information or data elements.
 - B. Open the person management information for each of the birth parents and verify that the information is thoroughly completed including date of birth, date of death (if applicable), and race/ethnicity. Fill in any missing information or data elements.
 - C. By completing this necessary person management information, some of the

required information for the adoption/guardianship referral will pre-fill on the ORCA screens. (For more information on how to access the person management information for the child or the birth parent, please refer to the ORCA How Do I Guide or ORCA In-Site for step-by-step instructions)

2. In ORCA:

- A. Create the ORCA adoption/guardianship referral as outlined in the ORCA How Do I Guide. Complete all information on the first five tabs of the ORCA adoption/guardianship referral. Each section must be filled out completely. If necessary, the referral can be saved and worked on over time as information is gathered. When the ORCA adoption/guardianship referral is complete, the worker should complete the appropriate subsidy packet:
- B. In a Consent to Adopt by Parent case, if parental rights to the child will not be terminated, the ORCA adoption/guardianship referral should be created in the CPS family case.
- C. For referrals in which the parental rights of both parents have been terminated, the child must be deactivated from the CPS family case in ORCA for reason of TPR (termination of parental rights). This deactivation process will create a separate Post-TPR case for the child under the child's name. It is in the Post-TPR case that the ORCA adoption/guardianship referral will be created. (For information on how to deactivate a child from a CPS family case, please see the ORCA How Do I Guide for step-by-step instructions).

3. In adoption cases, the worker must submit an adoption subsidy packet, along with the ORCA adoption referral to the Regional Adoption Specialist. The adoption subsidy packet includes:

- A. petition and the first court order after the most recent removal of the child;
- B. voluntary placement agreement (if applicable);
- C. relinquishment of parental rights (if applicable);
- D. termination court orders on all parents;
- E. parental consent to adopt and the accompanying court order accepting the parental consent(s) to adoption, which states the child cannot return home (if applicable);
- F. stipulation for permanency and court order following stipulation that states the child cannot return home (in cultural adoption cases);
- G. birth certificate of child;
- H. order to disestablish paternity (if applicable);
- I. death certificate of parent(s) (if applicable);
- J. paternity test results that either establish or disestablish paternity for the child (if applicable);
- K. signed subsidy agreements.

4. In guardianship cases, the worker must submit a signed guardianship subsidy agreement along with the ORCA guardianship referral, to the Regional Adoption Specialist.
 - b. Once the ORCA referral and subsidy packets are completed, the worker should approve and route the ORCA adoption referral and route the ORCA referral and the accompanying subsidy packet to the Regional Adoptions Specialist.
 - c. Once the ORCA adoption/guardianship referral and the required paperwork are reviewed and approved by the Regional Adoption Specialist, the ORCA referral and accompanying subsidy packet will be forwarded to the State Office Resource Family Section for review and approval (see 6.2.2.6.A Adoption Subsidies for State Office subsidy approval processes).

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6.2.2.7 REQUEST FOR SPECIAL NEEDS FUNDS

AUTHORITY: AS 47.14.100 Powers and Duties of Department Over Care of Child, AS 47.14.130 Payment of Costs, 7 AAC 53.100 Liability Protection, 7 AAC 53.110 Damages and Loss, 7 AAC 53.310 Clothing, 7 AAC 53.320 Medical, Dental, Diagnostic, and Therapeutic Services, 7 AAC 53.330 One-Time Items, 7 AAC 53.340 Prevention of Out-of-Home Placement and Reuniting Families, 7 AAC 53.350 Independent Living

PURPOSE: To provide for goods and services needed for the protection and well being of children.

POLICY:

- a. Foster Care Special Needs is designed to reimburse providers for pre-approved expenditures that are not covered by the foster care base rate and have been assessed on an as-needed basis. ORCA is used to request/receive approval for payment of ongoing direct costs, one time, or short term costs which are needed:
 1. To meet the assessed needs of children in custody or under OCS supervision if the provision of goods or services on an as-needed basis is consistent with the child's case plan. Goods or services may be used to support a case plan.
 2. To reimburse foster parents for extraordinary damages or loss beyond the modest loss and damages which are normal in the care of children. Payment is limited to no more than \$5,000. See section 6.2.2.9 Damages and Loss – Reimbursement to Foster Parents for further information.
- b. All staff must receive approval prior to making a commitment to a client or provider for an expenditure for on-going , one-time, or short-term costs.
- c. Requests may not overlap fiscal years.
- d. Supervisors or Social Worker IVs, Staff managers or Social Worker Vs, and Children's Services Managers, who have completed the Special Needs Purchasing Authority Training and been granted delegated authority to approve special needs requests have authority to approve special needs requests, except requests for independent living services, at the following levels:
 1. Supervisors or Social Worker IVs may approve expenditures up to \$300 with the exception of licensed daycare, which may be authorized up to \$550 per month, for up to six months.

2. Staff managers or Social Worker Vs may approve expenditures up to \$1,000, with the exception of licensed daycare, which may be authorized up to \$550 per month, for up to six months..
3. Children's Services Managers may approve expenditures over \$1,000.
- e. Regional Independent Living Specialists may approve expenditures up to \$1,500 for independent living services for children in custody.
- f. The Independent Living Coordinator may approve expenditures up to \$1,500 for independent living services for former foster youth.
- g. Requests for items not addressed in this section must be approved by the Field Administrator.
- h. All out-of-state travel expenditures requiring special needs funds requires Director's approval.
- i. All travel authorizations for out-of-state travel pertaining to escorts or CPS investigation travel requires Director's approval, regardless if there is a cost.

PROCEDURE:

- a. Children's Needs: The type of goods and services for which funds may be approved, based on the child's assessed needs, on an as-needed basis, differs depending on where the child is placed (foster care, residential care, unlicensed relative placement, or children at risk who reside in their own home, or candidate for foster care), and is reflected in ORCA.
 1. Definitions of Types of Placements:
 - A. Foster Care: Child is placed in a licensed foster home.
 - B. Residential Care: Child is placed in a licensed residential child care facility (does not include residential treatment facilities)
 - C. Unlicensed Relative Placement: Child is placed with an unlicensed relative.
 - D. Child At-Risk: Child is the subject of a CPS investigation and services are required to complete the investigation. Child is not in custody.
 - E. Candidate for Foster Care: Child is living in their own home (with a parent, legal guardian, or Indian custodian) and OCS has determined that the child will be placed in foster care unless preventive services are effective. Candidacy for foster care is documented by a defined case plan which clearly indicates that,

absent effective preventive services, foster care is the planned arrangement for the child.

- b.. The following goods and services may be approved for different types of placement. NOTE: The request must be consistent with the child's case plan. Receipts and supporting documentation and a copy of the case plan must be submitted with the request. Goods and services for which funds may be requested might include:

TYPES OF SERVICES	DEFINITION OF SERVICES	AUTHORIZED PLACEMENT	CRITERIA
Adoption home study	Expenses, including travel, if needed, of the home study writer to visit and complete the required study or update on the prospective adoption/guardianship home.	Licensed Foster Care Residential Care Unlicensed Relative Placement	This is to be used only in between contracts with OCS home study writer grantee or to be used if the home study cannot be produced by the contract provider in a timely manner.
Cab Fares	Provided occasionally for clients to go to case plan activities.	Licensed Foster Care Residential Care Unlicensed Relative Placement Child At Risk Candidate for Foster Care	Consideration must be given for the parents' ability to pay.
Child Care - Foster Parents or Unlicensed Relative Caregiver Employed	Licensed childcare will be paid while children are in foster care or in an unlicensed relative home to allow the employed caregivers to work.	Licensed Foster Care Unlicensed Relative Placement	OCS will contribute \$550 per child per month; child care may not exceed 10 hours in a 24 hour period and 26 days in a any one month. Both caregivers in a two-foster/relative home or a single foster/relative parent who are employed and for the time that the child/ren are not in school will be covered. Child/ren must be in a licensed child care home or center. Social worker must verify employment status and attach verification form. THIS WILL ONLY BE PAID IF THE CAREGIVER DOES NOT QUALIFY FOR DAYCARE ASSISTANCE.

TYPES OF SERVICES	DEFINITION OF SERVICES	AUTHORIZED PLACEMENT	CRITERIA
Clothing - Extraordinary	A child may need additional clothing above the base rate if child has medical needs, extreme emotional needs, and/or need is urgent. (See also section 6.2.2.8 Clothing).	Licensed Foster Care Residential Care Unlicensed Relative Placement Candidate for Foster Care	Approx. 10% of FC base rate is for on-going clothing needs for child/ren. Additional need must be justified by case plan. Clothing inventory required. \$300 for chronic runaway teens ages 12 & up in a 12 month period. For in-home placements, consideration for the parent's ability to pay must be included.
Clothing - Initial	Essential items of clothing a child may need when first coming into foster care. (See also section 6.2.2.8 Clothing).	Licensed Foster Care Residential Care Unlicensed Relative Placement	\$300/child based on documented need. Up to \$100of the \$300 may be provided during emergency care. Clothing inventory required.
Court Costs	This includes the cost or fee for an expert witness to testify for the state and the cost for a teleconference of a court hearing.	Licensed Foster Care Residential Care Unlicensed Relative Placement	If the witness requests payment and no other resources are available (e.g. Department of Law or tribal agency), the worker will submit request through ORCA. Court teleconference costs should be shared by all parties.
Damages & Loss to Foster Parent	Modest damages and loss costs are normal in the care of children, and are included in the base rate; however the division will reimburse a foster parent for damages and loss up to \$5,000 in certain circumstances (listed in 7 AAC 53.110). See section 6.2.2.9 Damages and Loss – Reimbursement to Foster Parents.	Licensed Foster Care	If damage is intentional, the social worker will request permission form the court to release PFD funds.
Diapers/Formula	Assistance for diapers and formula may be provided for children in an unlicensed relative placement after other resources have been explored.	Unlicensed Relative Placement	Up to \$200 per month per child for diapers and formula and not more than twice during a six month period, with registration for ATAP services and applying to food banks and other resources. Whenever possible, relatives are expected to work with a case worker to secure WIC for children in their care.

TYPES OF SERVICES	DEFINITION OF SERVICES	AUTHORIZED PLACEMENT	CRITERIA
Food/Dry Goods For Unlicensed Relatives	Food and dry goods purchased for children in an unlicensed relative placement that is considered essential to maintaining the child in the placement.	Unlicensed Relative Placement	\$150/child per month and not more than twice during six month period with registration for ATAP services and applying to food banks and other resources.
Food Coupons or Food Goods	To be used to provide basic food needs while child is at OCS awaiting placement.	Licensed Foster Care Residential Care Unlicensed Relative Placement	No resource equity criteria necessary.
Food, diapers, clothes	Reimbursement to workers who buy essentials for children after removals	Licensed Foster Care Residential Care Unlicensed Relative Placement	Emergent situation where no other resources are available.
Food - Special Diet	Purchase of special foods for a child who cannot eat a regular diet. This may include children with severe allergies, anemia, PKU.	Licensed Foster Care Unlicensed Relative Placement	Must be recommended or prescribed by medical or professional personnel. Approximately 35 % of the FC base rate is for on-going food costs. The difference in cost between purchasing food for a regular diet and purchasing specific foods for a special diet may be paid through special needs.
Housing Costs	Rent, utility, or house payments to help maintain a child in a specified placement.	Unlicensed Relative Placement	One time allowance permitted for unlicensed relatives caring for a child in custody, but may not exceed \$1,100 per placement; deposits and down payments are not covered by OCS. Not allowable for licensed foster parents or biological parents/legal guardians/Indian custodians. Other resources include Alaska Energy Assistance Program which is available to help pay for heating costs.
Independent Living Services	Services or items related to basic life skills and independent living to facilitate transition from out-of-home placement to self-sufficiency.	Licensed Foster Care Residential Care Unlicensed Relative Placement	See section 6.2.2.11 Independent Living Services for information about eligibility, services and the approval process.

TYPES OF SERVICES	DEFINITION OF SERVICES	AUTHORIZED PLACEMENT	CRITERIA
Interpreter Services	Used to facilitate communication when the caregiver, parent, or child are hearing impaired, speak a different language, other unusual circumstances.	Licensed Foster Care Residential Care Unlicensed Relative Placement Child At Risk Candidate for Foster Care	Limited to case planning, court, investigations, or visitation.
Laundry - Extraordinary	More than normal amount of laundry is needed for the child. This may include children with behavior difficulties that lead to constant soiling of clothes.	Licensed Foster Care Unlicensed Relative Placement	Provide medical or psychological justification/explanation why extra laundry services are needed. Must consider parent's ability to pay. Must consider augmentation to foster parent.
Medical, Dental, Diagnostic, Therapeutic, and Assessment Services; and medical equipment, furnishings, or discretionary devices for children with special needs	A service to a child includes all medical, dental, diagnostic, assessment, and treatment services.	Licensed Foster Care Residential Care Unlicensed Relative Placement Candidate for Foster Care	Children in custody should have an EPSDT screen completed; Medicaid will cover services needed in the EPSDT screen that are not usually covered by Medicaid; Where Medicaid providers are not available, services should be for time limited period and evaluated routinely.
Medical Exams during CPS Investigations	During a CPS investigation, the worker determines that the child must have a medical exam as part of the investigation.	Child At Risk	Medicaid and insurance are to be used first, if available.
Paternity Testing for Alleged Biological Parent	Genetic testing to determine the biological parent of a child.	Licensed Foster Care Residential Care Unlicensed Relative Placement Candidate for Foster Care	OCS may pay for genetic testing of alleged parents in order to identify the actual biological parent if genetic testing is required and documented in the case plan, the testing results are required for court proceedings, pertains to the placement or permanency of the child, or is court ordered. Consideration must be given to parents' ability to pay. The worker will coordinate with Division of Child Support Services.

TYPES OF SERVICES	DEFINITION OF SERVICES	AUTHORIZED PLACEMENT	CRITERIA
Personal Incidentals	This includes activity fees for reasonable and occasional events, such as sports, field trips, shop supplies, non-clothing athletic equipment, athletic shoes, music lessons and instruments, camps., and other individual circumstances that may exceed \$100 and are related to special events or extra school curriculum are sports-related activities.	Licensed Foster Care Residential Care Unlicensed Relative Placement	Approximately 26% of the FC base rate is for on-going personal items, school supplies, recreational needs, and allowances for the child. Limits: \$500/child per 12 month period for children ages 13-18 \$300/child per 12 month period for children ages 6-12 \$100/child per 12 month period for children ages 0-5 OCS may pay for on-going clothing replacement and personal incidentals for clients in in-state and out-of-state boarding schools. Personal incidentals may include items usually defined within the foster care base rate such as laundry services, toothbrushes, haircuts, general school supplies, regular school activities, and other similar needs. OCS will not pay for lodging or other similar expenditures expected to be covered by the Department of Education and Early Development and associated School Districts.
Repair/Replacement of Household Appliances or Fixtures for Candidates for Foster Care	Must be documented in the case plan showing that if certain repairs or replacement of appliances or fixtures do not occur, OCS will have to remove the children from their home and place them out-of-home.	Candidate for Foster Care	Must be approved by the Children's Services Manager.
Search for and Notices to Missing Parents	An activity to search for missing parents and/or to notify missing parents of their rights and of status of the child's custody.	Licensed Foster Care Residential Care Unlicensed Relative Placement Child At Risk Candidate for Foster Care	OCS will work with other agencies (Division of Child Support Services, etc) to advertise for missing parents as required by law. OCS will use the least costly methods whenever possible

TYPES OF SERVICES	DEFINITION OF SERVICES	AUTHORIZED PLACEMENT	CRITERIA
Services to Parents/Legal Guardians/Indian Custodians to Support Reasonable and/or Active Efforts	Mental health assessments, substance abuse assessments, counseling, therapy, sex offender treatment, mediation, and other mental health services for parents/legal guardians/Indian custodians, and parents/legal guardians/Indian custodians of children in custody traveling to treatment center.	Licensed Foster Care Residential Care Unlicensed Relative Placement Candidate for Foster Care	OCS is the payer of last resort. Consideration must be given to the parent's resources/income, insurance, and/or Medicaid. Providers who have sliding scale fees should be used if appropriate and available. Requests are reviewed on a case-by-case basis. OCS will provide mental health assessments in areas where there is an OCS Mental Health Clinician and exhaust alternative resources provided by other agencies in areas where there is no OCS Mental Health Clinician. OCS may pay the cost of one drug and alcohol assessment , unless additional assessments are required or justified in the case plan or OCS has been court ordered to provide additional treatment. OCS may pay for counseling or therapy services only when it is necessary to maintain a child in the child's own home or return a child to the child's own home. OCS may pay for travel to treatment center once per year for each type of treatment.
Shipping & Freight Costs (Child's belongings only)	Shipping and freight costs to send child's personal belongings to specific placement.	Licensed Foster Care Residential Care Unlicensed Relative Placement	May not exceed \$1,000/child. Limited to one time.
Special One Time Equipment, Furniture, and Services	Special equipment and one time items which may consist of special cribs, beds, mattresses, or other items or services that are not needed for medical reasons.	Licensed Foster Care Residential Care Unlicensed Relative Placement	The item or service must be child specific, part of case plan, and follow the child. May not exceed \$1,000/child 12-month period for foster parents. May not exceed \$350/child per placement for unlicensed relative. No reimbursements for general furnishings in foster or unlicensed relative homes. Available resources must be exhausted.

TYPES OF SERVICES	DEFINITION OF SERVICES	AUTHORIZED PLACEMENT	CRITERIA
Travel – At-Risk Child	Travel required for the completion of an investigation.	Child At Risk	Consideration must be given to whether the child has Medicaid, the parents'/guardian's/Indian custodian's ability to pay for necessary travel, and the parent, legal guardian, or Indian custodian must provide documentation that all other community resources have been exhausted.
Travel – Parents/Legal Guardians/Indian Custodians Visit with Child in Out-of-Home Care	OCS may provide travel for the parent/guardian/custodian to visit a child in out-of-home placement.	Licensed Foster Care Residential Care Unlicensed Relative Placement	The visit must be required by the case plan as necessary for transition from foster care to returning home, and consideration must be given to parent's ability to pay for necessary travel. Could include airfare, cab, or bus fare. A Travel Authorization (TA) and a memorandum of agreement (MOA) are required.
Travel – for Child in custody and in out-of-home care other than visits with family	Child in custody and placement travel over 50 miles from their placement.	Licensed Foster Care Residential Care Unlicensed Relative Placement	Full payment for child's travel; if being placed out of state, ICPC must be prior approved; does not include travel for medical reasons which may be covered by Medicaid. Travel for vacations with foster parents are limited to one trip per 12 month period, and must consider base rate, and will consider child's transportation costs. OCS will not pay for rental cars, mileage reimbursement, or meals. Partial hotel rates may be paid for the foster child, but cannot exceed 100% of daily foster care rate.
Travel - Non-Employee Escort		Licensed Foster Care Residential Care Unlicensed Relative Placement	Requires TA, MOA (for non-employee escort), and Authority to transport (06-9717)

TYPES OF SERVICES	DEFINITION OF SERVICES	AUTHORIZED PLACEMENT	CRITERIA
Travel – Placement or Pre-Placement Expenditures for child in custody	OCS may pay for pre-placement and placement travel expenditures.	Licensed Foster Care Residential Care Unlicensed Relative Placement	OCS may pay up to 100% of expenditures for transportation when a child is placed in an out-of-state placement if the placement is required by the case plan, the social worker has an ICPC approval from the receiving state prior to travel, and consideration has been given to the parents'/guardian's/Indian custodian's ability to pay for necessary travel of their child to visit with them. The ICPC approval must be for ALL children traveling to an out-of-state placement to ensure that educational and medical services may be provided by the receiving state.
UA Testing	Drug testing.	Licensed Foster Care Residential Care Unlicensed Relative Placement Child At Risk Candidate for Foster Care	Must be justified by case plan, and is time limited.
Visitation – Paid supervision	Supervision by a third party when children in state custody visit their parent(s), legal guardian, or Indian custodian.	Licensed Foster Care Residential Care Unlicensed Relative Placement	Must use OCS Family Support programs where available; if grant programs are not available, an agency can charge no more than \$15 per hour to supervise visits; no additional payments to grantees offering services. No additional payments will be made to tribal, village, or non-profit/for-profit organizations for providing this service to the families they serve.
Visitation – Travel for child in custody and in out-of-home care to visit family	Family visits, including funerals, weddings, reunions, pot latches, or other family traditions. May include client travel with pre-adoptive families.	Licensed Foster Care Residential Care Unlicensed Relative Placement	Requests will be reviewed on a case-by-case basis. Visits should be supported by the child's case plan which should substantiate the need for the visit.

TYPES OF SERVICES	DEFINITION OF SERVICES	AUTHORIZED PLACEMENT	CRITERIA
Visitation with Family – Long Distance telephone cards for the child	One time purchase of phone cards to enable frequent contact between the biological parent(s)/legal guardians/Indian custodians, siblings, and child.	Licensed Foster Care Residential Care Unlicensed Relative Placement	\$225 per child and family for per 12-month period towards purchase of a phone card or long distance telephone charge; must be part of the visitation plan. The calls must be under the supervision of the foster parent/unlicensed relative caregiver.

- c.. OCS will consider the need of other expenditures under extenuating circumstances when the request is consistent with the case plan and has been reviewed by the Children's Service Manager. Examples are phone cards for parents, legal guardians, or Indian custodians or excessive daily transportation by licensed foster parent (in this context, "excessive" means over 50 miles per week). This service will be used only after other options and assistance programs have been exhausted.
- d.. The following are examples of services not normally paid for by OCS. Payment of the services will be handled on a case-by-case basis and requires prior approval by the Children's Services Manager. If the court has not ordered the following services, OCS does not have the legal authority to pay for the services with special needs funds:
 1. Housing (Rent/Utilities) for Parents/Legal Guardians/Indian Custodians (may be available through Alaska Housing Authority)
 2. Assessment Services for Parents/Legal Guardians/Indian Custodians (more than one in a twelve month period - one assessment every twelve months may be approved to meet reasonable efforts requirements)
 3. Training for Parents/Legal Guardians/Indian Custodians (Parenting Classes, Anger Management) (services provided through grant programs)
 4. Travel for Parents/Legal Guardians/Indian Custodians (except for child visitation with parents/guardian/custodian, or travel to treatment (considered on a case-by-case basis to meet reasonable efforts requirements)
 5. Specialized Treatment for Parents/Legal Guardians/Indian Custodians and Associated Room and Board
- e. NOTE: The following costs are not to be included in the Special Needs Funds Request:
 1. The following are administrative costs which may be paid by OCS through a different process. Contact the Administrative Support Unit in State Office for information.
 - A. Advertising for Foster Parent Recruitment-Specialized Care
 - B. Home Study Fees (except as described in (b)(1) above)

- C. Home Study Fees – ICWA Worker/Tribe
 - D. Home Study Transportation/Lodging Fees (except as described in (b)(1) above)
 - E. Home Visit Fees – ICWA Worker/Tribe
2. The following costs will not be paid through special needs by OCS:
- A. At-Risk Child Participation in Vacation with Parent, Legal Guardian, or Indian Custodian
 - B. Energy/Oil
 - C. Foster Care and Emergency Placements in Unlicensed Facilities
 - D. Furniture/Furnishing for Foster Care Placement
 - E. Furniture/Furnishings for Parents, Legal Guardians, or Indian Custodians
 - F. Mediation Services
 - G. School Trips for at-Risk Children Living with Parents/Legal Guardians/Indian Custodians Parent(s)
 - H. Shipping Oil from One Village to Another
 - I. Telephone Installation/Deposits (unless needed for medically fragile children)
 - J. Transportation for Therapist/Counselors for Family Therapy
 - K. Welfare Check Fees – ICWA Worker/Tribe
 - L. Moving Expenditures
- f. After a need for services or goods has been established, the worker will explore other resources for payment.
1. Medical:
- A. Parents of children in custody are expected to be responsible for necessary medical, dental, diagnostic and therapeutic services for their child. Therefore, consideration must be given to the parent's ability to pay for the necessary services or goods.
 - B. Many children in custody are eligible for Medicaid. If a child is eligible to receive Medicaid benefits, payment for medical, dental, diagnostic and therapeutic care of a child placed in out-of-home care by OCS will be made through the Medicaid program with a Medicaid provider.
 - C. Other resources which children may be eligible for include TRICARE and the Alaska Native Health Service.
2. Treatment and Counseling Services: Community based services include local mental health agencies, family and individual counseling services, drug and alcohol treatment programs, anger management programs, parenting and child rearing classes, in-home assistance programs, programs for children and adults with

developmental disabilities, Vocational Rehabilitation, Veterans Administration, counseling services for native families, homeless shelters, and battered women's shelters. Most of the above services are only located in urban areas. Some services are available through OCS/DHSS grants.

- g. When all other resources are exhausted, a request for special needs funds may be in order for on-going, one-time, or short-term costs.
1. The worker will request funds for one-time/short-term needs in ORCA .
 2. Request for Funds must include:
 - A. Worker's assessment of need;
 - B. Length of time the worker expects individual/ family to need services;
 - C. The time period of the request (may not exceed 3 months, except for licensed child care which may be approved for up to six months);
 - D. Goals to be accomplished during the time period requested;
 - E. Explanation of resources checked and why no other resources are available;
 - F. estimate of total expenditure.
 3. No purchase of goods or services may be made prior to approval with the exception of life endangering emergencies.
 4. Approval Process for Special Needs Requests except Requests for Independent Living Services: Supervisors or Social Worker IVs, Staff managers or Social Worker Vs, and Children's Services Managers, who have completed the Special Needs Purchasing Authority Training and been granted delegated authority to approve special needs requests have authority to approve special needs requests at the following levels:
 - A. Supervisors or Social Worker IVs may approve expenditures up to \$300 with the exception of licensed daycare, which may be authorized up to \$550 per month, for up to six months..
 - B. Staff managers or Social Worker Vs may approve expenditures up to \$1,000, with the exception of licensed daycare, which may be authorized up to \$550 per month, for up to six months.

- C. Children's Services Managers may approve expenditures over \$1,000.
5. Approval Process for Special Needs Requests for Independent Living Services
- A. Children in Custody:
 - i. The assigned worker submits the request to the Regional Independent Living Specialist through their supervisor.
 - ii. The Regional Independent Living Specialist has authority to approve requests up to \$1,500 for children in custody.
 - B. Former Foster Youth:
 - i. When a former foster youth who is no longer in custody requests independent living services, the Regional Independent Living Specialist will complete the Request for Special Needs Funds, using the paper form, and submit the request to the Independent Living Coordinator for approval.
 - ii. The Independent Living Coordinator has authority to approve requests up to \$1,500.
6. Whenever possible, a state vendor should be used.
7. Once the worker has completed a Request for Special Needs Funds and has received approval, payment may be made in two ways:
- A. If a vendor will be paid directly, the worker completes a Purchase Authorization (06-9710) which is provided it to the vendor when purchases are made. The vendor submits the Purchase Authorization and an original or certified true copy of the invoice to the regional fiscal office for processing payment; or
 - B. If the foster parent provides an original or certified true copy of the invoice from the vendor, the foster parent is reimbursed for the cost.

6.2.2.8 CLOTHING

AUTHORITY: AS 47.05.60 Purpose and Policy Relating to Children, AS 47.14.100 Powers and Duties of Department Over Care of Child, AS 47.10.130 Payment of Costs, AS 47.10.080(c) Judgments and Orders, 7 AAC 50.340(e) Discharge in Full Time Care Facilities, 7 AAC 50.430(i) Program in Foster Homes, 7 AAC 53.310 Clothing.

POLICY: Needs of the child, including clothing will be met. The worker will ensure that the child's clothing needs are met and tracked during out-of-home placements. Clothing purchased for the child's needs, either by the division directly, or by out-of-home care providers using funds from the agency, become the property of the child.

PROCEDURE:

a. Clothing Inventory:

1. Prior to or at the time of placement, an inventory will be made by the worker and the foster parents or residential care provider, of the child's clothing supply. Refer to the Clothing Inventory form (06-9741) for recommended guidelines for clothing supplies.

b. Initial placement clothing:

1. If a minimally adequate supply is not available, the worker will complete a Request for Special Needs Funds form (06-9695 - 06-9697), requesting authorization to purchase clothing to bring the initial supply up to the minimum level. The child should participate (as appropriate to his age) in the purchase of clothing needed. Clothing purchased should be well-fitting, attractive, seasonable, appropriate for the child's age, sex, and individual needs, comparable to that worn by other children in the community. The clothing is for the maintenance of the child, and does not include accessories such as jewelry, perfume, hair spray, fingernail polish, or makeup.
2. If the child had clothing which the child has lost or mislaid, a reasonable effort will be made to secure the return of such clothing before requesting additional funds for clothing.
3. Each child taken into custody is allowed no more than \$300 for the purchase of clothing, based on documented need. Up to \$100 may be dispensed while in emergency care; the remaining amount of \$200.00 may be expended while a child is

in standard foster care. However, no foster parent will receive the maximum amount of \$300.00 in a lump sum without detailed justification from the social worker.

3. No purchase may be made prior to approval. Whenever possible, a state vendor should be used. After approval, the worker then completes a Purchase Authorization form (06-9710) and gives it to the vendor or the foster parent.
 4. Supervisors or Social Worker IVs who have completed the Special Needs Purchasing Authority Training and been granted delegated authority to approve special needs requests have authority to approve purchase of initial clothing for up to \$300.
 5. After prior approval, foster parents may purchase clothing and be reimbursed or the vendor may bill the division directly.
 6. Billings must be itemized and indicate the name of the client and be signed by the purchaser. An itemized receipt must be submitted for reimbursement. The funds cannot be used for items which do not pertain to the child's clothing, for example perfume, jewelry, hair spray, fingernail polish, makeup, etc.
 7. Since clothing in the bush is very expensive, foster parents or social workers could send a child's size to an organization or another office and clothes could be purchased and then sent to the child. Alternative sources may be developed in individuals communities. (A voucher system could be established with charitable organizations and clothing banks in certain areas, as long as the clothing purchased was in good shape and current in style).
- c. Subsequent clothing purchases: Routine replacement of clothing and supplementation of initial placement clothing is the responsibility of the foster home or residential child care provider, to be purchased from the payment received for the care of the child. Approximately 10% of the foster care base rate payment per month should be used to purchase clothing for the child. It is recommended that prior to approving any additional clothing reimbursement requests for a child in out of-home-care the Region request supporting documentation from foster care providers showing that 10% of the foster care funds were spent on the child's ongoing clothing needs.
1. The foster parents or residential child care provider will complete a Clothing Inventory form (06-9741), and submit it to the worker at the time of change of placement.
 2. For children being discharged from a foster home or a residential child care facility, suitable clothing should include at least three complete sets of clean and seasonable attire, one warm coat or insulated jacket, one pair of shoes in good repair and

appropriate to the season, and one pair of gloves and one hat. For an infant, two or more warm blankets may replace the outerwear in the suitable clothing list.

3. When a child leaves a placement, all clothing belonging to the child will be sent with him/her, or made available to the child as soon as possible.
4. If the child leaves a placement with inadequate clothing, the worker will assess the reason. If the foster parent or residential child care provider failed to obtain or maintain necessary clothing, the worker may replenish the supply by:
 - A. Requesting that the care provider purchase the necessary clothing, or
 - B. Completing a Request for Funds form to request additional clothing.

d. Extraordinary Need for Clothing:

1. A request for additional clothing may be submitted through special needs for the following:
 - A. Medical needs;
 - B. Extreme emotional/psychological needs, including clothing necessary for self-esteem and psyche as long as it is justified in the case plan.
2. The need for extra clothing must be justified by the case plan, and a Clothing Inventory must be completed to document the need. Examples of documentation which supports justification include receipts from the care provider that they have spent 10% or more of the foster care payment on clothing; doctors notes. (Medical needs may be part of the augmented rate if the need is ongoing.)
3. Approval for purchasing additional clothing for a chronic runaway teenager (ages 12 and up) must be justified by the case plan and is limited to \$300 in a twelve month period.
4. For in-home placements, the parents' ability to pay for the clothing must be considered.
5. To request approval for extraordinary clothing, the worker completes a Special Needs Funds form (06-9695 - 06-9697) and submits it for approval.

- e. Once the worker has completed a Request for Special Needs Funds form and has received approval, payment may be made in two ways:

1. if a vendor will be paid directly, the worker completes a Purchase Authorization (06-9710) which is provided to the vendor when purchases are made. The vendor submits the Purchase Authorization and an original or certified true copy of the invoice to the regional fiscal office for processing payment; or
2. if the foster parent provides an original or certified true copy of the invoice from the vendor, the foster parent is reimbursed for the cost.

6.2.2.9 DAMAGES AND LOSS – REIMBURSEMENT TO FOSTER PARENTS

AUTHORITY: AS 47.14.100 Powers and Duties of Department Over Care of Child, 7 AAC 53.110 Damages and Loss,

PURPOSE: To define the circumstances under which foster parents can be reimbursed for costs for damages or loss caused by a foster child in their care.

POLICY:

- a. Modest damages and loss costs are normal in the care of children, and are included in the base rate.
- b. OCS will, under certain circumstances, reimburse foster parents for extraordinary damages or loss beyond normal loss and damages. Reimbursement may be made to a foster parent for a direct financial loss resulting from physical injury to a member of the foster family's household inflicted by the foster child or damage to or theft of property by a division-placed foster child and not covered by an insurance policy or restitution agreement. Payment is limited to no more than \$5,000.
- c. Requests for reimbursement for foster parent damage/loss will be considered under the following circumstances:
 1. The loss exceeded that which a parent might encounter in caring for a child not in foster care;
 2. The foster parents were providing adequate supervision and exercised reasonable precautions, taking into account the child's age, maturity, and behavioral history;
 3. The loss was not provoked by the actions or statements of the foster parent;
 4. The loss was caused by a child in the foster home who, at the time, acted deliberately with malicious intent, or with gross carelessness;
 5. The damage or loss is not covered by any insurance protection the foster parent has;
 6. The incident resulting in financial loss was reported to OCS by the foster parent within 72 hours. If the loss, was caused by theft, criminal mischief or other criminal conduct, it must have been reported to the law enforcement agency having jurisdiction;

7. The foster parents have submitted a completed Foster Parent Report of Stolen/Damaged Property or Personal Injury (06-9440), within a reasonable period following the damage or loss;
 8. Adequate worker action has been taken to have the child assume responsibility for his/her actions. The worker may assist in facilitating restitution to be paid by the child in lieu of payment by OCS. That facilitation may include an agreement with law enforcement, the courts, or the Division of Juvenile Justice;
 9. The damage or loss exceeds \$100 for a single event or \$150 cumulative each month, however reimbursement is limited to \$5,000.
- d. While foster parents are not required to have insurance, it is expected that foster parents will have standard insurance coverage, such as homeowner's insurance. The \$5,000 reimbursement limit for damages and loss may be applied toward a foster parent's insurance deductible.
 - e. Special needs request procedures are used to request/receive approval for reimbursement for damages/loss. See section 6.2.2.7 Request for Special Needs Funds.

PROCEDURE:

- a. In order to be reimbursed for damage/loss, the foster parent must submit a completed Foster Parent Report of Stolen/Damaged Property or Personal Injury (06-9440) to OCS. When required, a police report must be submitted with the request.
- b. Upon receipt of a damage/loss report, the worker will
 1. review the request that to ensure that the circumstances of the damage/loss meet the requirements;
 2. take action to have the child assume responsibility for his/her actions. This may include facilitating restitution to be paid by the child in lieu of payment by OCS and may include an agreement with law enforcement, the courts, or Division of Juvenile Justice. If damage is intentional, the worker will request permission from the court to release PFD Funds.;
 3. submit the report form and police report to the supervisor and, if the circumstance of the damage/loss meet the requirements, complete a request for reimbursement in ORCA.
- c. The approval and payment process addressed in section 6.2.2.7 Request for Special Needs Funds will be used.

6.2.2.11 REQUEST FOR INDEPENDENT LIVING INDIVIDUAL FUNDS FOR YOUTH IN CUSTODY AND YOUTH NO LONGER IN CUSTODY

AUTHORITY: AS 47.18.300 Foster Care Transition Program; 7AAC 53.350 Independent Living, 42 U.S.C. 677 John F. Chafee Foster Care Independence Program

PURPOSE: To provide goods, services, individual funds and other supports to eligible youth to support their transition to self-sufficiency.

POLICY:

- a. Two types of financial assistance are available to facilitate the transition from foster care to self-sufficiency: Independent Living Funds and Education and Training Voucher Funds:
 - 1. Independent Living Funds: For purchase of goods and services to successfully facilitate the transition from out-of-home care to independent living. Youth must have completed an Ansell-Casey Life Skills Assessment within one year prior to the request. Eligible youth that are no longer in custody can access funds up to age 21. These funds are not considered an entitlement and are approved only on an as needed basis.
 - 2. Education and Training Voucher (ETV) Funds: For post-secondary or vocational training. Youth must be accepted into a qualifying institution of higher education. The maximum amount a youth can access is \$5,000 per academic year for a total of 8 semesters. The total funds approved cannot exceed the total cost of education related expenses for the academic year. Youth may access funds up to age 23 if they started their post-secondary education by age 21.
- b. Eligibility Criteria: The following eligibility criteria have been established for Independent Living services/supports and funds.

Eligibility for Individual Independent Living Funds			
Age Served	Status	Services	Eligible for Individual IL Funds
In custody age 16 to 18+	Youth was in custody and out-of-home placement on or after their 16 th birthday for a period of 6 consecutive months.	ACLSA at age 16 and exit plan at age 17 g	Yes, IL funds can be requested from RILS on broad categories including Education, Employment, Life Skills Training, Extra-Curricular Activities, and Cultural Events

Out of custody age 16 to 21	Youth was in custody and out-of-home placement on or after their 16 th birthday for a period of 6 consecutive months (beginning at age 16)	Referrals for services, supports	Yes
Exceptions: Funds for Housing for out of custody youth Age 18+	Youth was in custody and out-of-home placement on or after their 16 th birthday for a period of 6 consecutive months (beginning at age 16) and aged out of foster care at age 18 or older.	Referrals for services	Yes. Housing supports are restricted to criteria identified in benefits chart.
Exceptions: Youth adopted or placed in guardianship	Adoption or guardianship is disrupted and youth comes back into custody and out-of-home placement on or after their 16 th birthday (no restriction on the number of months in care).	ACLSA at age 16, exit plan at age 17 to address life skills, goals for education, employment, housing, etc.	Yes (out of custody funds).

Eligibility for Education and Training Voucher Funds			
Age Served	Status	Services	Eligible for ETV funds
In custody age 16 +	Youth was in custody and in out-of-home placement for a period of 6 consecutive months, accepted into a qualifying institution of higher education, participating in IL program.	ACLSA to identify education and employment goals.	Yes, if youth has obtained their GED or high school diploma .
Out-of-custody age 16 to 23	Youth was in custody and out-of-home placement for a period of 6 consecutive months, accepted into a qualifying institution of higher education, and entered the program by age 21.	ACLSA to identify education and employment goals.	Yes, if the youth has obtained either a GED of their high school diploma

Exception: Youth adopted or placed in guardianship after age 16 (may access funds up to age 23)	Youth was in custody and adopted or placed into guardianship after age 16 and accepted into qualifying institution of higher education.	ACLSA to identify education and employment goals.	Yes if youth has obtained either a GED or their high school diploma.
Exception: Youth adopted or placed in guardianship	Adoption or guardianship is disrupted and youth comes back into custody and out-of-home placement on or after their 16 th birthday, and is accepted into a qualifying institution of higher education.	ACLSA to identify education and employment goals.	Yes, if youth has obtained their high school diploma or a GED.

- c. Funding categories: Independent Living funds and Education and Training Voucher funds can be provided for education, employment, extra curricular activities, cultural activities, and life skills development.

PROCEDURES:

a. Independent Living Funds

1. Youth in Custody

- A. The youth completes a request for funds application or discusses the funding need with either the assigned worker or the Regional Independent Living Specialist (RILS).
- B. Either the assigned worker or the RILS completes the request in ORCA. If the assigned worker completes the request, the worker submits it to the RILS through their Supervisor.
- C. The RILS determines whether the request fits within the Independent Living funding categories. The determination of funding will be made by availability of funds. RILS may approve expenditures up to \$1,500 for youth in custody.

2. Youth No Longer in Custody

- A. The youth completes a request for funds application or discusses the funding need with the Regional Independent Living Specialist (RILS).
- B. The RILS generates the request either through ORCA or by completing a paper out of custody request for funds and submits the request to the Independent Living Program Coordinator.
- C. The Independent Living Program Coordinator determines whether the request fits within the Independent Living funding categories. The determination of funding will be made by availability of funds. The Independent Living Program Coordinator has authority to approve requests up to \$1,500.

b. Education and Training Voucher (ETV) Funds

1. Youth in Custody

- A. The RILS, the assigned worker, or the care provider assists the youth in completing the ETV application, gathering the supporting documentation, and submitting the application to the Independent Living Coordinator through the RILS. The application form and instructions can be obtained through the RILS.
- B. The application is reviewed by the Independent Living Program Coordinator who has authority to approve up to \$5,000 per academic year.

2. Youth No Longer in Custody

- A. The youth completes the ETV application, gathers the supporting documentation, and submits the application to the Independent Living Coordinator either directly or through the RILS. The application form and instructions can be obtained through the RILS.
- B. The application is reviewed by the Independent Living Program Coordinator who has authority to approve up to \$5,000 per academic year.

- c. If a worker is contacted by a youth no longer in custody who is in need of independent living services or funds, the client should be referred to the RILS.

6.2.3 FINANCIAL: OTHER

6.2.3.1 INCOME AND ASSETS OF CHILDREN IN CUSTODY

6.2.3.1.A GIFTS FOR CHILDREN IN OCS CUSTODY

AUTHORITY: AS 18.05.030(3) Cooperation with Federal Government, 7 AAC 53.360 Unearned Income of Children in State Custody, 7 AAC 50.425(m) Program in Residential Child Care Facilities, 7 AAC 50.430(f) & (g) Program in Foster Homes

POLICY: A gift for a child in custody may be accepted on behalf of the child. Any gift given for tax purposes should be acknowledged in writing to the donor with an authority reference to AS 18.05.030(3).

PROCEDURE: The thank you letter should not reference that the gift is tax deductible, but should state what the gift is and the estimated value of the gift.

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6.2.3.1.B INCOME OF CHILDREN IN OCS CUSTODY

AUTHORITY: AS 47.10.084 Legal Custody, Guardianship, and Residual Parental Rights and Responsibilities, 7 AAC 53.360 Unearned Income of Children in Custody, 7 AAC 50.425(m) Program in Residential Child Care Facilities, 7 AAC 50.430(f) & (g) Program in Foster Homes

POLICY: When a child in custody under the age of 18 has earned or unearned income, a trust fund or bank account should be set up. (Regarding receipt of benefits, e.g. Social Security, SSI, or Veteran's benefits, see Administration Chapter, section 6.2.1.1 Benefits for Care and Maintenance of Children). The division can be the custodian of clients' funds or have joint bank accounts with clients, but individual workers cannot.

PROCEDURE:

- a. Trust fund or bank account: When a child in out of home placement earns money or receives a substantial amount of money e.g. as a gift, the foster parent or facility staff may assist the child in setting up a bank account in the child's name. In some situations it may be appropriate to set up the account so that both the child's and her foster parent's or guardian's signature is required for withdrawal purposes.
- b. Effect on child's eligibility for Medicaid and Title IV-E: Any changes in a child's income or resources must be reported to the Division of Public Assistance on a Report of Change form (06-3679B).
- c. Filing of Tax Return: When a child has income and/or resources which are liable to income tax, an income tax return must be filed. The responsibility for filing the tax return depends on the child's circumstances.
 1. When a child has been released from custody and returned to the parents, the parents are responsible for filing the tax return.
 2. When a child has been released from custody upon reaching age 18 or emancipation, the child is responsible for filing the tax return.
 3. When a child is in OCS custody and placed at home, the parents should help the child to file the tax return.
 4. When a child is in division custody and in an out of home placement, and the parents do not claim the child as a dependent or the parents do not file an income tax return,

the foster parent or facility or placement agency should assist the child in completing and filing the return.

5. 1-4 above applies when money is released from a PFD trust account.

6.2.3.1.C PROTECTION OF CHILDREN'S MAJOR ASSETS

AUTHORITY: AS 13.26, Article 4, Protection of Property of Persons Under Disability and Minors

POLICY: When a child in custody under the age of 18 receives any funds (i.e., prior-to-custody Permanent Fund Dividends, death benefits, money gifts), a conservatorship should be established.

PROCEDURE: In cases of any child in custody receiving death benefits or other funds mentioned above, a conservatorship should be set up by the GAL. If the GAL is unwilling or unable to do so, the worker should consult with the division's attorney.

Resources may effect a child's eligibility for Medicaid and Title IV-E. Any changes in a child's resources must be reported to the Division of Public Assistance on a Report of Change form (06-3679B).

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6.2.3.2. PERMANENT FUND DIVIDEND

6.2.3.2.A APPLYING FOR THE PERMANENT FUND DIVIDEND (PFD)

AUTHORITY: AS 47.10.080 (c)(1) or (c)(3) Judgments and Orders, AS 47.10.084 Legal Custody, Guardianship, and Residual Parental Rights and Responsibilities, AS 43.23.015(e) Application and Proof of Eligibility, 15 AAC 23.113(f) Application on Behalf of a Child, 15 AAC 23.223(i) Payment of Dividends

PURPOSE: To provide guidelines for the management of Permanent Fund Dividend (PFD) for children in custody.

POLICY:

- a. Workers will apply for the PFD of each child who is in the legal and physical custody of OCS on December 31st and who is reasonably expected to remain in OCS custody beyond the end of the PFD application period.
- b. The division will deposit all PFDs received into an earnings generated trust account. PFD accounts for children whose name has been changed due to adoption are accessed under the child's birth name until or unless the adoptive parents submit the adoption decree to the Department of Revenue. Upon receipt of an adoption decree, the Department of Revenue will change the name on the account to the adopted name.

PROCEDURE:

- a. State Office will distribute an electronic database of PFD applications for all children in custody on December 31 of the year preceding the application year.
- b. The worker will review their caseload and determine which children are expected to remain in custody from December 31 through the PFD application period. Workers will also notify the PFD Section if a child is missing from the list.
- c. Notification to Parent/Legal Guardian: If it is determined that OCS will not apply for the PFD for a child in the custody of OCS, the worker will advise the parent/guardian of the division's determination not to file for the PFD. This is done with the form letter located in ORCA. A copy is retained in the child's case file and a copy forwarded to State Office.
- d. Preparation of Application:

1. For each child for whom the determination has been made to file an application the worker will complete the child specific PFD application according to instructions provided at time of filing.
 - A. A certified copy of the child's birth certificate must be attached for all first time PFD applicants. Prior application by parents or the division meets this requirement. Birth certificates for children born outside of Alaska must be obtained.
 - B. A social security number for the child must be obtained. If a social security number is not provided, 31% of the child's dividend will be held for federal taxes. If a child does not have a social security number, the worker will apply for the child's Social Security card.
 2. The worker will place a copy of the completed PFD application in the child's case file.
 3. The PFD electronic application will be processed at State Office and all supporting documents will be forwarded to State Office according to the mailing instructions.
- e. Notification of Ineligibility:
1. If the Department of Revenue determines the child ineligible for the PFD, the designated State Office representative will determine whether appeal is warranted.
 2. The State Office representative will notify the worker of the denial and, if applicable, the appeal.
 3. The worker is responsible for notifying the child and the child's parents.
- f. If Department of Revenue requests additional information to determine eligibility, the worker will work expeditiously with State Office staff to provide the information.
- g. Change of Address: If prior to payment of a child's Permanent Fund Dividend the division obtains legal custody of the child, OCS will request the Department of Revenue to redirect the child's PFD to the DHSS PFD trust account through the following procedure:
1. Complete form 04-0483 Name and Address Change or Social Security Number Addition.
 2. Send the change of address form to the State Office PFD Section. State Office will forward the paperwork to the Department of Revenue.

- h. The OCS State Office will deposit all PFDs received into an earnings bearing trust account in the child's name and will track all deposits and withdrawals from that account. The Department reports the interest generated on the account of the child and the name of the child to the IRS.

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6.2.3.2.B RELEASING PERMANENT FUND DIVIDEND (PFD) TRUST ACCOUNT FUNDS

AUTHORITY: AS 47.10 Children in Need of Aid, AS 47.10.115 (a)-(c) Permanent Fund Dividend, AS 13.26.090 Purpose and basis for guardianship.

PURPOSE: To delineate the process for releasing Permanent Fund Dividend (PFD) trust accounts.

POLICY:

- a. The OCS primary worker is responsible for assuring that funds are appropriately released during and following custody.
- b. Earnings from Permanent Fund dividend trust accounts for children in the custody of the Department continue to accrue until such time that the account is legally released. Money from a trust account may only be released under the following circumstances:
 1. the child has been released from legal custody; or
 2. the child has reached age 18; or
 3. a release is requested of the court and so ordered for purposes consistent with sound case management; or
 4. a release for payment of restitution has been ordered by the court; or
 5. the child is residing in the physical custody of a parent or guardian and a court order for supervision only is obtained.
- c. Timelines for Releasing Funds
 1. For children who are not entering adoptions or guardianships the funds are released when the requested documentation is submitted to the State Office PFD Section and the request has been processed.
 2. For children who are adopted, Alaska statute requires that trust account funds be retained by the Department for one year following the adoption. An exception to the one-year requirement may be made only upon court order that earlier release is in the

best interest of the child.

3. For children entering guardianships, Alaska statute requires that trust account funds for the minor child be retained by the Department until the child reaches the age of 18. Under current Alaska statute, there is no provision for early release of trust accounts for children in guardianships.
- d. Money released from a PFD trust account is taxable income and is subject to federal income tax laws. The responsibility for filing the tax return depends on the child's placement status at the time of the release. Family members should be directed to appropriate tax information resources.

PROCEDURES: PFD trust account funds are released as described below.

- a. For all children / youth, other than those entering adoptions or guardianships, the following procedures apply:
 1. When a court has ordered PFD trust funds to be released, the worker will submit the following documents to the State Office PFD section, and retain a copy in the child's case record:
 - A. Submit a Request for Release of Permanent Fund Dividend through ORCA and fax a copy of the signed release request. The payee on the request should be the child, unless the court orders otherwise. If unable to submit the request through ORCA, submitting a signed hard copy of form 06-9015 (Request for Release of Permanent Fund Dividend) is acceptable; and
 - B. If the child has been released from custody, fax a copy of the release from custody order, or
 - C. If the child is still in custody but the court has ordered release of funds, fax a copy of the court order releasing the funds.
 2. If a child in custody dies, see section 6.5.11 Death of a Child in Out-of-Home Care for procedures for releasing the child's trust account. Contact the State Office PFD Section for assistance.
 3. The worker will inform family members that money released from a PFD trust account is taxable income and is subject to federal income tax laws and will direct family members to appropriate tax information resources.

4. When money is released through a court order while the child is in the legal and physical custody of the department and in an out of home placement, the OCS worker is responsible for directing the foster home, residential facility, or placement agency to appropriate tax information resources.
 5. When money is released from a PFD trust account by court order while the child is in the custody of the Department and in an out of home placement, the State Office PFD Section will notify the OCS Eligibility Technician. The money is treated as available income and may impact the child's eligibility for Medicaid and Title IV-E.
 6. If a worker is contacted by a former OCS client, who is now an adult, about their PFD trust fund, the worker will refer the individual to the PFD Section in State Office.
- b. For children / youth entering adoptions, the following procedures apply:
1. Before closing the case, the worker will submit a Request for Release of Permanent Fund Dividend through ORCA. The payee on the request should be the child/youth, unless the court orders otherwise. The worker will also fax a copy of the signed release request, along with a copy of the release from custody order, and if adoption with name change, a copy of the adoption decree, to State Office PFD section, and retain a copy in the child's case record. If unable to submit the request through ORCA, submitting a hard copy of the form 06-9015 (Request for Release of Permanent Fund Dividend) is acceptable.
 2. The worker will inform the adoptive parent(s) of the statutorily required retention time of the child's trust account funds.
 3. OCS State Office PFD Section will track this requirement and will release the funds immediately after the requirement is met.
- c. For children / youth entering guardianships, the following procedures apply:
1. Before closing the case, the worker will submit a Request for Release of Permanent Fund Dividend through ORCA. The payee on the request should be the child, unless the court orders otherwise. The worker will also fax a copy of the signed release request, along with a copy of the release from custody order to State Office PFD section, and retain a copy in the child's case record. If unable to submit the request through ORCA, submitting a hard copy of the form 06-9015 (Request for Release of Permanent Fund Dividend) is acceptable.

2. The worker will inform the guardian(s) of the statutorily required retention time of the child's trust account funds.
3. OCS State Office PFD Section will track this requirement and will release the funds to the child immediately after the requirement is met.

6.2.3.2.C FAILURE TO FILE PERMANENT FUND DIVIDEND (PFD) APPLICATIONS

AUTHORITY: 15 AAC 23.133(b), (f), and (g) Application for a Prior Year Dividend

PURPOSE: To provide instructions for filing missed Permanent Fund Dividend (PFD) applications.

POLICY:

- a. OCS may submit a late PFD application on the child's behalf if the PFD was not applied for by the original deadline.
- b. Youth who have turned 18 or who become emancipated may apply on their own behalf. The division should advise the child and/or the child's family about this using the ORCA generated notification letter.

PROCEDURE:

- a. Youth over 18 or Emancipated:
 1. A youth may apply for their missed PFD directly to the Department of Revenue, PFD Division, following their 18th birthday but before their 19th birthday, or within one year of their emancipation, whichever is earlier, if they did not receive a PFD because DHSS or another sponsor neglected to apply on their behalf.
 2. The Department of Revenue may ask this youth for information about their missed PFD. If the information pertains to the youth's time in DHSS custody, OCS will provide the necessary information. State Office PFD staff will contact the worker for requested information.
- b. Child under 18 or Unemancipated:
 1. A worker who is aware that a PFD application was missed will notify the State Office PFD Section to initiate steps for a late filed application.
 2. If the State Office PFD Section discovers that an application was missed, the worker will be contacted.

3. When a PFD application has been missed, the worker will work expediently to resolve the matter, including providing State Office PFD Section with a memo that briefly explains the reason for not filing in a timely manner.
 4. The State Office PFD Section will apply for missed PFDs of children who remain under age 18 or unemancipated if they missed their PFD due to OCS negligence.
- c. The Department of Revenue determines eligibility for missed PFDs.

6.3 MEDICAL, DENTAL, VISION, AND MENTAL HEALTH

6.3.1 MEDICAL, DENTAL, VISION, AND MENTAL HEALTH CARE

AUTHORITY: AS 25.20.025 Examination and Treatment of Minors, AS 47.14.100 Powers and Duties of Department over Care of Child, AS 47.10.084(a) Legal Custody, Guardianship, and Residual Parental Rights and Responsibilities, AS 47.10.087 Placement in Secure Residential Psychiatric Treatment Centers, AS 47.30.690 Admission of Minors under 18 Years of Age, AS 47.30.775 Commitment of Minors, AS 47.30.838 Psychotropic Medication in Emergencies, 7 AAC 50.140(c) and (d) Reports, 7 AAC 50.300(a) and (g) Admission, 7 AAC 50.320(h) Admission in Residential Child Care Facilities, 7 AAC 50.440 Medication, 7 AAC 50.455 Health in Full Time Care Facilities, 7 AAC 50.610(c) Emergency Shelter Care in Full Time Care Facilities, 7 AAC 53.320 Medical, Dental, Diagnostic, and Therapeutic Services

PURPOSE: Ensure that the medical and mental health needs of all children with open cases are addressed.

POLICY: Children who are subject to case management services through OCS will receive appropriate medical, dental, vision, and mental health care. Parents should be involved in the medical care of their children and included in appointments and scheduled care.

PROCEDURE:

a. Investigation

1. Should a child who is the subject of an investigation need medical care, an appointment shall be requested within 24 hours.
2. If a petition for custody is filed after investigation, arrangements for a medical exam should be made at the earliest possible date. In cases where there is an immediate threat to the child's health, a medical exam should be arranged within 24 hours.

b. In-Home Cases

1. The assigned worker will assess and document the child(ren)'s medical, dental, vision, and mental health needs in the case plan.
2. The assigned worker will work with the parent(s) to ensure that the child's medical,

dental, vision, and mental health needs are met.

c. Out of Home Cases

1. Responsibilities of the Assigned Worker

- A. The assigned worker will assess and document the child(ren)'s medical, dental, vision, and mental health needs in the case plan, and ensure that referrals to services are made to meet the child's assessed needs.
- B. Unless it is determined to be contrary to the child's welfare, the assigned worker will ensure that the parents are consulted about and apprised of all medical and mental health care proposed for their children, prior to service provision if possible. The worker will document in the case file the contact, or attempted contact, with the parents. If notification is impossible due to emergency conditions, the parents will be contacted at the earliest possible time after the care has been provided.
- C. The assigned worker will provide the care provider with a completed Consent for Emergency and Routine Medical Care Form (06-9716), at the time of placement. If the placement is made by a law enforcement agency, the worker will provide the care provider with the completed form by the next business day. The worker must sign the form and give the most recent information available regarding the child's medical and mental health history to the care provider, including:
 - i. names and addresses of the child's health providers;
 - ii. record of the child's immunizations;
 - iii. child's known medical problems;
 - iv. child's medications; and
 - v. other relevant health information about the child.

If this information is not available, the worker will document the reason in the case file and provide the information to the care provider as soon as it becomes available.

- D. The assigned worker is responsible for ensuring that all children, at the time of initial placement out-of-home, are screened through the EPSDT (Early Periodic Screening, Diagnosis and Treatment) program by their primary provider or, if that is not possible, by an identified community provider. The care provider must schedule this screening within thirty days of initial placement.
- E. The assigned worker will ensure that preventative medical, dental and vision care is scheduled on an annual basis.

F. Consent for Non-Emergency Major Medical Care:

- i. The assigned worker must make reasonable efforts to contact all parents whose parental rights have not been terminated to obtain prior written consent for any non-emergency major medical care including, but not limited, to any form of surgery, general anesthesia, or psychotropic medication.
- ii. The assigned worker will attempt to notify the parents or legal guardians that their consent is needed to ensure their child receives appropriate medical care, and will assist the parents in contacting the medical provider so the parent can make an informed decision.
- iii. If parents are unwilling or unavailable to consent to treatment, the assigned worker must obtain a court order to consent to treatment.

G. Consent for Emergency medical care:

- i. The assigned worker, or out-of-home care provider, may give consent for emergency medical, mental health, dental, or surgical care when parent(s) or legal guardian cannot be reached.
- ii. When a child receives emergency major medical care and the parent(s) were unavailable to give consent, the assigned worker will inform the court and the parents of the circumstances and treatment provided. Copies of the report will be sent to all parties to the case.

H. Records

- i. The child's medical and mental health records will be located in the case file. The assigned worker will ensure that the child's records in the case file are kept up-to-date, including updated records provided by the care provider are filed in the case file.
- ii. When there is a change in placement, the assigned worker will obtain the medical and mental health records from the care provider, and give them to the new care provider or, if the child is returning home, to the child's parent(s).
- iii. When a child leaves foster care due to reaching the age of majority or being emancipated, the assigned worker will ensure that the record is supplied to the child at no cost at the time custody is released.

2. Responsibilities of Out-of-Home Care Providers

A. Initial Health Examination:

i. All Children:

Child over Three Years of Age: If the child has not been under regular medical supervision or has not had a health examination by a licensed physician, physician's assistant, or public health nurse within one year before placement, the full time care provider schedules an examination. The child must be examined within 30 days in accordance with the early periodic screening, diagnosis, and treatment (EPSDT) schedule set out in 7 AAC 43.452 and provides continuing medical and dental services according to that schedule.

Child under Three Years of Age: The full time care provider arranges for the examination of the child within 30 days of receiving the child for care, unless the child has had a health examination within three months of admission, and provides continuing care according to the EPSDT schedule. Vision care must also be explored in this time frame.

Records: The assigned worker will request the records from these assessments and follow up on needed services with the care provider. The care provider will provide records of all medical, dental and vision services to the assigned worker. The worker will maintain these records in the case file.

- ii. Additional requirement for children placed out-of-home under emergency circumstances: The out of home care provider completes an Emergency Shelter Care Health Review form (06-9372) at the time of placement. The out-of-home care provider secures any necessary medical or dental treatment for the child, immediately if necessary.

B. On-Going Care:

- i. Out-of-home care providers are expected to obtain routine medical, dental, and vision care for a child in accordance with licensing regulations and good care standards, and ensure that appointments for services for the child are kept.
- ii. The assigned worker is expected to arrange for payment in as timely a manner as possible. Prior worker approval is not required for routine

medical care.

- C. Administration of Prescription Medication and Special Medical Procedures: Out-of-home providers may administer prescription medication and special medical procedures to children in care only as authorized by a physician or other legally authorized person. Parental permission or a court order is also required for administration of psychotropic medication. If parental rights have been terminated, the assigned worker may approve administration of psychotropic medication following consultation with the supervisor, the OCS regional psychiatric nurse, and the GAL. The consultation and the resulting decision should be documented in the case file.
- D. Consent for Birth Control and Abortions: By state law, minors have the authority to give consent for diagnosis, prevention or treatment of pregnancy. Consequently, for a child in state custody consent by the child's parents, the department, or the out-of home care provider is not required in order for the child to obtain birth control prescriptions or intrauterine devices (IUD's) or for having an abortion.
- E. Authorization of Major Medical Care:
- i. The following are guidelines for defining major medical care:
 - Planned hospitalizations;
 - any procedure involving general anesthesia (may include dental procedures); NOTE: for very young children, general anesthesia may be used when tubes are being put in their ears;
 - administration of psychotropic medication, or any drugs prescribed for mental illness or behavioral problems.
 - ii. The out-of-home care provider may not consent to major medical care, including administration of psychotropic medication or any drugs prescribed for mental illness or behavioral problems, and must notify OCS to obtain proper consent.
 - iii. For administration of psychotropic medication, parental permission or a court order is also required, except in a crisis situation where a physician or nurse determines that immediate use of medication is required to preserve the life of, or prevent significant physical harm to, the patient or another person.
- F. Medical and Mental Health Emergencies

- i. Out-of-home care providers are authorized to arrange for emergency medical care (form 06-9716 Consent for Emergency and Routine Medical Care).
- ii. Out-of-home care providers must notify the worker immediately of incidents which are life threatening or require hospitalization. (Pregnancy of a child in care, and severe distress or depression of a child in care must be reported by the out-of-home provider no later than the first working day that it is known.)
- iii. In some cases (if indicated on the completed form 06-9716 Consent for Emergency and Routine Medical Care) the care provider may also contact the parent directly for consent.

G. Records:

Out-of-home care providers must:

- i. Maintain Consent for Emergency and Routine Medical Care Form (06-9716), signed by the assigned worker and received at the time of placement.
- ii. Maintain all medical, dental, vision and immunization records the out-of-home care provider has received from the child's placement worker and from medical or dental providers. Include only those notes that indicate appropriate care of the child by the medical provider, not notes the care provider would keep in the medical file for internal use.
- iii. Bring medical documentation, including dates of the most recent medical, dental, and vision appointments and any information regarding outcome of those appointments to child and family 6-months conferences and other case conferences.
- iv. Send all of the child's mental health, medical, dental, vision and immunization records with the child when the child leaves the placement; the records may be sent through the child's placement worker.

d. Resources for medical care:

1. The assigned worker will:

- A. Discuss with the parent(s) their ability to pay for medical and mental health care, including self-pay, insurance coverage, eligibility for Native Health Services, Medicaid, etc.
 - B. In the case plan, include the child's needs, resources available and services offered.
 - C. When parents are able to pay for medical/mental health care, make payments part of the Voluntary Placement agreement, or of the Court Order, as appropriate.
 - D. If arrangements have been made for parents to pay for medical/mental health care (directly or through their health plan), provide the instructions for securing medical/mental health care to the out-of-home care provider.
 - E. Apply for Medicaid for any child who is placed out of home (see Administration Chapter, section 6.2.1.3 Federal Support -IV-E and Medicaid). If the child is in placement and has no other resources to meet medical and mental health needs, payment for medical, dental, and mental health care may be made under the Medicaid program.
2. If no other resource is available for children in placement, OCS may cover expenditures through Request for Funds.
 3. If the child in custody is placed in his or her own home, OCS will generally not cover any expenses for medical or mental health services for the child, although expenditures for the investigation or for other critical needs may be examined and requested.
 4. In all cases where a child is in custody and placed in his or her own home, parent responsibility for medical and mental health care shall be identified in one or more of the following places: the stipulation, the court order, or the case plan.
- e. Confidentiality of Medical and Mental Health Records: Please see section 6.1.2(d) Confidentiality.

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6.3.2 MEDICAID TRAVEL

AUTHORITY: AS 47.07.030 Medical Services to Be Provided

POLICY: If a currently Medicaid eligible child in custody needs medical care that can only be received in another location, the worker must arrange for Medicaid Travel. A Health Aide, doctor, or dentist must pre-determine that the treatment is a medical necessity and the child must have a confirmed appointment (except in emergencies). Local Public Assistance offices only determine whether children are Medicaid eligible; they are not responsible for authorizing Medicaid Travel.

PROCEDURE:

- a. Have the information regarding the doctor's name, location, time, date of the child's appointment. If there is no appointment scheduled yet, schedule one.
- b. Prior to calling for pre-authorization, fill out as much of the Transportation Authorization Invoice (form # AK-04) as possible. A supply of these forms is available in every field office and can also be obtained at most airline offices and at any Indian Health Service facility or from any community Health Aide in villages.
- c. Have available the child's Medicaid eligibility number and the eligibility date (found on the Medicaid coupon) available prior to making the call.
- d. Call First Health toll free number for pre-authorization: 1-800-770-5650. This number is in service 8:00 a.m. - 4:30 p.m., Monday through Friday.
- e. Give the control number that is printed on the T/A form and other information asked for.
- f. In return, First Health will give information and codes to put on the form and further instructions for the process.
- g. The forms are three part, with the top part being for airlines, and the other two for taxis and lodging.
- h. In the case of an emergency, after hours, or on weekends or holidays, it may be necessary to proceed without the pre-authorization phone call. Fill out as much of the form as possible, and call First Health as soon as possible.
- i. A Medicaid coupon is required for this travel.

6.4 SAFETY

AUTHORITY: AS 18.60.075, Safe Employment

POLICY: It is the division's policy to regard the safety of children at the highest level. Of equal concern is the safety of staff who, at times, must deal with very difficult interactions.

PROCEDURE:

a. Safety Plans:

1. A Department of Health and Social Services Safety Plan serves as the foundation of the department's safety policy. The Plan should be used for reference and guidance relating to accident reporting, bloodborne pathogens, accident investigation, hazard material management, safety training requirements, safety inspections, tuberculosis exposure, combative client protocol, and extreme weather travel. Copies of required reporting forms can be found in the back of the Plan. All employees have access to the Plan which is kept at every OCS worksite. Supervisors are responsible for making sure that new workers are aware of the plans within 60 days of employment.
2. In addition, each location is required to have site specific Emergency Evacuation Plan, Bomb Threat Plan and Combative Client Protocol Plan.

b. Safety Officers:

1. The department Safety and Risk Officer has responsibility for the overall department safety program.
2. The division Safety Officer ensures that all locations are in compliance with applicable state and federal OSHA regulations and department safety policies. This individual also represents the division as a member of the DHSS Central Safety Committee.
3. Each worksite must have a Safety Officer Designee who ensures compliance with safety policies and regulations at the local level. It is the responsibility of the Safety Officer Designee to ensure that all employees know where the DHSS Safety Plan is at their site as well as the site specific plans for evacuation, bomb threats and combative client protocols.

c. Procedures for Employees:

1. The division expects its employees to comply with all federal, state, and departmental safety policies.
2. Employees should familiarize themselves with the contents of the DHSS safety plan and local emergency plans, and should follow this guidance when they carry out their duties. Employees should participate in drills to evacuate their building, and should become familiar with the location and use of their office's safety-related equipment. Such equipment may include devices that enhance office security, cell phones and other portable communication devices for use in the field, and survival gear kept in state-owned vehicles. Employees should report broken equipment to their office's safety officer designee, who should arrange for its repair or replacement.
3. If an employee recognizes an unsafe situation in the office, the employee should notify their safety officer designee.
4. Employees who come into regular face-to-face contact with the public should participate in DHSS-sponsored crisis training on a bi-annual basis, and prepare themselves to respond appropriately to a disruptive or assaultive person.
5. Assessment of Risk:
 - A. Employees should perform risk assessments of all work environments that involve face-to-face contact with the public, including office interactions and home visits. Employees may ask someone to participate in an office visit or accompany them on a home visit if their assessment warrants it.
 - B. As a means to assess the risk for violence, workers should request, receive, and review an APSIN background report prior to contact with potentially dangerous individuals unless the worker determines that circumstances will prevent them from receiving a timely reply. (See section 6.8.4 Criminal Record Check for procedures for requesting APSIN reports)
 - C. If the assessment indicates a demonstrable risk of violence and the need for law enforcement or other backup, the worker should seek supervisory approval to delay their investigation until they can arrange for such protection. The supervisor should approve such requests even if they cause the division to exceed the priority level response time limits.

6. Safety Measures for Out-of-Office Visits: Before leaving the office, make sure a supervisor or co-worker knows the following:
 - A. where you are going;
 - B. how you plan to get there, including if you are using your own care or a state car; and
 - C. when to expect your return.

7. Threats:
 - A. Employees may receive threats directed toward them, other employees, third parties, or against their office. Employees should take the threat seriously and report it verbally to the person threatened and to a supervisor. The employee should also complete the Threat of Violence section of the Field Incident Report form (06-9502) and give it to the supervisor.
 - B. After receiving a verbal report of a threat, the supervisor should confer with the social worker V and determine whether or not to report it to law enforcement. The supervisor then completes their portion of the Field Incident Report and distributes it to parties listed on the form.

8. Violent Individuals:
 - A. If an individual comes into a division office or is a nuisance such that the person is disrupting the office and the employees' ability to do their jobs, the supervisor, or his or her designee, may ask the person to leave. If the person refuses to leave, the supervisor, or his or her designee, may call the police and ask for assistance to help remove the person from the office.
 - B. If an individual has been told to leave the premises, but continues to be a nuisance, or a threat to the safety of the employees in the office such that the supervisor, or his or her designee does not want the individual to return to the office at anytime in the future, the supervisor, or his or her designee, may send the person a no-trespass letter informing them that they may not return to the office and that any violation of the letter may result in the supervisor, or his or her designee seeking appropriate legal action. If the person violates the letter, the supervisor, or his or her designee, may call the police and request assistance, explaining that there is a person in the office who has violated a no-trespass letter. If a formal no-trespass letter is sent, it is preferable to send it certified, return receipt, to assure that the person has actual notice of the order to stay away from the premises.

- C. Alaska Statutes allows for issuance of restraining orders/protective orders only against a member of a "household" as defined in AS 18.66.990 so it is not possible for a division employee to obtain a restraining order against a violent client. However, if a client who has a protective order against a member of its household is in a division office and that person shows up in the office in violation of the protective order, the supervisor may call the police for assistance.
- 9. Employees must report all job-related injuries or illnesses to their supervisor and complete worker's compensation forms.
- 10. Supervisors should report safety-related complaints made by a union or contact by OSHA regarding a safety issue to the social worker V and to the division's worker safety officer.
- 11. Debriefing:
 - A. Employees who have been exposed to a traumatic event will be offered individual or group debriefing. Employee participation in debriefing is strongly encouraged but is not mandatory.
 - B. The supervisor or staff manager will arrange for the debriefing which will be provided by one of the Crisis Incident Stress Debriefing (CISD) teams which have been established in most urban and rural areas of the state by the Emergency Services Unit of the Division of Public Health.
- d. Rural Safety: The following procedures reduce the risk of injury and protect the safety of employees who work in or travel to rural communities:
 - 1. Before leaving on a trip to a rural community, make sure a family member or another reliable person knows "where, how, when, and who":
 - A. where you are going,
 - B. how you plan to get there,
 - C. when to expect your return, and
 - D. who to call if you fail to return as planned.
 - 2. Call them if you delay your return. Check-in when you get back home.

3. Before travelling by road during the winter, make sure your vehicle is equipped with survival gear and know how to use it before an emergency occurs. Make sure it has enough gas and oil, the lights work, and the tires are properly inflated and have enough tread for traction. Dress appropriately for winter conditions in case it breaks down.
4. Most OCS offices are equipped with cell phones or other personal communication devices. Before taking this equipment along, make sure it is charged and know who to call in an emergency.
5. The recommended way of travelling to bush villages is by air, but workers may travel by boat or snowmobile at their discretion. Workers who elect to travel by these means must dress for the weather and bring personal safety gear. Workers should not travel alone by boat or snowmobile unless they are experienced with the outdoors and familiar with the route to their destination.
6. When travelling by propeller-driven aircraft, always wear hearing protection. After arriving at the airstrip, catch a ride to town with the airline agent or with another reliable individual. Never ride in the bed of a pick-up truck or on a three-wheeler. Make advance arrangements with the agent to catch your return flight.
7. When travelling on foot in a rural community, stay on commonly traveled roadways or footpaths. Never take shortcuts on infrequently traveled paths and never walk through a dog lot. If you encounter a belligerent person, keep walking away from them.
8. After arriving in a rural community, check-in with local law enforcement or other authorities. Make home visits with them when your assessment of the risk indicates the need for a "buddy" to accompany you.
9. Bring a sleeping bag even if you don't plan to spend the night. Weather or other unforeseen delays may prevent your return home. Arrange for lodging before nightfall. When staying alone in a small building, make sure all the doors and windows lock from the inside. Know the phone number of the police or VPSO and call them if people harass you from outside.

6.5 PLACEMENT

6.5.1 REGIONAL PLACEMENT COMMITTEE

AUTHORITY: AS 47.14.100 Powers and Duties of Department over Care of Child

POLICY: Placement decisions shall be based on the treatment objectives for the child and the best interests of the child and their family. While children should be placed in the least restrictive setting, it is contrary to policy to require children to fail in placements that are not in their best interest solely to exhaust less restrictive placement options.

Children for whom residential placement is appropriate:

- a. Those who have demonstrated an inability to function in a less restrictive setting.
- b. Those whose emotional problems are such that they require intensive psychiatric treatment and a therapeutic environment not possible in a setting without staff available 24 hours a day.
- c. Those who exhibit behavior so severe that it endangers themselves or others and so frequent in duration as to be chronic rather than episodic.

PROCEDURE:

- a. Each region will have a regional placement committee (RPC) which is responsible for:
 1. approving referrals for residential placements of children placed into residential care in-state, when the placement is expected to last three months or longer;
 2. approving referrals to other placements, according to regional policy; and
 3. approving referrals for residential placements of all children placed into residential care out-of-state. Out of state referrals must also be approved by the State Office placement committee.
- b. Placements crossing fiscal year or exceeding one year duration, as specified below.
 1. For non-grant facilities with placement agreements, either in-state or out-of state, placements are limited to the fiscal year.

2. Any placement expected to cross fiscal years must be reviewed. Any placement of more than one year duration must be reviewed every six months.
- c. Out-Of-State Placements: All referrals of children in state custody for residential placements out-of-state:
1. Must be reviewed by the RPC.
 2. Approved by the Children's Services Manager.
 3. Approved by the out of the state placement committee in State Office.
- d. In-State Placements: All referrals of children in state custody for residential placement in-state, including placement into private or state psychiatric treatment facilities:
1. Must be approved by the RPC when the placement is expected to last three months or longer. (Placements shorter than three months shall be approved by the supervisor.)
 2. If the original plan was for a placement shorter than three months, and the plans change to a placement longer than three months, it shall be reviewed by the regional placement committee.
 3. The RPC is not responsible for approval or screening of referrals for placement of children in emergency shelter care in residential facilities, unless the placement is expected to last for more than three months.
 4. The RPC is not responsible for approval of referrals for placement in state funded youth services institutional treatment programs or emergency, short term placements into state or private mental health facilities, but when appropriate may consider these as placement options for child referred to the committee.
 5. The Children's Services Manager may set local policy to establish the RPC to process other placements such as Alaska Youth Initiative, Adventure-Based Educational Programs, maternity homes, treatment foster care, substance abuse programs or other programs offering specialized services.

Regional Policy:

Regional Placement Committee: The Children's Services Manager will appoint members and designate a chair person of the regional placement committee. In regions where a joint Family

Services/Youth Corrections committee is established by the Children's Services Manager, the committee will consist of representatives from both groups.

PROCEDURE:

- a. The chairperson of the regional placement committee will schedule committee meetings so that no child's case is delayed.
- b. In all cases where residential care is being considered for three months or longer:
 1. The referring worker must demonstrate that all less restrictive available options have been considered and are not appropriate due to the needs of the child.
 2. If the supervisor agrees that residential placement is appropriate and if the placement is requested in a facility paid for by the division, it is appropriate for the worker and supervisor to consider placement options.
- c. At least 2 days prior to the meeting, the referring worker will provide committee members with copies of relevant information:
 1. Immediate and long-range treatment goals.
 2. Social history.
 3. A description of the child's behavior.
 4. Child's social and personal developmental history including current level of functioning.
 5. The child's school history and current educational level.
 6. A description of any health problems or special medical needs.
 7. The child's placement history.
 8. Copies of predisposition reports, psychological, psychiatric or other available evaluations.
- d. If a referring worker feels that an emergency situation exists and a referral needs to be staffed prior to the next scheduled committee meeting, the worker will talk with the supervisor. The supervisor will contact the RPC committee chair and request that an emergency staffing be scheduled. The RPC chairperson will make a decision whether or not an emergency meeting

should be held, and will schedule a meeting. The worker will provide all materials in section c.

- e. Regional placement committee staffings will be conducted in the following manner:
1. Committee members and the referring worker will participate in person or telephonically in the staffing. Additional individuals involved with the case, such as supervisors, GALs, therapist, etc., may participate in the staffing. If a facility has been identified as a possible placement a representative from the facility may also be included in the staffing.
 2. It is generally expected that the chairperson facilitate the exchange of information in the discussion regarding the treatment needs and objectives of the child, protection of the child and the public, and the resources available.
 3. The referring worker will discuss with the committee the information regarding the child, the reasons for the referral, the expected length of placement and placement plan for the child following discharge from the facility and a placement recommendation to the committee.
 4. The committee members will discuss all appropriate placement considerations and document their findings regarding treatment objectives and needs of the child, and their conclusions concerning the most appropriate placement.
 5. The chairperson of the RPC will maintain records of each placement staffing including committee findings (a copy of what will go into the child's case file). Records will be maintained for a period of 2 years. All materials required or discussed in regards to the child will be considered confidential information and dealt with in accordance with AS 47.10.093 and AS 47.12.310.
- f. The RPC will reach placement decisions based on the following:
1. Treatment objectives for the child.
 2. Best interests of the child, and involvement of the family in the child's treatment.
 3. The RPC will consider all community resources, including those funded through other state programs and wraparound services in trying to meet the needs of the child.
 4. The RPC will work toward the goal of retaining children in their own communities when possible.

- g. If the RPC recommends placement outside the region, the chairperson will notify the RPC of that region.
- h. In situations in which the RPC having jurisdiction places a child into a facility in another region, the receiving RPC will not question the appropriateness of the referral.
- i. Following approval for a residential placement by the committee, the following procedures will be followed:
 - 1. The referring worker will be responsible for ensuring that a referral is made to the facility of choice within 5 working days. Phone notification will be made with a follow-up facility placement packet.
 - 2. All facilities under OCS grants have 7 days after receiving a completed placement packet to decide whether to accept or reject the applicant. If no bed's available within a reasonable period of time, the referring worker will inform the RPC chairperson. The assigned worker will then make a referral to the second choice listed by the RPC. If no second choice has been listed it will be the responsibility of the referring worker to schedule a staffing with the committee to consider alternate placement options and determine a second choice for an appropriate placement.
 - 3. If all of the funded beds are occupied, a child will be placed on the waiting list for the recommended residential placement.
 - 4. The RPC will be responsible for maintaining information regarding the date of each staffing and the facility(ies) recommended for each case.
 - 5. Each facility is responsible for maintaining its own facility-specific waiting list, organized by the date each referral is approved by the Regional Placement Committee, and notifying the referring worker when space becomes available.
 - 6. In general, a facility should admit children based on the date of RPC approval; however, the critical needs of a particular child may serve as justification for admitting a child outside of the order of referral. The RPC may recommend that a particular child be considered as a priority referral by a facility.

6.5.2 OUT-OF-STATE RESIDENTIAL CARE

AUTHORITY: AS 47.14.100. Powers and Duties of Department over Care of Child

POLICY: Out of state residential care placements will only be considered when the child's treatment needs are so severe that there are no in-state resources available to meet the child's needs and/or the child's family has moved out of state and the plan is for the child to be reunited with the family members in the other state.

PROCEDURE:

- a. The State Office Placement Committee must review and approve all referrals for out of state placement of children in the custody of the department, regardless of whether the division will pay for the placement or not.
- b. Out of state facilities must be approved by the State Office Committee based on the ability of the facility to meet the child's needs and the proximity to relatives or to Alaska.
- c. A contract will be developed with the facility for each child placed. The contract will specify responsibilities for payment, for provision of medical care and for treatment planning. Contracts will be time-limited and can only be signed by the Social Services Program Administrator for Youth Corrections or Family Services as appropriate to the case, or designee.
- d. Placements in out of state facilities must be staffed on a quarterly basis with the facility, State Office Placement Committee and local staff.
- e. The worker will send a referral file (composed of the same materials which are required for the RPC for instate referrals) to the State Office placement committee chair and the ICPC/ICJ deputy compact administrator.
- f. In addition to the referral file, the following information will need to be collected and submitted prior to approval of out of state placement:
 1. IV-E and Medicaid status of the child;
 2. ICPC/ICJ materials depending on the type of placement;
 3. Child's custody order;

4. ICPC 100 A.

- g. The committee chair will convene a teleconference staffing with the referring worker, supervisor and State Office committee. The committee will include the Social Services Program Administrator for Youth Corrections or Family Services as appropriate to the case, accountant, foster care or residential child care program specialist, and ICPC/ICJ deputy compact administrator.
- h. The State Office placement committee will advise whether continued exploration of out of state placement should be considered, and if so, suggest possible facilities to explore if those have not been identified.
- e. Once placement is determined, a follow-up teleconference staffing will be held with facility staff, State Office placement committee and referring worker to discuss the facility's ability to meet the child and family's treatment needs, and develop an initial plan of care. In addition, contractual items will be discussed.
- f. State Office staff will develop a contract and fax it to the facility prior to final approval for placement.
- g. The ICPC/ICJ administrator will forward materials to the appropriate office in the other state for their approval.
- h. Once ICPC/ICJ approval is received and the contract is approved, travel plans can be made, and TAs submitted for the director's signature.
- i. If the facility has not had a prior review, the worker escorting the child will conduct an on-site review according to State Office placement committee guidelines.
- j. While the child is in placement in an out of state facility, periodic staffings will be held quarterly with the facility staff, State Office committee members and local staff to ensure that the facility continues to meet the child's needs, to resolve any contractual issues and to ensure that an appropriate discharge plan is developed.

6.5.3 PLACEMENT AGENCIES

AUTHORITY: AS 47.050.060 Purpose and Policy Relative to Children

POLICY: The division seeks the best care for children in its custody. To meet this standard of care the division engages in collaborative case planning with other agencies.

PROCEDURE: In planning to meet the medical or treatment needs of a child, a worker may conduct planning with a licensed child placement agency (CPA). The following procedures will be met:

- a. If a worker intends to make a plan with a CPA an agreement must first be in place. A CPA agreement requires director approval and signature prior to placement.
- b. A CPA agreement specifies the
 1. rate(s) to be paid by the CPA to the foster parents;
 2. associated expenses related to CPA supervision of the placement(s); and
 3. associated CPA expenses for training and support of the foster home.
- c. The CPA is responsible for the direct payment to the foster parents.
- d. Workers who plan to place a child with a child placement agency should contact the supervisor of the payments unit in state office who will develop and coordinate the agreement between the division and the CPA.

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6.5.4 THE FOSTER CARE PLAN AND AGREEMENT

AUTHORITY: AS 47.14.100 Powers and Duties of department over care of child, AS 47.10.080(q) Judgments and Orders, AS 47.10.093(b)(3) Disclosure of Agency Records, 7 AAC 53.050 Ongoing Direct Costs, 7 AAC 53.060 Specialized Foster Care, P. L. 96-272 Adoption Assistance and Child Welfare Act of 1980

POLICY: A Foster Care Placement Plan and Agreement will be completed for each child in out-of-home care. Use form 06-9735, Foster Care Plan and Agreement

PROCEDURES:

- a. A Foster Care Plan and Agreement will be completed utilizing information gathered in the course of the case.
- b. If there are ongoing direct costs for foster care in addition to standard rate costs, or if the child needs specialized foster care request approval of augmented rates, use the Request for Augmented Rates form (06-9734) - See Administration Chapter, section 6.2.2.2.A Augmented Rates for Children in Foster Care.
- c. A Placement Packet containing information about the child will be given to the care providers(s) at placement, or within 5 days of placement. The Placement Packet will accompany the child throughout out-of-home placement. The care provider will keep the child's medical and education records current, and with every move the provider and worker have responsibilities for updating information about the child and updating needed forms. When the child leaves foster care, the Placement Packet is put in the child's case file. This packet contains the medical, education, social information, mementos, and photos which become the property of the child.
- d. The Foster Care Plan and Agreement will be completed with the foster parent(s), and the child (if applicable), and signed by these parties. All signing parties will receive a copy of the plan. The plan should include the following:
 1. the reason for placement;
 2. the goals for placement;
 3. the expected dates or duration of placement;

4. medical information;
 5. educational information;
 6. the specifics of the visitation plan, including
 - A. frequency;
 - B. duration;
 - C. location;
 - D. how transportation is to be provided and arranged.
- e. Copies of the following information must be provided to the foster parent:
1. Information as may be necessary to enable the foster parents to provide appropriate care for the child, to protect the safety of the child, and to protect the safety and property of family members and visitors of the foster parents; and
 2. all initial, updated, and revised case service plans for the child, court orders relating to the child, and the child's medical, mental, and education reports prepared by or for the department, including reports compiled before the child was placed with the foster parents; and supplements to such plans, orders, and reports.

6.5.5 MONITORING OUT-OF-HOME CARE

AUTHORITY: AS 47.10.010 Jurisdiction, 7 AAC 50.425 Program in Residential Child Care Facilities, 7 AAC 50.430 Program in Foster Homes

POLICY: A child in out-of-home care should not receive substandard care nor care which is below the level of other children in the setting, including a foster family's biological or adopted children.

PROCEDURE:

- a. Workers should understand the foster home regulations and their relationship to quality of care for children.
- b. The state and tribe shall monitor placements of Alaska native children to ensure that they remain appropriate for the child.
- c. If there are concerns about the level of care a child is receiving in an out-of-home placement:
 1. Discuss with the supervisor and licensing worker and jointly develop a plan.
 2. Discuss concerns with the provider, focusing concern on the child's needs and avoiding blame or harsh judgment of the provider.
 3. Discuss alternatives which could be used, and agree on a new approach which can be tried.
 4. Monitor the placement closely, maintaining sufficient contact to determine if the situation is improving.
 5. If the situation does not improve consider whether the child should be removed from placement.

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6.5.6 VISITING BY PARENTS, GUARDIAN , FAMILY MEMBERS

AUTHORITY: AS 47.10.010 Jurisdiction, AS 47.10.080(p) and (t) Judgments and Orders, AS 47.05.065(2)(B) Legislative Findings Related to Children

PURPOSE: To provide guidelines for reasonable visitation between the child and the child's parents, guardian, and family.

POLICY:

- a. When determining what constitutes reasonable visitation with a family member, the department shall consider the nature and quality of the relationship that existed between the child and the family member before the child was committed to the custody of the department. The court may require the department to file a visitation plan with the court.
- b. The department may deny visitation to the parents, guardian, or adult family members if there is clear and convincing evidence that visits are not in the child's best interests.

PROCEDURE:

- a. Frequency, length and location of visits.
 1. Regularly scheduled visiting should be encouraged.
 2. Visiting must be allowed and facilitated during the early part of placement.
 3. Workers may not withhold visits unless there is a clear or convincing risk of harm to the child.
- b. Worker's responsibilities regarding visiting by parents, guardian, and family members.
 1. Arrange visits between children in full time care and their parents, Indian custodian, guardian, and family members, unless the parent or Indian custodian has been otherwise instructed.
 2. Prepare children and full time care providers for the visits.
 3. Explain the importance of visiting to the full time care provider.

4. Maintain a log of visits in the child's file.
 5. Determine if visits should be supervised (occur in the presence of a worker or designee). Reasons for supervision should be documented in the case record.
- c. Responsibilities of the foster parents.
1. If visitation does not place the foster family in undue risk of harm, provide regular opportunities for the parents to visit their child, unless OCS has determined that visitation is not in the child's best interest.
 2. Support the positive intent of visits.
 3. Provide transportation for the child, if pre-arranged by worker.
 4. Have the child ready at the agreed-upon time.
 5. Record observations, problems, etc., that affect the child before, during, or after the visit and provide this information to the worker.
- d. Parental visits in the foster home.
1. May be permitted if:
 - A. a plan to visit in the home is developed between parent or Indian custodian and worker and agreed to by the foster parents;
 - B. such a plan is consistent with the long range plans for the child;
 - C. the supervisor approves the plan.
 2. Biological parents may not be permitted to visit in the foster home if:
 - A. foster parents do not agree to visits in their home;
 - B. foster parents and biological parents have a history of not getting along;
 - C. parental rights have been terminated or relinquished and plan is for the foster parents to adopt, unless it is in the best interest of the child and is agreed upon by the foster parents and is a part of the case plan.
 - D. the court has determined that clear and convincing evidence shows that the child's best interests are served by disallowing parental visitations.

- E. parents show up at the foster home in a disorderly or threatening state. Inform the care provider that no child should be released to a parent who appears to be intoxicated or otherwise impaired or under the influence of drugs. Workers should be notified of such incidents and they should be documented in the case record. If the parent should become belligerent, the care provider will be instructed to call the law enforcement, if warranted.
 - F. foster parents are intimidating to the child's parents or are undermining the case plan.
3. When a parent cancels visits or often arrives late for visits. The worker should provide support and spend time with the parents to:
- A. Explore the reason why the parent canceled or was late.
 - B. Stress the importance of visiting.
 - C. Offer assistance to the parent in such a case.
 - D. If the reason for the failure to keep the appointment was an unrealistic visiting plan, make efforts to rearrange the visiting time, location or circumstance.
 - E. Discuss with the parents the difficulty of limited visitations to include having to separate from their child and their child separating from them after the visit.
4. Instruct care providers to notify the worker if parents do not return a child after a scheduled visit.
- A. The worker will investigate all such situations, and take necessary action to protect the child if necessary.
 - B. If the child is placed by court order, the court will be informed.
5. Should a child exhibit difficult behaviors following visits, the worker and foster parent should discuss the issues. The worker should explore with the foster parents that it is normal for a foster child to experience a sense of loss after separating from a parent after a visitation. It is not a reason to terminate visiting, i.e. when a child cries, it does not mean he does not want to see his parents. Full time care providers should be helped to understand the dynamics.

The worker should also discuss with the foster parent any concerns they have regarding the conduct of the parents during the visitation.

If visits become problematic in some way, the worker should work closely with the child and the parent or Indian custodian and try to determine what might help to make the visits more satisfactory. Look upon visits as another way to identify problem behaviors and assist parents or Indian custodian in changing.

Visitation by parents, Indian custodians, guardian and family members may be denied only if there is clear and convincing evidence that visits are not in the child's best interests. If visitation is denied, the worker will inform the parent, adult family member, Indian custodian, or guardian who is denied visitation of the reason for the denial and that they have a right to request a review hearing. If parental behavior which is clearly dangerous to others occurs on a consistent basis, and supervisory approval is given for termination of visits, the case should be reassessed. That is, if parental behavior is dangerous, despite attempts by OCS to remedy the behavior consideration should be given to whether a goal of returning a child to this family continues to be realistic. If not, consideration of court action to seek termination of parental rights may be appropriate.

6.5.7 FOSTER PARENTS MOVE WHEN A CHILD IS IN PLACEMENT

AUTHORITY: AS 47.10 Children in Need of Aid

POLICY: A child in care will be maintained in a home that meets licensing requirements and also is able to meet the child's needs.

PROCEDURE:

- a. Local moves require the involvement of the licensing worker , to ensure that the new home meets licensing standards.
- b. Out of town moves:
 1. Foster children will not accompany foster parents if the plan for the child considers return to the child's birth family.
 2. Consideration may be given to allowing the child to move with foster parents if the plan for the child does not include return to the child's parents. In such instances, a more permanent arrangement should be considered, including adoption, if the child is legally free.
 3. See Administration Chapter, section 6.6.1 Case Transfers - Intrastate for procedures.
- c. Out of state moves:
 1. Any move by a child in custody to another state requires prior approval of the Alaska ICPC/ICJ Coordinator. See ICPC/ICJ Chapter for procedures.
 2. If the child moves to another state with foster parents, their new residence must be licensed by the receiving state and payment made at the foster care rate in that state.
 3. If problems occur in the new state requiring placement in a residential child care facility, procedures outlined in the ICPC/ICJ chapter must be followed.

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6.5.8 PARTICIPATION IN RISK ACTIVITIES

AUTHORITY: AS 47.10.010 Jurisdiction, AS 47.35.027 Variations, 7 AAC 50.400(g) and (I), 7 AAC 53.100 Liability Protection.

INTRODUCTION: Participation in organized sports and other risk activities that are usual in the community in which the child resides is normal and appropriate for a child in care. For example ice fishing would be usual in some communities, but not others. A young child should not be exposed to a risk activity except under close supervision or until the child is developmentally ready. Care providers go through a selection process that screens for good judgement, and division permission is not required to allow a child in state custody to participate in risk activities that are usual for that community and appropriate for that child. Care providers should be encouraged to include foster children in family and community activities rather than exclude them. Some foster parents will seek worker advice or permission. Workers may inform foster parents that state liability coverage applies to risk activities that are usual to that community. Residential child care facilities carry their own liability coverage.

Care providers are required by licensing regulations to request the child's placement worker to obtain advance permission from the child's parent, for a child to participate in risk activities that are not usual for the community and to participate in other activities of moderate risk, such as operation of a vehicle, participation in contact sports or adventure activities or handling of a firearm in a foster home.

If the worker learns of a situation where a child in care is participating in a risk activity or has a foster parent inquiry, and the worker is unsure if the level of risk is unacceptably high, the worker should seek supervisory consultation.

High risk activities and hazards are prohibited by licensing regulations, unless a variance is obtained. Examples: a child age eight or younger riding an all-terrain vehicle or snowmobile or a child of any age riding an all-terrain vehicle with only three wheels, boating without a personal floatation device or in dangerous water conditions, or participating in an air borne activity such as hang gliding.

POLICY: A worker will assess risk and follow procedures in this section in response to a request from a child in care or a provider for the child to participate in a risk activity.

Risk levels include:

- a. activities that are usual to the community and appropriate for the child;

- b. activities that are not usual to the community or are of moderate risk, but acceptable with
 - 1. parent or guardian permission; or
 - 2. Children's Services Manager approval where it is not possible or feasible to obtain parent or guardian permission; and
- c. hazardous or high risk activities.

PROCEDURES:

- a. A worker may, if requested, approve risk activities that are usual to the community and appropriate for the child.
- b. A worker shall attempt to obtain parent permission for a child to participate in a risk activity not usual for a community and activities of moderate risk including participation in contact sports and handling of a firearm. In cases where parent permission is not obtained, the worker and the worker's supervisor will evaluate the request. If the worker and supervisor determine that it is in the child's best interest to participate, the worker will inform the Children's Services Manager in a written memorandum of the following facts and forward the request to the administrator for approval.
 - 1. name of child for whom request is made;
 - 2. the exact nature of the activity, location, times and frequency of participation;
 - 3. a statement of whether a licensing variance will also be required;
 - 4. the ability of the child to participate, based on the child's developmental level, skill, training and experience, if applicable;
 - 5. the plan for supervision and safety of the participants, including identification of the person qualified to lead such activities and the necessary supplies and equipment;
 - 6. identification of the person(s) who will assume responsibility for the child's participation; and
 - 7. statement of parent's agreement or disagreement of child's participation. If the risk activity is high risk or hazardous, inform the child and care provider that the activity is prohibited by licensing regulations. If the worker and supervisor determine that risk is mitigated and it is in the child's best interest to participate, the worker may refer the provider to a licensing worker for an application for a variance. Parent or Children's

Services Manager permission is also required, even if the care provider has a variance for the activity.

- d. Place documentation in child's case record.

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6.5.9 EDUCATION

AUTHORITY: 4 AAC 52.590 Appointment of Surrogate Parent, 4 AAC 52.600 Qualifications and Duties of Surrogate Parent, 7 AAC 50.430(j) Program in Foster Homes, 7 AAC 50.425(g) Program in RCCF, 7 AAC 50.990 Definitions, AS 47.10.010 Jurisdiction, 42 U.S.C. 675 Definitions (Title IV-E) _

PURPOSE: Ensure that the educational needs are met for all children in custody and out-of-home placement._

BACKGROUND INFORMATION: The following educational services are available to eligible children.

- a. For each type of service, individualized plans are required.
 1. Special Education & Related Services under the Individuals with Disabilities Education Act (IDEA):
 - A. School districts are mandated to provide special education services to students with disabilities ages three up to 21years old. For each eligible child, the school district must develop an Individualized Education Program (IEP) that lists the services required by the child in order to receive a Free Appropriate Public Education (FAPE). Some needs in the plan might be met by the child's parent or others. For children with disabilities who are in state custody, a surrogate parent who represents the child's educational interests must be appointed by the school district.
 - B. Infant Learning/Early Intervention Program: This program provides home based child development services to children aged birth up to three years of age, who have moderate to severe mental or physical handicapping conditions or are at risk for developing these conditions. The early intervention services are provided by grantees of the Office of Children's Services. For each eligible child the infant learning program must develop an Individualized Family Service Plan (IFSP) for providing services.
 2. Gifted Education Services: School districts are also mandated to provide gifted education services to gifted students. For each eligible child, an individualized student-learning plan must be created.
 3. 504 Plan: The 1973 Vocational Rehabilitation Act prohibits discrimination against

persons with a disability. For children who qualify under this law, a Section 504 Accommodation plan may be developed by a school district. This plan usually addresses accommodating a child's physical needs.

- b. Team Developed Plan. The IEP or IFSP is developed by a team whose membership is determined by the school or infant learning program. The team may include biological parents, the surrogate parent, school or infant learning program personnel, the foster parent or residential provider, the OCS worker, other service providers, and the child, where appropriate.
- c. Surrogate Parents
 1. Appointment:
 - A. A school district may appoint a surrogate parent for children age 3 – 17 or children age 18-21 who have been adjudicated incompetent by the court, if
 - i. the school district cannot identify a parent of the child or at least one person acting as a parent of the child; or
 - ii. the district locates one or more persons acting as a parent of the child but each person disclaims responsibility for the child's educational program and relinquishes it in writing to the surrogate parent; or
 - iii. the child is committed to the custody of the Department of Health and Social Services under AS 47.10.080 or AS 47.12.120.
 - B. The child's caseworker may recommend an individual to the district to serve as the child's surrogate parent for education purposes.
 - C. An Early Intervention/Infant Learning Program (EI/ILP) is responsible for appointing a surrogate parent for children under the age of 3 who have been referred or identified as eligible for early intervention services and:
 - i. the EI/ILP cannot identify a parent or legal guardian of the child; or
 - ii. a parent or legal guardian requests the EI/ILP to appoint a surrogate parent for the child; or
 - iii. the child is committed to the custody of the Department of Health and Social Services under AS 47.10.080 or AS 47.12.120.
 2. Role: The surrogate parent acts in the place of the parent for making educational or early intervention decisions related to the child/student. It is the surrogate parent who has the final authority in making decisions related to the identification, evaluation, and educational placement of the child, and the provision of a FAPE to the child.

3. Eligibility Requirements for Surrogate Parents:

- A. To be eligible to serve as a surrogate parent, an individual
 - i. may not have any personal or professional interests that could conflict with the interests of the child;
 - ii. may not be employed by a public agency that is involved in the education or care of the child;
 - iii. must have the knowledge and skills that assure adequate representation of the child;
 - iv. must have participated in a training program for surrogate parents provided by the school district; and
 - v. for children enrolled in EI/ILP, must also be familiar with State and Federal requirements for early intervention/infant learning services and with the nature of the child's disability.
- B. Foster parents may serve as surrogate parents.
- C. The child's worker may not sign an IEP or IFSP or otherwise serve as a surrogate parent with regard to the child's education plan, but may participate as a team member in the development or revision of the plan upon the invitation of the school district or infant learning program, or the surrogate parent.
- D. Medical and legal records such as releases of information must be ordered through the legal custodian of the child not the surrogate parent.

POLICY:

- a. Every effort will be made to maintain a child in custody in the same school as the one he or she attended at the time of an out of home placement. If the child needs to be moved from the same school, the worker will notify the child's school district as soon as possible, but no later than 48 hours of the change.
- b. The worker shall inquire and learn about a child's educational and developmental needs and shall utilize this information in developing case plans and placement plans.
- c. Communication with the school is a necessary part of planning for every child.
- d. The worker will refer all children less than three years of age who are victims of substantiated abuse or neglect to the Infant Learning/Early Intervention program.
- e. The following educational records are required in the official case file of every child in custody: the most recent information available regarding

1. the names and addresses of the child's educational providers;
 2. the child's grade level performance;
 3. the child's school record;
 4. IEP and other documentation pertaining to special educational programs the child attends; and
 5. any other relevant education information.
- f. A child's education record will be reviewed and updated, and a copy of the record will be supplied to the foster parent or foster care provider with whom the child is placed, at the time of each placement of the child in foster care. The record is also supplied to the child at no cost at the time a child leaves foster care due to reaching the age of majority or being emancipated.
- g. Education and Training Vouchers: Foster youth and eligible former foster youth may apply for a post-secondary education or training voucher. Each youth may receive up to \$5,000 per fiscal year, based on available funding. The funds must be used for the cost of attendance (including tuition, room, board, books, fees, materials, and equipment) at an institution of higher education. Details can be found on the Independent Living page of the OCS web site or by contacting the Independent Living Program Coordinator in OCS State Office.

PROCEDURE:

- a. For All Children:
1. Upon taking custody of a child, the worker will obtain education information from the child's parent including whether the child has been determined eligible for special education and related services. If the parent is unable or unwilling to provide this information the worker will document this in the case file.
 2. The worker will identify a central contact in the school for the child, usually the special education director, and will keep that central contact or school official informed of any potential moves or placements.
 3. The worker will work with the surrogate parent to obtain a copy of the child's grades and any other special reports from the child's school. The child's grades and other special reports shall be filed in the child's case record and be considered in the

division's case plan.

4. If there is reason to believe the child may need special services to address issues such as performance below grade or developmental level, or behavioral problems, the worker will refer the child to the school district for an evaluation. If there is no reason to believe that special services are indicated, the worker will note this in the case file.
5. The worker will ensure that a child's educational record is reviewed and updated at the time of each out-of-home placement of the child, and that a copy of the record is provided to the foster parent. If a child leaves foster care due to reaching the age of majority or being emancipated, the worker will ensure that a copy of the record is provided to the child.

b. Additional Procedures for Children who May Qualify for Special Education & Related Services or the Infant Learning/Early Intervention Program:

1. If a child age three or older has an IEP, the child's caseworker will notify the school district of the child's custody status. If a child age birth to age three has an IFSP, the child's caseworker will notify the infant learning program of the child's custody status. Notice to Special Education or Infant Learning Program & Recommendation for Surrogate Parent (06-9745) is available for this purpose.
2. The child's worker will refer all children less than three years of age who are victims of substantiated maltreatment to the Infant Learning/Early Intervention program.
3. The worker will request that the surrogate parent reports back to the worker any information obtained at the IEP or IFSP conference.
4. If a worker plans to move a child to a location that would result in a different school district serving the child or if the worker plans to move a child to a different community, the worker will attempt to give both the current and the new school district or ILP ten days prior notice to allow for educational transition. In an emergency move the worker shall promptly provide both districts or ILPs with notice of the move. Notice to Special Education or Infant Learning Program & Recommendation for Surrogate Parent (06-9745) is available for this purpose.
5. The IEP or IFSP shall be filed in the child's case record and be considered in the OCS' case plan.
6. Transportation, if indicated in the IEP, is provided to children with disabilities by school districts. ILP provides services in the home where the child resides or other locations if decided by the IFSP team.

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7. The worker will enter the name and phone number of the child's surrogate parent on the Foster Care Plan and Agreement (06-9735). Foster parents and residential facility staff assist with school enrollment and day-to-day communication with schools regarding a child's progress and will need to communicate with the child's surrogate parent. Educational records of the child should be shared with the foster parent to improve continuity of educational goals and increase awareness of child's educational needs.
8. If a worker suspects a child needs special education and related services, the worker may refer the child for screening. If the screening results in the need for a formal evaluation, a surrogate parent must be appointed before the evaluation may take place. If no special needs are noted, this should be noted in the case file.
9. The Alaska State Special Education Handbook contains the policies and procedures for special education and is available online at <http://www.eed.state.ak.us/tls/sped/home.html>.
10. To access education and training vouchers for foster youth, the worker will assist the foster youth in completing the ETV application, gathering the supporting documents, and forwarding the information to the Independent Living Coordinator or identified designee. The application and additional information can be found on the Independent Living page of the OCS web site.
11. To access education or training voucher for former foster youth, the client should be referred to the Independent Living Coordinator or identified designee.

6.5.10 TRIPS FOR A CHILD IN CUSTODY

AUTHORITY: AS 47.10 Children in Need of Aid, 7 AAC 50. Community Care Licensing

POLICY: Trips for a child in care shall be encouraged if it is in the best interest of the child and will not interfere with reunification plans.

PROCEDURE: From time to time a child in custody has the opportunity to accompany relatives, foster parents or caregivers from a residential child care facility on a trip in-state, out-of-state or out of country.

- a. Obtain a trip request with details of the trip in writing.
- b. Care providers must request prior approval of any trips of more than three days duration.
- c. Approval for out of state/country trips must be requested 15 days in advance of any planned trips.
- d. If a trip request is made, determine if the trip is in the child's best interest.
- e. If parents have custody (voluntary placement), they must give approval prior to their child going on a trip.
- f. If the department has custody:
 1. The worker must receive prior approval from the supervisor for the trip.
 2. If the trip involves out-of-state travel, or out-of-country travel to and through Canada, prior approval is required by the Children's Services Manager or designee.
 3. All other out-of-country travel requires approval by the director.
- g. Be sure no court hearings involving the child are scheduled while the child would be gone.
- h. Remind providers that they must carry with them the signed form 06-9716, Consent for Emergency and Routine Medical Care when traveling with the child.
- i. Approval is given to the foster parent by use of Authority to Transport a Minor (06-9717).

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6.5.11 DEATH OF A CHILD IN OUT-OF-HOME CARE

AUTHORITY: AS 47.10.010 Children in Need of Aid; AS 13.16.680 Collection of Personal Property by Affidavit

POLICY: If a child in out-of-home care dies, the worker will have need to coordinate with a number of people who may be affected by the death.

PROCEDURE:

a. Determination of the specific facts of the death:

1. Gather and document in the case record all pertinent facts regarding the child's death including:
 - A. time and date of death;
 - B. cause of death; and
 - C. location of death.
 - D. Refer to section 6.1.2 Confidentiality.
2. Sources of information for the above facts will depend on the circumstances; however, everyone who knows something about the circumstances should be contacted. This may include physicians, police, witnesses, foster parents, or school personnel.
3. Determine if police, licensing, or other officials are investigating due to negligence or intent to harm.
4. Field offices will inform the Children's Services Manager of the facts of the death. The Children's Services Manager will notify the director, who will alert the Child Fatality Review Team. For further details on the Review Team process, refer to section 6.1.12 Child Fatality Review Team.

b. Notification of relatives and financial responsibility:

1. Make all efforts to notify parents, unless parental rights have been terminated. Police or troopers may be able to assist in notifying parents.
2. If parents have custody, they have the responsibility to pay for the funeral arrangements and burial; if they are unable to do so, facilitate a referral to the division of Public Assistance (DPA).

3. If the parents wish to assume responsibility for the cost of the funeral and burial, even though the department has custody, they are to be allowed to do so.
 4. If the parents are unable or unwilling, the department has the responsibility to pay for the funeral arrangements and burial.
 - A. division of Public Assistance pays for burials; therefore, the nearest DPA office should be contacted for specific procedures and policies of their program.
 - B. The wishes of the child's family, and if possible foster parents, should be considered in making arrangements. However, the department cannot pay costs that exceed the maximum allowed by DPA.
- c. Autopsy:
1. An autopsy is often required due to the circumstances of the death, the child's age, previous illnesses, or circumstances of abuse or neglect.
 2. In rural areas, the body must be transported into an urban area for the autopsy, then returned for burial. A funeral home in the urban area can be asked to handle the preparations of the body, including provision of the coffin. The transportation of the body for autopsy is usually at State expense, but any additional services requested from a funeral home will be at the expense of the individual(s) paying for the funeral.
- d. Death Certificates:
1. The clerk of the court in the jurisdiction where the child died prepares the death certificate, and should be contacted regarding the information to appear on the death certificate.
 2. The child's legal name and names of the legal parents are required on the death certificate.
 3. Foster parents or pre-adoptive parents may be listed as "acquaintances", if desired by all parties.
 4. Death certificates are public documents.
 5. The worker will obtain a copy of the death certificate to be included in the case record.
- e. Financial benefits of a child who dies in placement:
1. Notify any agency the child was drawing benefits from, such as SSI, VA, Native

Corporations or Indian tribes, and insurance companies. Such agencies may require a copy of the death notice. They may obtain a certified copy of the death certificate from the clerk of the court.

2. Native corporations and Indian tribes may have specific instructions that must be followed.
- f. Personal effects and assets: If the child has assets with cash value, such as bank accounts or PFD trust account, protected by the division, these should be documented and disposed of in accordance with current Alaska Statutes and through consultation with both Department of Law and OCS State Office. General guidelines include:
 1. If parental rights have not been terminated, the worker will advise the surviving parent(s) of the assets being held, and direct them to the court, or their legal counsel, for instructions regarding probate proceedings.
 2. If there are no known surviving parent(s) or if the parent(s) cannot be located, or if parental rights have been terminated, the worker will seek further direction concerning probate proceedings from Department of Law.
3. Assets will remain protected until a court order is executed, directing the release/disbursement of these assets.
- g. Grief process: Emotional reactions to death may vary and may include shock, disbelief, anger. There may be a delay in the response.
 1. Be responsive to the emotional needs of persons who were involved with the child - birth parents, Indian custodians, relatives, foster parents, as well as other children in substitute care.
 2. Foster parents and birth parents may feel extreme guilt over the child's death. Help them to deal with the facts of the death and their feelings about it.
 3. Workers may experience feelings of extreme sadness and guilt over the child's death. Supervisors should help workers deal with their feelings of grief. Acknowledgment and support of the grief process by supervisors and co-workers is very important at this time. Workers should be encouraged to contact the Employee Assistance Program (EAP) for assistance in resolving emotional issues

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6.5.12 DRIVER'S LICENSE/DRIVER'S PRIVILEGES/DRIVER'S EDUCATION

AUTHORITY: AS 47.10 Children in Need of Aid, AS 28.15.071 Application of Minors, AS 34.50.020 Liability for Destruction of Property by Minors

POLICY: A child in division custody may drive a car only with Children's Services Manager approval. Some of the requirements for obtaining this approval are determined by the Division of Motor Vehicles, other requirements are division policy. Occasionally a child will come into custody already possessing a learner's permit, driver's license, and rarely, owning a vehicle. Children in custody still need Children's Services Manager permission to drive.

PROCEDURE: The following apply to any child in custody who wants to drive. There are three components to obtaining permission.

- a. Signature of authorized adult: According to Division of Motor Vehicles policy, the following are authorized to sign for a minor under the age of 18:
 1. birth parent;
 2. legal guardian, defined as one who is appointed by the courts and will have court documents so stating;
 3. the Children's Services Manager may sign for a child if there are no living parents or if parental rights have been terminated by the courts.

NOTE: A foster parent is not considered an "authorized adult" by the Division of Motor Vehicles or the division, and may not sign for a child in custody.

- b. Insurance: State law provides that any negligence or willful misconduct of a minor under the age of 18 when driving a motor vehicle may be transferred to the person who signed the application card for the minor.
 1. If the minor has insurance in the amount required by law in his/her own name and presents proof of such insurance at the time of application for the license or permit, the signature of the authorized adult is still required but no responsibility for damages will be transferred to the signer.
 2. Or the child may be covered under the foster parent's insurance.
- c. Children's Services Manager approval: In all cases where approval is being requested for a minor to have driving privileges the following documents will need to be supplied to the regional office before approval will be considered:

1. signature of authorized adult (per a. above);
 2. certified proof of insurance (per b. above);
 3. a signed statement of supervision from the foster parents;
 4. a statement specifically stating circumstances under which named minor will be permitted to drive;
 5. description and statement of mechanical condition of automobile intended for minor's use.
 6. For minors on probation: The minor has demonstrated significant progress while on probation and has had no incident of alcohol or other controlled substance use within the past 120 days.
- d. Driver's Education: Children in custody are permitted to take Driver's Education as part of a school or training program, even if they do not otherwise qualify to get a driver's license. However, they will still need a driver's instruction permit which will require the signature of an authorized adult.

6.6 CLIENT SUPPORT SERVICES

6.6.1 INTRASTATE CASE TRANSFERS

AUTHORITY:

AS 47.10.010 Jurisdiction

PURPOSE: To provide procedures for transfer of cases within Office of Children's Services (OCS).

POLICY:

- A. When it is necessary for a change of worker on a case, the transfer process will be conducted to maximize continuity of the case management. All efforts must be made to decrease the amount of time it takes to transfer a case from one worker to another worker.
- B. The reasons for case transfer include:
 - 1. Venue is changed to a different judicial district;
 - 2. A worker is leaving or changing assignments;
 - 3. The supervisor determines it is in the best interest of the child or the unit to reassign the case to another worker; or
 - 4. Intake/investigation is completed and the case is assigned to the worker who will be providing ongoing and/or permanency planning services.
- C. Transfer between regions will only occur when the judicial venue has changed. Whenever possible, venue should be maintained where the parents are residing. If a parent moves to another judicial district, and OCS is actively pursuing reunification with that parent, there must be indicators that this is a permanent move. Only then will the issue of changing venue and transferring the case be addressed. Changing venue, under most circumstances, is not an option in cases where the goal is adoption or guardianship.

PROCEDURE:

- A. Case Transfers from One Worker to Another within an Office, between Offices in the Same Region, and between Regions:
 - 1. When a transfer is necessary, the current worker who has been providing services or the worker's supervisor will:
 - a. Ensure that ORCA and the hard copy file, has an adequate up-to-date account of

person management information and all client and collateral contacts, as well as all other necessary documents; and enter a to-do list (a list of actions that the worker needs to take) into a transfer summary activity note in ORCA prior to transferring the case.

- b. When a worker in the receiving office has been assigned to the case the transferring worker will meet with the receiving worker within five business days to discuss the case in detail, including all safety and risk factors. When this is not possible to meet face to face, the workers will communicate telephonically to staff the transfer.
 - c. Whenever possible, schedule a joint visit with the client so that the new worker can be introduced to the client.
 - d. When a case is transferred to another region the transferring worker will notify the Regional Eligibility Technician of the case transfer to ensure that the Title IV-E and Medicaid case is transferred to the other region.
2. The transferring supervisor will:
 - a. Discuss, either telephonically or in person, the transfer with the receiving supervisor prior to the transfer and receive and document verbal approval for the transfer; and
 - b. Ensure that the receiving supervisor has the complete case file.
 3. The receiving supervisor will:
 - a. End the current worker assignment and reassign the case to the receiving worker within five business days.
 - b. Ensure that all appropriate parties are notified of the receiving worker's new assignment.
 4. If there is disagreement about a transfer, the transferring and receiving supervisors are expected to resolve the issue, but if needed, will discuss the transfer with their staff manager(s) who work together to jointly make the final decision.

B. Change of Judicial Venue:

1. Requesting Change of Judicial Venue:
 - a. In any case where change of venue is recommended, the transferring and receiving workers will notify their supervisors of the potential change in venue.
 - b. The transferring worker will schedule a meeting with their supervisor and the receiving worker, supervisor, and staff manager to discuss the change of venue.

- c. Both staff managers must agree with the decision to recommend changing the venue. If the staff managers do not agree, the decision will be made by the Children's Services Managers.
- d. If it is decided that venue should change, the transferring worker will be responsible for working with their Assistant Attorney General (AAG) to submit the request to change venue to the court.

DEFINITIONS

Venue: The judicial district that has jurisdiction over a case.

6.6.2 OUT-OF-TOWN REQUESTS (OTR)

AUTHORITY:

AS 47.10.010 Jurisdiction

PURPOSE: To establish procedures for responding to in-state requests and for coordinating case management services between workers in different offices.

POLICY:

- A. Out-of-Town Requests (OTR): Each Office of Children's Services (OCS) office within the state will accept requests for services and assistance from any other OCS office within the state.
- B. Placements in Another Region or Office Jurisdiction:
1. Emergency Placements: Emergency placements into another region or office jurisdiction can occur only when children require immediate access to medical or psychiatric facilities.
 2. Non-Emergency Placements:
 - a. Foster care placements may occur under the following circumstances:
 - 1) The parents have moved to another region or office jurisdiction, the goal is reunification, and the parents are actively participating in services. If the parent/s have a tendency to move around a lot, they must demonstrate a level of stability before a placement change occurs.
 - 2) The foster parents are moving and it is in the child's best interest to remain with the foster parents.
 - 3) There are no placement resources in the child's community, thus requiring an out-of-region or out-of-office jurisdiction move.
 - b. Residential facility placement requires approval by the regional residential placement committee as outlined in section 6.5.1 Regional Placement Committee.
 - c. Unlicensed relative placements may be made in non-emergency situations, provided the family being considered:
 - 1) passes background checks (APSIN/local criminal background checks, ORCA, Prober, and ORCA provider records if currently licensed);
 - 2) the receiving office approves placement;

- 3) the family has been evaluated through home visits and interviews; and
 - 4) a relative study has been completed.
3. Prior to all non-emergency placements, the receiving office must receive an OTR request, assign the request within one week, and approve of placement into their region.
 4. For all placements that require a Team Decision-Making (TDM) meeting prior to placement, an OTR and TDM referral will be submitted at the same time.
- C. Placements in Licensed Foster Homes: If the placement may result in a licensing action, for example the placement would put the provider over capacity or the foster home is not licensed for the needed age range, the worker will contact the licensing supervisor who will then take the appropriate action for the situation.
- D. Team Case Management:
1. When parents or children involved with OCS move into a community served by a different office, the case will be shared between the two offices. When this is necessary, the sharing of the case will be a coordinated case management process.
 2. At all times possible, both workers will be responsible for case management services, which includes contact standards, visitation, , documentation, referrals for services, and monitoring. Court reporting, case plan approval, and financial needs are the responsibility of the primary worker.
 3. Both offices will have a complete case file, with the primary office responsible for the original documents.

PROCEDURE:

- A. Requesting Assistance from Another Office:
1. Workers will fill out form 06-9748 Out-of-Town Request and e-mail or fax it to the chosen office. This may include requests for:
 - a. temporary, short-term or one-time help such as airport assistance, transportation assistance, coordinating an investigation or an interview, monitoring or supervising during short vacations/visits, conducting a home visit, etc.;
 - b. unlicensed relative home visits and interviews required to complete the unlicensed relative home study and make an assessment for possible placement;
 - c. emergency or non-emergency foster care licenses;

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- d. secondary worker assignment; and
 - e. placement.
2. OTRs are routed through the requesting worker's supervisor to the receiving supervisor and the receiving licensing supervisor.
 3. If necessary information is missing in the OTR, the receiving supervisor will notify the sending supervisor and will only assign the OTR once the information has been received.
- B. Assigning Requests from Other Offices:
1. When the request is for assistance with an investigation, the receiving office will review and assign the OTR in accordance with policy and procedures.
 2. When the request is for temporary, short-term or one-time help, the receiving office will assign the request to the appropriate worker upon receipt of the OTR. The assigned worker will contact the primary worker to coordinate the assistance needed.
 3. When the request is for an unlicensed relative study, the receiving office will assign the request to the appropriate worker within one week of receiving the OTR, unless it is an emergency request. The receiving worker will complete an assessment of the unlicensed relative home using the Unlicensed Relative Study Outline (see b. below) and make a recommendation regarding placement within two weeks of assignment. If the timeframe cannot be met, the receiving supervisor will communicate with the sending supervisor.
 - a. Background Checks: The primary worker will check the relatives' background, to include a child protective services check, APSIN computer check, local criminal background check, JOMIS check, and sex offender registry check. The results will be addressed in the OTR. The secondary worker will collect the fingerprints and ensure they are submitted for processing prior to placement, whenever possible. The procedures are outlined in section 3.5.5 Background Checks for Placement Resources and Interstate Requests for Child Protection Records Checks.
 - b. Unlicensed Relative Study Outline: This form can be found in the CPS Forms subdirectory of the Statewide Forms directory
 4. When the request is for a foster care license, the licensing supervisor will respond to the request, assign within one week, and continue to update the ongoing worker on the status.
 5. When the request is for a secondary worker, the receiving office will assign the request to the appropriate worker within one week of receiving the OTR.
 - a. The secondary worker will:

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- 1) contact primary worker to determine what case management services are needed;
 - 2) contact clients who are subject to the OTR;
 - 3) meet monthly face-to-face contact (caseworker visit) standards;
 - 4) document contacts and activities in the ORCA case file;
 - 5) report progress, information, updates to primary worker on a monthly basis, unless more frequent contact is needed;
 - 6) make placement recommendations as needed; and
 - 7) ensure that all household members 16 years of age or older in an unlicensed relative home are fingerprinted within 30 days of placement of a child in the home.
- b. The primary worker will:
- 1) be responsible for case planning and ensuring secondary worker has a copy of the updated case plan;
 - 2) be responsible for all court documents, meetings, and hearings;
 - 3) be responsible for all financial requests; and
 - 4) be responsible for communicating any changes that may impact the secondary services, including changes in court, goals, and plans.
6. When the request is for placement, the receiving office will assign a secondary worker within one week of receiving the OTR, unless it is an emergency. The primary office may not make a placement until the receiving office gives approval to make the placement.

C. Responding to Requests from Non-OCS Offices:

1. When the request for assistance comes from a non-agency individual, the office receiving the request will help that individual as much as possible, which may include coordinating with other offices.
2. If an office receives a request from another state that should have been directed through the Alaska ICPC office, the local office will refer the individual to OCS' ICPC office and to the ICPC Deputy Administrator for their state. Additionally, the local office will contact the Alaska ICPC Deputy Administrator directly with the information.
3. When an office receives a request from another state for a courtesy interview as

part of an investigation, the receiving office will ask for the request to be submitted on letterhead, write the request as a Services Intake, and assign as appropriate.

D. Team Case Management Responsibilities:

1. All workers assigned to the case are responsible for:
 - a. maintaining contact standards with family members with whom they are working. This includes ensuring family members are referred for identified services, and that reasonable or active efforts are being made;
 - b. maintaining at least monthly contact with the other worker(s) assigned to the case, providing information on the activities and progress of the members with whom they are working. This includes the sharing of relevant documentation such as court reports, case plans, case conference summaries, etc.;
 - c. coordinating with other worker(s) regarding ongoing planning and decision making for the child and family, including permanency goals for the children;
 - d. coordinating attendance for court hearings, child and family case reviews, and other scheduled meetings. Preferably, all workers assigned to a case will participate either in person or telephonically in these meetings. The primary worker is responsible for paperwork and notices;
 - e. communicating immediately when problems arise, including potential placement disruption; and
 - f. facilitating placements and/or change in placement.
2. The primary worker will complete the following tasks:
 - a. gathering and submitting information for Title IV-E eligibility, Medicaid applications, and reviews;
 - b. submitting requests for funds; and
 - c. notifying adult family members or family friends of placement denials, and the child, the child's parents or Indian custodian or guardian, guardian ad litem (GAL), attorney, and tribe of placement changes, as outlined in section 6.6.3 Notification of Court Hearings, Case Conferences, and Placement Denials and Changes.
3. If there are disagreements about the shared responsibility of the case, the supervisors will first try to resolve the disagreements and if not successful, the staff managers will jointly review the activities of all workers assigned to the case, and determine which worker will complete which task.
4. Retention of Shared Case Files: When a secondary worker's involvement in a case ends, that office is responsible for sending all hard-copy case file documents to the primary office. When the case completely closes, the entire case file will be stored with the primary office.

DEFINITIONS:

Out of Town Requests (OTR): Intrastate requests for service or information by agencies or persons outside the field office receiving the request.

Primary Worker: The assigned worker in the office with venue.

Secondary Worker: A worker assigned to the case in an office where venue is not located.

6.6.3 NOTIFICATION OF COURT HEARINGS AND CASE CONFERENCES

AUTHORITY: AS 47.10.0030(B) Summons and Custody of Minor, AS 47.10.070 Hearings, 25 U.S.C. 1912 Indian Child Welfare Act

POLICY: Notification of court hearings and case conferences will be provided in a timely manner to the parties to the case (i.e. parents, guardian ad litem, and tribes or Indian custodians intervening in the case), tribes or Indian custodians not intervening in the case, foster parents, relative caregivers, and the child's grandparents.

PROCEDURE:

a. Court Hearings

1. When an emergency or non-emergency petition is filed:
 - A. If the parents, guardian, or Indian custodian are available, the worker will review the petition with them and give them notice of the time and place for the hearing.
 - B. If child is thought to be Alaska Native or American Indian, the worker will:
 - i. give informal notice of the hearing to the tribe by phone or fax, followed by a mailed notification; and
 - ii. notify the Assistant Attorney General of tribal affiliation in order that legal notice can be sent to the tribe for the initial hearing. The following information is required:
 - (a) Name of the child, child's birth date and birthplace.
 - (b) Name of Indian tribes in which the child is member of or may be eligible for membership.
 - (c) All names known, and current and former addresses of the Alaska Native or American Indian child's biological mother, biological father, maternal and paternal grandparents and great grandparents or Indian custodians, including birth, married and former names or aliases, birth dates, place of birth and death, tribal enrollment numbers and/or other identifying information.
 - (d) At the time of formal notice to the tribe, the worker or Attorney General will provide the tribe with the "Tribal Membership form."
2. The worker assigned to the case will inform the OCS designated administrative clerk about the parties in the case, and the date of court hearings.

3. The AG's office will:
 - A. provide notice of all court hearings and court case conferences to the parties to the case:
 - i. Parents;
 - ii. Guardian ad litem;
 - iii. Tribes or Indian custodians intervening in the case.
 - B. provide notice of petitions for temporary custody, adjudication, permanency, and TPR hearings to the tribes or Indian custodians not intervening in the case.
4. The OCS designated administrative clerk will provide written notice at least 10 days prior to the scheduled date of hearings, except for emergency hearings, to:
 - A. Placements (Foster parents, relative caregivers, or other out-of-home care providers);
 - B. Child's grandparents.

b. Case Reviews or OCS Case Conferences

1. Reviewers will inform the OCS designated administrative clerk about the dates of the Family and Children Early Conference (FACE) (3 month) and Child and Family 6 months Conferences.
2. The OCS designated administrative clerk will provide written notice at least 10 days prior to the scheduled date of conferences, to:
 - A. Parents;
 - B. Guardian ad litem/CASA;
 - C. Tribes and/or Indian custodians intervening in the case;
 - D. Tribes and/or Indian custodians not intervening in the case;
 - E. Placements;
 - F. Child's grandparents.
 - G. Secondary worker.

c. Overview of Who is Responsible for Sending Notices

Required Notices	Parties to the Case*				Placements	Grandparents	Secondary Worker
	Parents	GALs/ CASAs	Tribes and/or Indian Custodians Intervening in Case	Tribes and/or Indian Custodians Not Intervening in Case			
Emergency Custody Hearings	OCS Worker		OCS Worker (informal notice)	OCS Worker (informal notice)			
Court Hearings/ Court Case Conferences	AG's Office	AG's Office	AG's Office	AG's Office (Petitions for temporary custody, adjudication, permanency, and TPR hearings.)	OCS designated Admin Clerk**	OCS designated Admin Clerk	OCS designated Admin Clerk
Case Reviews or OCS Case Conferences	OCS designated Admin Clerk	OCS designated Admin Clerk	OCS designated Admin Clerk	OCS designated Admin Clerk	OCS designated Admin Clerk	OCS designated Admin Clerk	OCS designated Admin Clerk

- *Any party requesting a hearing is responsible for notifying all other parties.
- **OCS worker assigned to case will let the OCS designated administrative clerk know all parties in a case, and the dates of court hearings. Reviewers will let the OCS designated administrative clerk know the dates of the Family and Children Early Conference (3 month) and Child and Family 6 months conferences. OCS designated administrative clerk will provide written notice at least 10 days prior to the scheduled date of the conference and hearing, except for emergency hearings.

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6.7 QUALITY ASSURANCE

6.7.1 MANUAL DEVELOPMENT

AUTHORITY: AS 47.05.010 Duties of Department, AS 47.05.060 Purpose and Policy Relating to Children, AS 47.10 Children in Need of Aid, (Policy and Procedure Regarding Division Manuals and Guidebooks/Handbooks 7/3/95)

POLICY:

- a. The division director will ensure that the field service operational manual of division policies and procedures for child protection is consistent with State and Federal law, Alaska Administrative Codes and Alaska Rules of the Court. The manual has statewide application, and will be distributed to all workers and supervisors. The manual format will be that prescribed by the director. Policies and procedures in the manual are effective on the date of issuance.
- b. The individual policies and procedures contained in the manual will be reviewed and updated as necessary to keep the manuals in compliance with statutes and regulations and consistent with best practice. The process for revising policies and procedures will include opportunities for staff to review drafts and provide comments. During the course of the review, related paperwork requirements will be reviewed for appropriate modification or elimination. All revisions must be approved by the director.
- c. The policies and procedures delineated in the manual shall be followed by all field staff. The manual provides both the general and specific framework within which services shall be provided. It is recognized, however, that the nature of some specific cases may require variation from established procedures to provide services consistent with the intent of AS 47. In such instances, staff will seek and follow the guidance provided by the Children's Services Manager or designee.

PROCEDURES:

- a. The director will assign to one division staff member the responsibility for coordinating tracking, revising, printing, distribution, etc. pertaining to the manual.

b. Manual Revisions

1. Revisions of the Child Protective Services Policy and Procedure Manual will be made following this four step process:
 - A. Step 1: Draft for Discussion: This is when the policy is identified as needing revision or clarification. This is also when a new law is passed and the law will impact policy and procedures. At this step, the policy is largely discussed and there is no written draft. There is usually a decision that a written draft is needed and some ideas for a draft are discussed and agreed upon.
 - B. Step 2: Internal Draft Review: This step includes written drafts of policy changes for staff to discuss and for State Office staff to receive feedback. The drafts are usually provided and discussed at Quarterly Supervisors' Meetings and Management Team Meetings, and generally the meeting participants are given a deadline for providing feedback. The received feedback is reviewed by State Office staff, and considered for including in the final policy. If feedback is extensive, draft policy may remain at step 2 and go out for additional comments.
 - C. Step 3: External Draft Review: At this step, if it is appropriate the draft policy with staff comments is provided to agencies outside of the division, for example other state agencies or federal agencies. This step is not needed for all policy revisions.
 - D. Step 4: Final Policy: At this step, the review of received comments is completed, and the final policy is approved and distributed with an effective date.
2. The director's designee will be responsible for ensuring that proposed revisions are reviewed and considered and that the revisions are distributed to all manual holders.
3. All revisions must be approved by the director, issued under the director's signature, and distributed from State Office. The director's designee will maintain a record of revisions.
4. Policy and procedure changes and additions will be distributed as they occur. Revisions will be sent out with a memo which summarizes the changes and explains which pages in the manual are outdated and need to be removed.

5. Policies and procedures will be revised by section. Each manual page will contain the current version date in the footer as well as the previous date of issue (superceded data).

c. Format

1. Sections of the manual will be organized into chapters. Each section page will contain a header and a footer. The text of each section will be organized into subsections titled Authority, Policy and Procedures.
2. Each manual page will be contain the date of issuance in the footer.

d. Instruction, Training and Interpretation

1. When policies and procedures change, the OCS-UAA Training Academy revises the content of their training, as needed, to reflect the changes.
2. Children's Services Managers are responsible to assure that all staff and supervisors under their direction have received a copy of the policy and procedure manual and are instructed in its use and contents. Children's Services Managers and District office supervisors are responsible to interpret policies and procedures for their subordinate staff, collateral agencies and the public.
3. Children's Services Managers may establish more detailed written regional procedures consistent with the Policy and Procedure Manuals.

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6.8 REPORTS/RECORDS

6.8.1 CASE RECORDS

AUTHORITY: AS 47.10.093 Disclosure of Agency Records, 7 AAC 54 Confidentiality of Records

POLICY:

- a. An original master case file shall be maintained for each case supervised by the division.
- b. A uniform method of organizing case files shall be used throughout the state.
- c. All children in custody must have health and education documents in their case files.
- d. Case plans and reports of contact must be current in each case record.
- e. Workers shall protect the confidentiality of client records.

PROCEDURE:

a. Case Record Organization:

1. All material in a case record is to be neatly organized and attached to the appropriate page.
2. Each office will have a minimum of one sample file to demonstrate file organization.
3. On the top of each page a cover sheet is filed which lists the OCS forms and other documentation to be filed on the page. Within any section of the folder, material is to be filed in chronological order with the oldest material on the bottom and the newest material on the top, except as indicated below.

4. E-mail messages are filed based on the function of the message: if an e-mail message is sent instead of a letter, it is filed with correspondence, and if e-mail is used instead of telephone for communication, for example with a client, caregiver, or service provider, then the e-mail message should be filed on page six.
5. Documentation of communication with an attorney (e-mail messages or notes from meetings) is privileged information and is not discoverable.
6. Mail receipts are attached to any document that was sent.
7. Cases are to be maintained in a six (6) page folder, with case material located in the case file as outlined below.
 - A. Page 1: Case Plan Related Documents - *file chronologically except for the most current case plan (see below)*:
 - i. OCS Forms:
 - Care and Safety Plan (06-9775)
 - Case Plan (06-9699) – *the most current case plan is filed immediately under the cover sheet. When a new case plan is done, the prior one will be placed in chronological order on this page. Most current case plan will be carried forward to a new volume.*
 - Conference Checklist (06-9714)
 - Family and Children Early Conference (06-9711)
 - Foster Care Plan and Agreement (06-9735)
 - Notification to Special Education or Infant Learning Program and Recommendation for Surrogate Parents (06-9745)
 - Permanency Planning Conference (06-9718)
 - Placement Decision Conference (06-9749)
 - Placement Panel Review (06-9709)
 - ii. Other Documentation:
 - Authorization for Release of Information (DHSS form 06-5870)
 - authorization for treatment of a minor
 - discharge summary
 - IEP Meetings with school personnel
 - Life Skills Assessment
 - immunization schedule
 - initial intake notes from other agencies
 - medical assessments
 - medical evaluations

- medical pictures
 - medical reports
 - medical summaries
 - photos – non-investigative (all but ones taken by worker, these will be filed with corresponding ROC)
 - psychiatric evaluations
 - psychological evaluations
 - residential treatment staffings
 - school records/reports
 - service plans
 - social history
 - treatment plan
 - drug and alcohol test results (UAs)
- B. Page 2: Correspondence - *file chronologically except as noted: put birth certificate, Social Security Card, and BIA cards in plastic protective sleeve and file immediately under the cover sheet:*
- i. OCS Forms:
 - Authorization of Mutual Exchange of Information (06-9707)
 - Field Incident Report (06-9502)
 - Foster Parent Report of Stolen/Damaged Property (06-9440)
 - ICPC Interstate Compact Financial/Medical Plan (06-9143)
 - ICPC Interstate Compact Transmittal (06-9137)
 - ICPC Report on Child's Placement Status – 100B (06-9141)
 - ICPC Request - 100A (06-9140)
 - ICPC Sending State's Priority Home Study Request
 - Out-of-Town Request (06-9748)
 - Referral for Assessment of Services (06-9706)
 - ii. Other Documentation:
 - Application for Certification of a Vital Event
 - Application for Social Security Number
 - Birth certificate (*put in plastic protective sleeve and file immediately under the cover sheet*)
 - BIA cards (*put in plastic protective sleeve with Birth Certificate*)
 - consent to participate
 - correspondence (general – sent, received, returned)
 - custody statement
 - ICPC (intact packet whether incoming or outgoing)
 - incident reports from other agencies

- ICPC progress reports
- letters
- letters to school
- memos
- Notice of Access, Extension, or Denial of Request for Protected Health Information (DHSS form 06-5883)
- Notice to Parents of 6-Month Review
- police reports
- referrals
- release of information for other agencies
- request for services
- Request to Inspect or Receive a Copy of Protected Health Information (DHSS form 06-5881)
- residential placement packet
- return receipt requests
- Social Security Card (*put in plastic protective sleeve with Birth Certificate*)

C. Page 3: Placement/Adoption/Guardianship: All documentation pertaining to adoption (after parental rights have been terminated) and guardianship should be filed on this page - *file chronologically except that Placement History is always filed immediately under the cover sheet*:

i. OCS Forms:

- Application for Adoption/Guardianship (06-9729)
- Alaska Adoption Exchange Child Registration Form (06-9733)
- Alaska Adoption Exchange Family Registration Form (06-9732)
- Adoptive Placement Agreement (06-9722),
- Authority to Transport a Minor (06-9717)
- Child Information Guide (06-9723)
- Clearance (Adoptive Applicant or Guardian) (06-9774)
- Clothing Inventory and Request (06-9741)
- Consent for Adoption (06-9725)
- Consent for Emergency and Routine Medical Care (06-9716)
- Emergency Shelter Care Health Review (06-9372)
- Ethnic Documentation (06-9736)
- Federal Adoption Subsidy Agreement (06-9728)
- Financial Statement of Adoptive Applicants (06-9730)
- Guardianship Subsidy Agreement (06-9738)
- Health History (06-9731)
- ICWA Documentation (06-9737)

- Legal-Risk Adoptive Placement Agreement (06-9721)
- Medical Health Information (06-9772)
- Mental Health Information (06-9773)
- Nomination for Adoption or Guardianship Subsidy (06-9726)
- Non-Recurring Adoption Expense Agreement (06-9742)
- Out of State Facility Child Placement Agreement (06-9396)
- Placement Search (06-9719)
- Report of Change (06-3679B)
- Search for Absent Parent (06-9715)
- State Adoption Subsidy Agreement (06-9727)
- State Adoption Subsidy with Medicaid Benefits Agreement (06-9743)
- Special Needs Report for Consent-Only Cases (06-9739)
- Summary to Request Consent to Adoption (06-9724)

ii. Other Documentation:

- adoption decree
- adoption homestudy
- Descriptive Information Regarding Biological Parents
- foster care placement request
- guardianship order/letter
- placement agreement (facility)
- Placement History (*always filed immediately under the cover sheet*)

D. Page 4: Financial - *file chronologically:*

i. OCS Forms:

- Application for Medicaid and Title IV-E Foster Care (06-3679)
- Authorization and Invoice (06-9000) (goldenrod copy)
- Child Support Enforcement documentation (Parent's Financial Statement) (06-9527)
- Family and Youth Services Client Service Forms (Form 1 Green) (06-9297)
- Financial Resources Data Sheet (06-9694)
- Foster Care Placement Level Checklist (for children age 0 to 5) (06-9687)
- Foster Care Placement Level Checklist (for children age 6 to 11) (06-9688)
- Foster Care Placement Level Checklist (for children age 12 to 18) (06-9689)
- Purchase Authorization (06-9710)
- PFD Notification Letter (06-9016)

- Request for Augmented/Specialized Funds (06-9734)
- Request for Release of PFD (06-9015)
- Request for Special Needs Funds for Foster Care (06-9695)
- Request for Special Needs Funds for Residential Care (06-9696)
- Request for Special Needs Funds for Unlicensed Relative Placements (06-9697)
- Request for Special Needs Funds for Children at-Risk (06-9698)
- Review for Medicaid and Title IV-E Foster Care (06-3679A)

ii. Other Documentation:

- bills
- client profile (AFDC)
- day care bills
- copies of field warrants
- financial statements
- IV-E and Medicaid notices
- medical insurance paperwork
- Notice of Findings and Rights,
- Permanent Fund Dividend applications
- travel paperwork

E. Page 5: Legal - *file chronologically except as noted: the Face Sheet is always filed immediately under the cover sheet, and the Legal Face Sheet is filed under the Face Sheet:*

i. OCS Forms:

- APSIN Request Form (06-9712)
- Face Sheet (06-9701) *(always filed immediately under the cover sheet)*
- Legal Face sheet (06-9713) *(filed under the Face Sheet)*
- Voluntary Placement Agreement (06-9693)
- Petitions:
 - (Emergency) Petition for Adjudication for Child in Need of Aid and for Temporary Custody (singular: 06-9750A, or plural: 06-9750B)
 - Petition for Extension of Custody Not to Exceed One Year (singular: 06-9751A, or plural: 06-9751B)
- Petition for Termination of Parental Rights (singular: 06-9752A, or plural: 06-9752B)Report:
 - (Pre)disposition Report for Child in Need of Aid (06-9755)
 - Report on Annual Review of Disposition Order under AS 47.10.080(c)(2) (06-9756)

- Report for Permanency Hearing (06-9757)
- Report in Support of Petition for Extension of Custody (06-9758)

ii. Other Documentation:

- court reports
- criminal history checks
- ICWA notices
- legal documents (all except adoption decree and guardianship order/letter)
- request for discovery

F. Page 6: Case History - *file chronologically:*

i. OCS Forms:

- Case Assessment (06-9705)
- Form Letter for Providing Feedback to Mandated Reporters (06-9708)
- Report of Contact (ROC) (06-9690)
- Report of Harm (06-9700)
- Structured Decision Making: Safety Appraisal Form (06-9767)
- Structured Decision Making: Documentation of Protective Capacities and Needs (06-9768)
- Structured Decision Making: Reappraisal for In-Home Cases (06-9769)
- Structured Decision Making: Reappraisal for Out-of-Home Cases (06-9770)
- Structured Decision Making: Reunification Safety Appraisal Form (06-9771)
- Supervisory Case Record Conference (06-9747)
- Supervisory Review – Intake (06-9765)
- Supervisory Review – Ongoing Cases (06-9766)
- Suspected Abuse Injury Notesheet (06-9702)

i. Other Documentation:

- family tree/genogram
- pictures at time of investigation
- intake assessment
- newspaper articles
- service agreements

- b. Transfer of Case Records:
1. When venue is changed to another office, the original case file is sent to the receiving office.
 2. When a team case management case is opened in another office, a duplicate case file shall be sent to the receiving office. The office maintaining ultimate supervision will retain the original case file.
 3. If there is a shared case, worker sends the second file to the initial worker when the case is closed, and the second file is filed with the primary file.
- c. Retention of Case Records: Refer to the Records Retention Schedule for information about the retention of case records. Secondary files are retained with the primary files.
- d. Confidentiality of Case Records: See Administration Chapter, section 6.1.2 Confidentiality

6.8.2 CHRONOLOGICAL ENTRIES

AUTHORITY: AS 47.10.093 Disclosure of Agency Records, 7 AAC 54.010 Confidentiality of Client Records.

PROCEDURE: Prober record keeping provides a clear account of the need for service and the division's response. It serves as a reminder and review for the worker, and it is the primary method of transmitting information from one worker to another. Records are necessary to assess treatment effectiveness and serve to meet the division's responsibility to be accountable for services.

The case record is the basic tool required to prepare and present a case for court. The worker should remember that every case of child abuse and/or neglect has the potential of going to court. Complete and proper records can also be an aid in defense in lawsuits against the agency and/or worker. For a child in custody, a case record may be the only written record of a child's life.

- a. Case recording is maintained on the Reports of Contact (ROC) sheets and all reports and summaries should be as clear and concise as possible. Use the active versus the passive voice. Utilize simple prose, "I", or "this worker".
- b. Records are kept up to date. With the passage of time, details become foggy and essential details may be forgotten.
- c. The type of contact; t.c.(telephone call), h.v. (home visit), o.v. (office visit), ct. (court).
- d. All entries in the case record will be dated, including the year, and signed by the worker.
- e. The record should be specific on who, what, when, where, why and how. The relationship of persons interviewed should be noted. List the participants present during the contact by first and last name. The time of day may be important to note.
- f. Signature must follow all entries, not just the initials of the worker. If an indecipherable signature is utilized the worker must print their name under the name of for identification purposes.
- g. Credentials of the worker should follow the signatures.

- h. The record should reflect factual information and observations. All evaluative statements including references and judgments should be clearly identified and labeled as "conclusions" or "impressions".
- i. If information is second-hand, the source of the information should be clearly identified. Utilize proper names instead of pronouns such as he, she, or they statements.
- j. Quotes are to be used only when the statement is written verbatim and notes that are being composed as the contact is taking place or immediately following the contact.
- k. Subjective words such as "the house was filthy" should be avoided. Use descriptive observations, such as "dirty dishes were piled all over the counter and table, there were several piles of dirty clothing on the floor and there were old scraps of food on the floor throughout the kitchen and living room.
- l. The utilization of photographs for descriptive purposes is valuable for supporting abuse and neglect utilization, identification and clarification. All photos must be dated and authorized by the worker. These photos must remain part of the permanent case file.
- m. Information that may be particularly relevant to future potential court intervention and which should be documented includes:
 - 1. client's response to a report of abuse or neglect;
 - 2. client's acceptance or refusal to accept services;
 - 3. records of appointments kept, not kept or canceled;
 - 4. the client's explanation of injuries;
 - 5. worker's detailed observations of the client and the home;
 - 6. the worker's explanation to client's of their rights.
- n. All client and collateral contacts will be noted in the case record. A collateral contact is a contact with significant people involved in a case, i.e. attorneys, agency personnel, relatives, and support activity providers such as foster parents or homemakers.

NOTE: If the contact is notes elsewhere in the record, it need not be repeated in the ROC, i.e. several foster homes are contacted as possible placements, and these are noted on the Placement Search Form (06-9719).

It may be possible that a contact would be recorded elsewhere in the file and there would be other significant information that also needs to appear in the ROC, i.e.: worker hand delivers a Petition for Temporary Custody to the parent and this is noted in the legal face sheet, however, the parent smells strongly of liquor and has very slurred speech. This is noted in the ROC.

- o. There are times when summary recording may be acceptable and make the best use of time. One example of this might be numerous calls over a short period of time around a single issue, i.e.: "7-30-88 summary, 6 phone calls made in last 2 days to private and agency providers to locate someone able to begin family counseling with the Jones family. Dr. Nelson is able to start with the family 8-20-88 at 4:00 p.m. Mrs. Jones notified this date and indicates they can keep this appointment.
- p. In general, recording each contact is preferred and is essential at intake or when issues are likely to go to court. Also, recording can be an aid in keeping client contact focused and productive. One model of client recording which can aid in keeping work focused is CIP, i.e.:
 - 1. Content - worker records what the client says or reports.
 - 2. Intervention - worker records the discussion with the client, any skills that were practiced, etc.
 - 3. Plan - what is worker's plan for the next session with the client.

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6.8.3 SUPERVISORY CASE REVIEW

PURPOSE: To ensure quality case work that is consistent with best practice and within the guidelines of the law and policy and procedures.

6.8.3.A CASE STAFFING MEETINGS

AUTHORITY: AS 47.10 Children in Need of Aid

POLICY: Supervisors will meet weekly with their staff to review cases to ensure workers are receiving support and consultation in their work with families. These will be regularly scheduled staffing times and in the event a meeting has to be cancelled, the supervisory meeting must occur the following week.

PROCEDURE:

- a. Supervisors will schedule regular supervision with their workers.
- b. During the life of the case and prior to in-home or permanency case closure requests, the worker and supervisor will staff the case to review the closure request and discuss safety and risk levels.
 1. The staffing will include the status of the case and any pertinent issues which need to be addressed, including circumstances, concerns, and case plan goals in regards to whether they promote safety, permanence, well-being and cultural continuity for the child, and barriers regarding services provided.
 2. In discussing the case, the supervisor will focus on:
 - A. clearly defined goals and objectives that relate directly to identified problems and minimum level of care;
 - B. contacts with the child and family;
 - C. any protective services reports which may have been received and investigated;
 - D. accurate and timely documentation of case activities in the case record; and
 - E. whether progress is being made or if other options should be considered.
 3. The discussion will include timelines for the tasks that are identified in the case

staffing meeting.

4. The supervisor will discuss the workers' recommendations for changes in the service provision, and come to consensus about how to proceed with the case.
- c. Documentation of Case Staffing Meeting: Issues discussed during the conference will be documented in ORCA.
- d. Follow-Up of Case Staffing: At the next case staffing, the supervisor will review the issues addressed in the previous meeting, and discuss the status with the worker.

6.8.3.B CASE RECORD REVIEW

AUTHORITY: AS 47.10 Children in Need of Aid

PROCEDURE:

a. Frequency of Reviews:

1. In-home Cases: At least every three months and at closure.
2. Permanency Cases: At least every six months (prior to Child and Family Six Month Conference), and at closure.
3. Investigations Cases: At the closure of the investigation for at least 50% of each worker's closures.

b. Documentation of Reviews:

1. In-home Cases: Use Supervisory Case Record Review – In-Home Cases (06-9766).
2. Permanency Cases: Use Supervisory Case Record Review – Permanency Cases (06-9777).
3. Investigations not opened for services: Use Supervisory Case Record Review – Investigations (06-9765).

Multiple investigations that are closed concurrently must be documented separately .

c. Follow-Up of Reviews:

1. When issues and concerns come to the supervisor's attention during the record review, the supervisor will discuss with the worker.
2. The completed case record review form will be forwarded to the statewide Quality Assurance Unit by the 10th of each month for tabulation and reporting to the regional offices.
3. The Quality Assurance Unit will provide a quarterly report to the CSM.

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6.8.4 INQUIRIES TO ALASKA PUBLIC SAFETY INFORMATION NETWORK (APSIN)

AUTHORITY:

AS 12.62.160	Release and Use of Criminal Justice Information
AS 47.05.310	Criminal History; Criminal History Check; Compliance
AS 47.14.100(j)	Powers and Duties of Department over Child
AS 47.17.033(a)	Investigations
AS 47.17.035	Duties of Department in Domestic Violence Cases
13 AAC 68	Central Repository of Criminal Justice Information

PURPOSE: To facilitate our work with families and to reduce risk to caseworkers.

BACKGROUND INFORMATION:

- A. State law allows OCS access to the Alaska Public Safety Information Network (APSIN) database for the purpose of obtaining criminal justice information:
1. On the parents or the alleged abusive or neglectful person when investigating reports of child abuse or neglect;
 2. On a relative who requests placement of the child in the home and any member of the relative's household 16 years of age or older;
 3. On an applicant for a provisional foster care license under emergency conditions and members of the applicant's household, as required by licensing statutes and regulations.
- B. Confidentiality of Criminal Justice Information:
1. Under state and federal laws and regulations, criminal justice information, including APSIN records, is confidential and may not be released to any other individual or agency, including parents, unlicensed relatives, foster parent applicants, the individual who is subject to the criminal justice information, or anybody outside the OCS. The only exception to this requirement is that information may be released to perform licensing activities as outlined in the Community Care Licensing Manual section 610.4.
 2. The confidentiality requirement applies both to written and verbal exchanges of information.

POLICY:

- A. Investigation:
1. Prior to investigation of a protective services report and prior to referral to a differential response program, an APSIN records computer check and Sexual Offender Registry

check will be done on the child's parent(s), including step-parents, alleged maltreater of child abuse and/or neglect, and all other adults who either are or may be present in the home when OCS staff are assigned an investigation. Even if an alleged maltreater has been specifically identified in the protective services report, the OCS must ascertain any potential threat of others living in the home for the safety of staff.

2. The check will include the inquiry of protective orders issued by the court under AS 18.66.100-18.66.180 Protective Orders (issued for the protection of victims of domestic violence).
- B. Prior to placement of a child, an APSIN records computer check and a Sexual Offender Registry check will be done on:
1. Household members 16 years of age or older who are being considered for a provisional foster home license issued under emergency conditions and who have agreed in writing to submit to fingerprinting. See Community Care Licensing Manual section 610.3.
 2. Unlicensed relatives and all other individuals 16 years or older in the relative's home, when:
 - a. A relative requests placement of a child with whom the OCS is currently involved or when there is a signed Voluntary Placement Agreement; or
 - b. When the child is in the custody of another state or the parent and an ICPC request for a home study of the relative has been submitted in accordance with the ICPC procedures.

The relative or household member of the relative must agree to the background check and to fingerprinting in writing by signing the APSIN Request Form (06-9712). If it is not possible to get a signature, a verbal agreement must be obtained and documented on the APSIN Request form, and the form must be signed by at least one staff member. When possible, a verbal authorization over the phone should be witnessed by an additional staff member, and the form signed by the second witness.

PROCEDURE:

- A. Obtaining Criminal Justice Information
1. A centralized APSIN Unit located in the Anchorage office provides APSIN computer records check services to all OCS offices. The unit provides checks Monday-Friday 8:00 a.m. until 5:00 p.m.
 2. Requests after Hours:
 - a. After hours only, the worker can make a request for an APSIN check through the Alaska State Troopers (Dispatch # (907) 451-5100, fax # (907) 451-5165) with instructions for the Center's APSIN operators to respond to requests that comply

with the following:

- 1) There is no APSIN operator available within DHSS to make the query; and
 - 2) To delay the query until a DHSS APSIN operator is available could jeopardize a staff member's safety.
- b. The worker must fax the APSIN request form or if a fax is unavailable, provide all the information verbally listed on the APSIN form, including full statute citation authorizing the query and release of information, and must inform the operator that the employee will retain the faxed request in the case file to validate the query for audit purposes. NOTE: It is not mandatory for the Trooper's dispatch to respond to requests for APSIN checks from OCS and an immediate response is not guaranteed.

Statute citations:

- Investigations: AS 47.17.033(a), AS 47.17.035, AS 12.62.160(b)(4)
 - Relative requesting placement: AS 47.14.100(j), AS 12.62.160(b)(4)
 - Provisional license issued under emergency conditions: AS 47.05.310, AS 12.62.160(b)(4)
- c. On the following business day, the worker will also make the APSIN request in ORCA.

B. Submitting an APSIN Check Request to the APSIN Unit:

1. Requests for APSIN checks should be submitted to the APSIN Unit only for the situations addressed in policy, there are no exceptions.
2. Requests are submitted through ORCA, on the background check tab on the person management page.
3. For relative placements, if the relative has not signed the APSIN Request Form but a verbal agreement has been obtained in accordance with the policy, the requesting worker will indicate on the signature line "verbal permission was obtained" and sign the form. When a request is e-mailed, the requesting worker's signature is not required, but the required documentation must still be on file.
4. When APSIN requests cannot be submitted through ORCA because ORCA is down, the worker will fax the completed APSIN Request Form to the APSIN unit.
5. It is the worker's responsibility to contact the APSIN unit if a request has not been responded to within 24 hours. When necessary the worker will notify the APSIN unit to confirm that they received the request.

C. APSIN Unit's Response to Requests:

1. If the APSIN Unit receives an APSIN request which is missing mandatory information and/or required signatures, Unit staff will either call the requesting worker and request

the missing information, or return the request with a notation that the Unit is unable to process the request due to incomplete information, and inform the requesting worker about what information is needed in order to enable the Unit to process the request.

2. APSIN request for Priority 1 protective services reports and emergency licensing/placement will receive top priority for processing. All other requests will be processed in the order in which they are received.
3. The APSIN Unit will, for each individual for whom an APSIN check has been requested, check APSIN (including the AKA (also known as) and criminal history screens) and the Sexual Offenders Registry, and research for any TRO (temporary restraining order) history.
4. The APSIN unit will send the results and notify the worker that the results are available for review. The worker will review the APSIN results and summarize the history in ORCA. A worker who needs the results while out in the field may request that the APSIN Unit call the worker back with the results. To protect confidentiality, APSIN Unit staff will not mention client names over the phone and will provide the information only directly to the requesting worker.