

DSS Policy # 86-009

Effective: 11/01/1985

Revised: 06/15/1986

Revised: 07/01/1989

Revised: 02/01/1994

Revised: TBD (06/1997)

Revised: 09/06/2000

## FOSTER CARE REVIEW POLICY

Federal and state laws require that cases involving children in out-of-home placement be reviewed periodically and no less frequently than once every 6 months. Foster Care Review provides an opportunity for interested individuals to participate in a meeting focused on a review of: the appropriateness of the child's placement; individuals' participation and level of completion of tasks and progress toward achievement of behavioral indicators and outcomes identified in the Service Plan; progress made during the preceding 6 months toward the goal identified in the Service Plan; and the date by when the goal will be achieved.

### Policy

The Foster Care Review Unit (FCRU) is responsible for scheduling and conducting a Foster Care Review for a family if at least one child in the family under the age of 18 is in placement. A child is in placement when she/he is in DSS care through a Voluntary Placement Agreement or in DSS custody through a court order and is living outside the home of her/his parent(s) or guardian(s). The initial Foster Care Review is scheduled to occur during the 6<sup>th</sup> calendar month after the date the first child in the family enters placement. Subsequent Foster Care Reviews are scheduled every 6 months from the initial Foster Care Review date, as long as a child in the family under the age of 18 remains in placement. The Foster Care Review is conducted by a 3 member panel and includes a review of the family's Service Plan and a review of all children in the family, including those children remaining at home. The Foster Care Review panel includes a member of the FCRU, an administrator from the Area Office who does not have supervisory responsibility for the case under review, and a volunteer who has been recruited and trained by the FCRU.

The purpose of Foster Care Review is to make the following determinations:

- the appropriateness of the child's placement;
- individuals' participation in, and level of completion of, tasks and progress toward achievement of behavioral change indicators and outcomes as identified in the service plan;
- progress made during the preceding 6 months toward the goal identified in the Service Plan; and
- the goal of the Service Plan for the next 6 months and the date by which that goal will be achieved.

In accordance with DSS Regulations, the Social Worker(s) assigned to the family, parent(s), children 14 years of age and older, substitute care provider(s) children's attorneys, DSS attorneys, and family resource/adoption Social Workers are invited to the Foster Care Review. Other parties, identified by the Area Office, also may be invited. The Area Director of the office providing services to the family approves the presence of any observer at the Foster Care Review.

Foster Care Reviews are scheduled and conducted at times which ensure, to the maximum extent possible, the participation of all invited parties. In scheduling the Foster Care Review, priority is given to the availability of the parent(s), Social Worker(s) assigned to the family, substitute care provider(s), and the Case Reviewer. Foster Care Reviews are conducted according to the schedule unless, on the day of the review, an emergency prohibits either the Case Reviewer, the assigned Social Worker(s) or Supervisor(s) from attending. The FCRU is responsible for notifying all participants of the rescheduled meeting location, date and time. Upon request by the Social Worker, a Foster Case Review may be rescheduled prior to the scheduled Foster Care Review date if the Case Reviewer has another opening during the month in which the review is scheduled and the new date is agreeable to all mandated invitees.

Foster Care Reviews are held at the Area Office responsible for the case unless the Social Worker assigned to the family requests another location because the parent is incarcerated, the family lives in another Area Office's catchment area, or the case is about to be transferred to another Area Office.

The Area Office responsible for the case is responsible for arranging for a translator or interpreter to be present at the Foster Care Review, or for other reasonable accommodations when requested.

The Case Reviewer is responsible for chairing the Foster Care Review; ensuring that all participants have the opportunity to have their views heard; and sharing any materials or information received from invitees who are not able to participate in the Foster Care Review.

The assigned Social Worker(s) is responsible for providing a brief verbal history of the family's contact with DSS; bringing and summarizing the Service Plan which has been in effect for the preceding 6 months; and proposing the permanency goal and date for achieving the permanency plan for each child in out-of-home placement.

The Foster Care Review panel reviews the Medical Passport, and encounter forms and medical/dental reports and evaluations received during the previous 6 months for each child(ren) in the family who is in placement to determine whether the child(ren) has received routine care and any necessary follow-up treatment. Additional information regarding this review is included in Appendix A, "Guidelines for Medical Passport Review," of this policy.

When a Foster Care Review is conducted by 3 panel members, and there is disagreement, a majority opinion of 2 prevails. If all panel members disagree, the Service Plan, written for the preceding months or presented by the case management worker for the forthcoming 6 months, prevails. When a Foster Care Review is conducted by 2 panel members who are unable to agree, the case reviewer makes the determinations and records the determinations on FamilyNet. The opinion of the Foster Care Review panel member who disagrees with the determinations is recorded under the "minority opinion" section. Panelists provide their signature to verify their agreement or disagreement with the review determinations and any minority opinion.

The case reviewer is responsible for all documentation of the Foster Care Review.

Following the Foster Care Review, the case management worker is responsible for updating or rewriting the Service Plan for the next 6 months. (See *Policy #97-003, Service Planning and Referral Policy*) In addition, if the Foster Care Review Panel's determinations include a recommendation that an alternative permanency plan be established, or that a child(ren)'s previously identified alternative permanency plan be changed to return home or to another alternative permanency plan (e.g., from adoption to return home; from guardianship to living independently) the Social Worker is responsible for requesting that a Permanency Planning Conference is convened.

Parents, foster parents, the child's attorney, and children age 14 or older may appeal the Foster Care Review determination to change the Service Plan goal by requesting a Fair Hearing within 30 calendar days after receiving the Foster Care Review Report. All other FCRU determinations can be appealed through the grievance process. (See *Policy# 94-001, Fair Hearing and Grievance Policy*) There is no appeal of FCRU recommendations.

Situations which involve disagreements between Area Office staff and the Foster Care Review Panel are resolved in accordance with the procedures which appear later in this policy.

### **Procedures for Scheduling Foster Care Reviews**

1. **Tickler Report.** The tickler report identifies all families who have been selected for a Foster Care Review for a given month. The FCRU cannot cancel a review unless the family's case has been closed or a child's placement status has been updated to reflect that the child is no longer in placement, by the 30th of the month the tickler is received.

If a family's case is expected to close prior to the actual review month, the FCRU waits one month before scheduling the Foster Care Review. If at the end of the month the case is not closed, the FCRU schedules the Foster Care Review.

2. **FCR Scheduling.** The relevant FamilyNet screens are completed by the assigned Social Worker and approved by her/his Supervisor. The Supervisor ensures that the screens are completed and sent electronically to the FCRU by 5 calendar days before the last day of the month following the receipt of the tickler in the Area Office.

FamilyNet Foster Care Review information is used by the assigned Social Worker to indicate to FCRU:

- the names, addresses, and phone numbers of people to be invited to the case review;
- dates and times when the Social Worker(s), parent(s), substitute care provider(s), children's attorneys, or family resource/adoption Social Worker(s) cannot attend the Foster Care Review;
- the preferred site of the Foster Care Review (e.g., another Area Office or correctional facility);
- the preferred language of the family involved in the Foster Care Review; and
- any safety issues which may be present for the family members who may participate in the Foster Care Review.

In families where there is domestic violence and the offender is going to participate in the Foster Care Review and her/his participation poses a risk to the non-offending parent, the Social Worker contacts the FCRU Supervisor to discuss specific accommodations which may be made for the review.

The Social Worker who is registered on FamilyNet as the primary worker for the child(ren) in placement who is identified as due for a Foster Care Review is responsible for completing the relevant FamilyNet information, unless another Social Worker in the same Area Office has assumed responsibility for the family. The Social Worker consults with any other Social Worker who has primary responsibility for a member of the family to verify the information included in FamilyNet and to identify individuals to be invited to the Foster Care Review. The Social Worker indicates on the relevant FamilyNet screens those times she/he, or any other Social Worker assigned to the family, is not available to attend the Foster Care Review.

For a family whose case has been transferred to another Area Office without the transfer being approved by the time the FCR report was run, the tickler is sent to the Social Worker assigned as primary worker to the child and who identified the family for review (a case cannot be transferred within 6 weeks prior to a Foster Care Review). (See *Policy #85-001, Case Transfer Policy*) That Social Worker is responsible for completing the relevant information on FamilyNet to identify the new Social Worker as a participant to be invited to the Foster Care Review by entering the Social Worker's name, address, and role. The new Social Worker is consulted about her/his available times. The Social Worker responsible for completing FamilyNet information may request that the review be held at the Area Office of the newly assigned Social Worker if she/he has confirmed that meeting space is available. The Social Worker documents this on FamilyNet as the "preferred location."

3. **Out-of-State Children Placed in Massachusetts.** The FCRU will not review cases involving a child who is placed in Massachusetts from out-of-state under the Interstate Compact. In situations when such a child has been identified for a Foster Care Review, the assigned Social Worker updates the relevant information on FamilyNet.
4. **Scheduling Reviews.** The FCRU Supervisor schedules all Foster Care Reviews by the 15th day of the month preceding the review month.

The FCRU Supervisor develops a monthly schedule of Foster Care Reviews for the Area Offices assigned to her/his responsibility and assigns a Case Reviewer to each of the scheduled Foster Care Reviews. Dates for Foster Care Reviews are selected through analysis of the scheduling reports and information found on FamilyNet.

If "WAITS" appear on FamilyNet, this is an indication that the case was not closed a month prior to the review month. The FCRU Supervisor may wait until the end of the review month to give the Area Office additional time to close the case if the Supervisor determines that it is very likely that the area will close the case or the placement status will be changed.

"WAITS" which came due in prior months and were not closed by the end of the month in which they came due (they appear on subsequent month's scheduling report) are scheduled immediately.

If there is a request for a Foster Care Review to take place at another Area Office or at a correctional facility, the FCRU Supervisor calls the facility to confirm that the facility can accommodate a Foster Care Review at the desired date and time. The FCRU supervisor forwards the completed Foster Care Review schedule to the Area Director/designee at least one week prior to the beginning of the review month.

Upon receipt of the schedule, the Area Director/designee insures that a second party is assigned to each Foster Care Review and an appropriate meeting room is reserved for each Foster Care Review.

5. **Rescheduling Reviews.** When a Foster Care Review is postponed due to case reviewer unavailability, case management worker unavailability, or inclement weather, the case reviewer and FCRU supervisor share responsibility for determining when, and by whom, the Foster Care Review will be completed.

In addition to rescheduling Foster Care Reviews because of a case reviewer's unavailability, the FCR Supervisor also may reschedule a Foster Care Review at the request of the Social Worker. Rescheduling requests from all other invitees are made directly to the Social Worker.

The Case Reviewer or FCRU Supervisor will honor reasonable requests made by the Social Worker if there is an opening in her/his schedule during the same month the Foster Care Review is due.

When a review is rescheduled, the FCRU completes a "Notice of Case Review" specifying the new date, time, and location of the review. This form is mailed to the Social Worker, and a copy is forwarded to the Area Director and all review invitees.

### **Procedures For Conducting A Foster Care Review**

1. **Preparing for the Review.** The Case Reviewer schedules time to read the case record and be available to consult with the Social Worker prior to convening the Foster Care Review.

The Case Reviewer informs the Social Worker, and any other invitee with whom there is a conversation prior to the scheduled review, that information which they provide prior to the review is shared with all participants who attend the review.

The Case Reviewer is responsible for ensuring that photocopies are made of portions of the case record which are needed for the review.

2. **Conducting the Review Meeting.** The Case Reviewer initiates the Foster Care Review with an introductory statement. This statement includes:

- the summary of purposes of the Foster Care Review,
- a statement of the review's permanency planning focus,
- the identification of the 4 determinations which will be made during the review, and
- a statement of the right to appeal or grieve Foster Care Review determinations.

The Case Reviewer also provides additional information, as needed, regarding the role of the panelists and the need for confidentiality. The Case Reviewer distributes, and all attendees sign, an attendance sheet to verify their presence at the review.

The Case Reviewer determines the order in which the participants will present. Parent(s), children and DSS staff are each given the opportunity to present a brief history of the family's involvement with DSS. The Social Worker's presentation includes a brief family/case history, the results of any intervening review, significant family developments since the last review, the outcomes which have been the focus of the Service Plan, and any other relevant information.

The Social Worker presents the Service Plan and summarizes the outcomes, behavioral change indicators and tasks each party was responsible for, the party's level of completion with the assigned tasks, and progress toward achievement of behavioral change indicators and outcomes. The Social

Worker also provides the Foster Care Reviewer with any progress evaluations received from contracted service providers. All participants are encouraged to discuss the Service Plan and the parties' involvement with the Plan.

The Social Worker proposes a permanency goal and date by which the goal will be achieved. Panelists make their determination or indicate they cannot do so during the meeting. A panelist can have a minority opinion on one or more of the determinations. Recommendations to facilitate permanency planning are solicited from all participants.

3. **FCR Determinations and Recommendations.** The Case Reviewer summarizes all determinations and recommendations and documents each panelist's agreement/disagreement with each of the determinations and recommendations.

If the determinations include the recommendation that an alternative permanency plan be established, or that a child(ren)'s previously identified alternative permanency plan be changed to return home or to another alternative permanency plan (e.g., from adoption to return home; from guardianship to living independently), the Social Worker is responsible for requesting that a Permanency Planning Conference is convened. (see *Policy*, *Interim Policy* and *Procedures for Permanency Planning*) The Service Plan goal does **not** change until the Permanency Planning Conference is held and the change of goal is approved. In situations where the goal determination made at the Permanency Planning Conference disagrees with the Foster Care Review determination, the case is referred to the Regional Director, who makes the goal determination and documents it in FamilyNet.

The Case Reviewer provides each panelist with the opportunity to defer decision making until after the meeting has ended. However, the areas of continued debate need to be clarified for all participants.

The Case Reviewer explains which parties will receive the narrative and who will have a right of appeal.

Once all parties have departed, the Reviewer completes the relevant FamilyNet screens. Panelists provide their signature to verify their agreement or disagreement with the review determinations and to express any minority opinion.

4. **Appeals.** Parents, foster parents, the child's attorney, and children age 14 and older may appeal the Foster Care Review determination to change the Service Plan goal by requesting a Fair Hearing within 30 calendar days after receiving the Foster Care Review Report. All other FCRU determinations can be appealed through the grievance process. (See *Policy #94-001*, *Fair Hearing and Grievance Policy*) There is no appeal of FCRU recommendations.
5. **Area Staff/Foster Care Review Panel Conflict Resolution.** If the assigned Social Worker or Supervisor disagrees with any of the Foster Care Review Panel's determinations, the disagreement is identified for the Foster Care Review Panel and an attempt is made to resolve the disagreement.  
  
In those situations in which the assigned Supervisor and the FCRU Supervisor are unable to resolve the disagreement, the Area Director/designee and the Director of Foster Care Review attempt to resolve the disagreement.
6. **Priority Alert Notices.** Following a review meeting where a delay in achieving the permanency goal due to internal DSS issues has been identified, the Foster Care Reviewer completes an Alert Notice and sends it to the Area Director or General Counsel for situations where legal delays have delayed achievement of the permanency plan.

A **Case Practice Priority Alert** is provided to the Area Director or General Counsel by the FCRU on the day the review is held if the situation involves risk which has been identified to children in or out of placement, (e.g., situations including but not limited to, clinical issues regarding placement which need immediate review, visitation issues, Medical Alert, 51A filed by the Reviewer).

An **Administrative Alert** is provided to the Area Director or General Counsel by the FCRU within 10 calendar days after the review, for situations including but not limited to: insufficient progress toward the permanency planning goal, Interstate Compact problem, no legal custody of a child in placement,

no assessment of a family resource provider, no Social Worker visits to children, Social Worker not in attendance at review.

Within 30 calendar days after receipt of the Alert Notice, the Area Director sends a memo to the Regional Director and/or the Regional Counsel sends a memo to the General Counsel documenting the action(s) taken to address the issues identified in the Alert Notice and what barriers, if any, are present that prevent resolution of the issue(s). If the Regional Director approves of the action taken, she/he sends a copy of the memo to the Assistant Commissioner for Continuous Quality Improvement. The Regional Director is responsible for following up on operational issues identified in each memo. The Assistant Commissioner utilizes this information to identify statewide case practice issues and trends as part of quality assurance and best casework practice. If the Regional Counsel approves of the action taken, she/he sends a copy of the memo to the General Counsel.

## APPENDIX A

### GUIDELINES FOR MEDICAL PASSPORT REVIEW

#### The Medical Passport must reflect:

- encounter forms or report(s)/correspondence from doctor(s) or dentist(s) which document provision of routine medical/dental care;
- follow-up health care for all medical and dental care and problems that are identified on encounter forms and other documentation in the case record [e.g., report(s)/correspondence from doctor(s)];
- the child's medical history, functional history and immediate family medical history by the child's 6<sup>th</sup> month of placement;
- completion of the medical/dental problem list, lab test and medication sections, as applicable [to be completed by the doctor(s)/dentist(s)].

The Medical Passport and medical and dental encounter forms must either be filed in the physical case record or brought to the Foster Care Review by the foster/pre-adoptive parent(s) or residential/group care provider(s).

For placements made **prior to June 1, 1996**, the Medical Passport is considered up to date if the following sections are completed:

child's name	child's medical history
child's date of birth	child's immunization dates
medi-alert	child's current doctor(s) and dentist(s)
allergies	child's current DSS case management worker
present medications	current foster/pre-adoptive parent(s) or residential/group care provider(s)

For placements made **after June 1, 1996, and for any new placement**, the Medical Passport is considered up to date if the following sections are completed:

child's name	child's medical history
child's date of birth	child's immunization dates
child's sex	child's doctor(s)
child's school	child's dentist(s)
child's ethnicity	child's counselor(s)/therapist(s)
medi-alert	child's current DSS case management worker
allergies	child's foster/pre-adoptive parent(s) or residential/group care facility(s)
present medications	equipment and devices