



Voluntary foster care placements for treatment

Some children with emotional and developmental disabilities who are receiving services from county social service agencies may need treatment in residential facilities. When it is determined that children need treatment in residential facilities, parents authorize placement of their children through voluntary agreements.

Clarification provided

Policy regarding children with disabilities who need residential treatment was clarified in a 2008 law that defines voluntary foster care placements for purposes of treatment and distinguishes these treatment placements from child protection placements. In addition, the law:

- Establishes children's safety, health and best interests are paramount
- Ensures that children with disabilities are provided the services necessary to treat or ameliorate symptoms of their disabilities
- Confirms that social service agencies and parents are responsible for actively planning together to meet children's need for safety, stability and permanency
- Establishes court reviews and permanency planning processes for children in voluntary foster care for treatment that maintains parental rights and responsibilities
- Supports and strengthens parents' rights and responsibilities during voluntary placements.

Process for seeking volunteer placements outlined

With voluntary foster care placements for treatment, parents and social service agencies agree that, due to a level of care determinations by agency screening teams or determinations regarding the level of services needed to care for children with developmental disabilities, children need treatment for emotional disturbances or developmental disabilities in residential facilities.

Parents must provide the agencies with access to medical and other information to make the level of care or service determinations. Agencies need to make reasonable efforts to preserve children's families, and consider community resources to ensure that children's treatment needs cannot be met through home-based care. These determinations include assessments of the types of facilities needed to meet individual needs. If treatment needs can be met in a family foster care settings, relatives and kin would be the first consideration for placements.

The "Child in Voluntary Foster Care for Treatment Agreement" must be signed by parents and agencies. These agreements give agencies the authority to place children in foster care, but parents retain parental rights. Agencies, parents and children develop out-of-home placement plans within 30 days of placements. These plans include visitation schedules.

The new law strengthens parents' rights and responsibilities during voluntary foster care for treatment, including:

- Visiting their children
- Planning with agencies to make treatment decisions
- Obtaining necessary medical, mental health, dental and education services
- Preserving children's connections with their families and communities.

Process for court reviews established

Federal law requires courts to review foster care placements. Court reviews of voluntary foster care placements occur when children have been in placement for 165 days. Permanency reviews are required when children have been in voluntary foster care for 13 months. Annual reviews are required every 12 months that the children are in placement.

The new law specifies what courts are expected to review in order to ensure that these reviews apply specifically to voluntary foster care for treatment of children with disabilities. These placement reviews are intended to include agencies, children age 12 or older, their parents, and foster providers or facility staff with sufficient information to continue to plan for the children's needs and for courts to determine:

- If voluntary foster care arrangements are in children's best interest
- If parents and agencies are appropriately planning for children
- Whether to appoint guardian ad litem or council for children age 12 or older who have expressed disagreements with the foster care facilities or services.

Ending voluntary foster care placements for treatment specified

Parents may end voluntary foster care for treatment agreements with notices in writing to social service agencies. Parents of American Indian children may end voluntary placements upon demand.

Agencies end voluntary agreements with notices in writing to parents. These notices must include information about how to request appeals. Prior to written notice, agencies will offer transition planning, including increased visitation and plans for community services when children are reunified with families. These transitions are to occur no sooner than 72 hours from receipt of notice and no later than 30 days after.