

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY AND CHILDREN'S SERVICES**

**Cover Memorandum accompanying the December 16, 2005 filing of a Notice of Proposed Rule Adoption by the Division of Family and Children's Services proposing to issue new County Conference policy for its policy manual.**

Listed below are the four new or amended rules proposed for 2006 and beyond that account for the substantive differences between the former Foster Care Review policy and that is now listed as County Conference policy.

1. Proposed Rule:

The DFCS periodic administrative review, which is known as a County Conference, shall be held on every child in agency custody every six (6) months. The review will be facilitated by a Foster Care Reviewer assigned to the case.

Current Rule:

In order to carry out the requirements of the laws, each child in the custody of the Mississippi Department of Human Services must have a review at least every six months. Every child in the Department's custody is included in this review process, including children in adoptive placement prior to legal finalization of that process. The Department has designated such case reviews as Foster Care Reviews. A Foster Care Review must be held within the first six months after a child's initial placement in custody, and within each six month period thereafter. The Foster Care Reviews may be conducted by a Foster Care Reviewer (Foster Care Review Conference) or by the Foster Care Review Board.

Proposed Rule:

None

Current Rule:

If the board is performing review, dispositional or permanency hearings per court order, the agency is bound to follow the board's recommendations as it would a court order. If the board is **NOT** performing review, dispositional or permanency hearings, the board's authority is advisory only.

2. Proposed Rule:

No practice information included.

Current Rule:

Example of Time Frame; Review, Dispositional and Permanency Hearings; Exceptions to Invitations; Invitation to Potential Review Meeting Participants; Efforts to locate Absent Parents; Participation by Foster Children and "No Contact" Orders; Foster Child Leaving the Meeting; Preparing the Foster Child; Participation by the Foster Parents; Participation

by Foster Child's Guardian Ad Litem and/or Attorney; Participation by the Foster Child's Grandparents; Participation by County DHS Staff Persons; Other Persons; Statement Regarding Confidential Information; Overview of Review Types and Procedure; Conference Procedure; Review Board Procedure; Review Report; Filing the Review Report with the Court; Sample Letter to the Clerk of the Court; Sample Six Month Review Court Order; Role of the Foster Care Reviewer; and Responsibilities of Department Staff in the Review Process.

3. Proposed Rule:

The purpose of the County Conference is to make the required Periodic Administrative Determinations on the case, based on the following:

- Is the current placement safe? The safety of the child/ren shall be of paramount concern.
- Is the current placement the most appropriate and least restrictive for the child's individual needs? The child/ren should be placed in the least restrictive, most family-like placement appropriate to his/her needs and in close proximity to the parent's home where such is in the child's best interest.
- Has the Agency complied with the service provisions of the child/ren's Individual Service Plan (ISP)? An Individual Service Plan on each child is required that addresses the placement and services both provided and needed.
- Is the agency's permanent plan appropriate and is there a documented likely date of achievement? The achievement of genuine permanency for each child within two years is the goal with reunification, relative placement {either through durable legal guardianship or adoption} and adoption as the option.
- Has the Agency complied with the service provisions of the parental ISP/s? For the plan of reunification, the Agency will work with the family through parental Individual Service Plans.
- Has there been parental progress toward alleviating or mitigating causes necessitating the child/ren's placement in agency custody? For the courts to maintain the permanent plan of reunification with parents, the parents must be making substantial progress.
- Is there continuing need for the Agency to maintain custody of the child/ren or is one of the permanent plans now achieved sufficient for transferred custody?

Current Rule:

The intent of both laws is to promote permanency planning for children by returning the children to their own home, placing them with relatives, or freeing them for adoptive placement.

The federally mandated purpose of the foster care review process is to address:

1. the appropriateness of the permanent plan;
2. the continuing need for placement, appropriateness of placement setting and level of restrictiveness (including why an out-of-state placement is most appropriate in best interest of child
3. the extent of compliance with the case plan for the child;
4. the extent of progress made toward alleviating or mitigating the causes necessitating the placement of the child in foster care; and
5. an estimated date by which a permanent plan can be achieved and the child may be returned and safely maintained, or placed for adoption or legal guardianship (durable legal custody).

The state law additionally mandates that the foster care review will address:

1. The extent of the care and support provided by the parents or parent.
2. The extent of communication with the child by parents, parent or guardian.
3. The methods of achieving the goal, and the plan establishing a permanent home for the child, that is:
  - a. The plan to return the child to its natural parent or parents or Relative Placement
  - b. The plan to refer the child to the appropriate court for termination of parental rights and placement
  - c. A permanent relative's home, adoptive home, or foster/adopt home.
4. Social services offered and/ or utilized to facilitate plans for establishing a permanent home for the child
5. Relevant testimony and recommendations from the foster parent of the child, the grandparents of the child, the guardian ad litem of the child, representatives of any private care agency which has cared for the child, the social worker assigned to the case, and any other relevant testimony pertaining to the case.

4. Proposed Rule:

*Compliance*—A case plan (child and parental) is in compliance if:

- The case plan is current according to agency policy (for children's ISPs- within 30 calendar days of custody for Initial ISPs and every 180 days thereafter; for adult ISPs, within 30 calendar days after case assignment, a first review within five months of case assignment and every six (6) months thereafter.)
- For children's ISPs, there is a permanent plan that the agency is actively working toward achieving and the plan is appropriate to meet the individual child's needs.
- For children's ISPs, services are being provided to alleviate

- any needs that the agency IDENTIFIED ON THE ISP. (For example, the child has a heart murmur and the agency has said on the ISP that the child will receive regular medical treatment/ monitoring for this condition. There must be evidence this is occurring for this to be in compliance.
- Foster Care Reviewers should continue to point out on the 4253 (Periodic Administrative Determination) if certain information is missing from the ISP and report it on the checklist.

**Items 11 and 12** on the Periodic Administrative Determination (form 4253) will be determined based on **AGENCY** (DFCS) compliance with the child's ISP and the adult ISP.

**Item 13** on the Periodic Administrative Determination (form 4263) will be determined on the **PARENT'S** progress on their ISP.

#### Current Rule:

In order to carry out the requirements of the laws, each child in the custody of the Mississippi Department of Human Services must have a review at least every six months. Every child in the Department's custody is included in this review process, including children in adoptive placement prior to legal finalization of that process. The Department has designated such case reviews as Foster Care Reviews. A Foster Care Review must be held within the first six months after a child's initial placement in custody, and within each six month period thereafter. The Foster Care Reviews may be conducted by a Foster Care Reviewer (Foster Care Review Conference) or by the Foster Care Review Board.

In addition, a court review, which may be called a review, dispositional or permanency hearing must be held within twelve (12) months of initial placement, and annually thereafter. Some judges have designated the state Foster Care Review Board to hold the dispositional hearings for children in their jurisdiction. In order to meet federal criteria in this regard, the judge must issue an order to this effect, and a copy must be filed in the case of each child in custody within the specific judge's jurisdiction. State law does not provide for judges to allow a body other than the court to perform review

Rita C. Graham, Social Worker Advanced/Policy Lead  
December 15, 2005

# NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI  
{INSERT AGENCY NAME}  
{Optional Insert Agency Division or Department}

Mississippi Department of Human Services  
Donald R. Taylor, Executive Director  
c/o Rickie Felder, Director  
Division of Family & Children's Services  
750 N. State Street  
Jackson, MS 39202  
601-359-4999  
[rfelder@mdhs.state.ms.us](mailto:rfelder@mdhs.state.ms.us)  
[rgraham@mdhs.state.ms.us](mailto:rgraham@mdhs.state.ms.us) :

**Specific Legal Authority authorizing the promulgation of Rule:**  
Miss. Code Section 43-21-603

**Reference to Rules repealed, amended or suspended by the Proposed Rule:** Amending the DFCS Policy Manual for FFY 2006

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:** \_1) Wrote new policy removing the existence of Foster Care Review Boards, which became obsolete in 2000. 2) Wrote new policy, discarding the practice information, which was moved to a practice guide booklet. 3) Outlined that the County Conferences, formerly called Foster Care Review Boards, are periodic reviews that determine seven compliance criteria. 4) Defined "compliance". \_\_\_\_\_

This rule is proposed as a  Final Rule, and/or a  Temporary Rule (Check one or both boxers as applicable.)

**Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.**

**Oral Proceeding:** Check one box below:

An oral proceeding is scheduled on this rule on Date: January 4, 2006 Time: 11:00 a.m.  
Place: 750 N. State Street, 2<sup>nd</sup> Floor, Family and Children's Services Conference Room, Jackson, MS.

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least 5 day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

**Economic Impact Statement:** Check one box below:

The agency has determined that an economic impact statement is not required for this rule, or

The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**Date Rule Proposed:** December 15, 2005

**Proposed Effective Date of Rule:** February 1, 2006

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Rita C. Graham, Social Worker Advanced/Policy Lead  
**Signature and Title of Person Submitting Rule for Filing**

## FOSTER CARE SERVICES

### FOSTER CARE REVIEW POLICY

#### *Federal*

~~The enactment of the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) amended the Social Security Act to require that the Agency conduct a case review at least every six months for each foster child in Agency custody. The law mandates that the child, his parents, and their representatives be allowed to participate in the review and that procedural safeguards to protect their rights be maintained. The Social Security Act Amendments of 1994 (Public Law 103-432) expanded the determinations which must be made by the reviews.~~

#### *State*

~~Pursuant to Section 43-15-13 of the Mississippi Code of 1972, Annotated, the Agency is required to administer a system of individualized plans and biannual review for children in its custody and in the custody of licensed public and private agencies.~~

The DFCS periodic administrative review, which is known as a County Conference, shall be held on every child in agency custody every six (6) months. The review will be facilitated by a Foster Care Reviewer assigned to the case. The purpose of the County Conference is to make the required Periodic Administration Determinations on the case, based on the following:

- Is the current placement safe? The safety of the child/ren shall be of paramount concern.
- Is the current placement the most appropriate and least restrictive for the child's individual needs? The child/ren should be placed in the least restrictive, most family-like placement appropriate to his/her needs and in close proximity to the parent's home where such is in the child's best interest.
- Has the Agency complied with the service provisions of the child/ren's Individual Service Plan (ISP)? An Individual Service Plan on each child is required that addresses the placement and services both provided and needed.
- Is the agency's permanent plan appropriate and is there a documented likely date of achievement? The achievement of genuine permanency for each child within two years is the goal with reunification, relative placement {either through durable legal guardianship or adoption} and adoption as the option.
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- Has there been parental progress toward alleviating or mitigating causes necessitating the child/ren's placement in agency custody? For the courts to maintain the permanent plan of reunification with parents, the parents must be making substantial progress.

- Is there continuing need for the Agency to maintain custody of the child/ren or is one of the permanent plans now achieved sufficient for transferred custody?

*Provisions*

~~The intent of both laws is to promote permanency planning for children by returning the children to their own home, placing them with relatives, or freeing them for adoptive placement.~~

~~The federally mandated purpose of the foster care review process is to address:~~

- ~~1. the appropriateness of the permanent plan;~~
- ~~2. the continuing need for placement, appropriateness of placement setting and level of restrictiveness (including why an out of state placement is most appropriate in best interest of child);~~
- ~~3. the extent of compliance with the case plan for the child;~~
- ~~4. the extent of progress made toward alleviating or mitigating the causes necessitating the placement of the child in foster care; and~~
- ~~5. an estimated date by which a permanent plan can be achieved and the child may be returned and safely maintained, or placed for adoption or legal guardianship (durable legal custody).~~

~~The state law additionally mandates that the foster care review will address:~~

- ~~1. The extent of the care and support provided by the parents or parent.~~
- ~~2. The extent of communication with the child by parents, parent or guardian.~~
- ~~3. The methods of achieving the goal, and the plan establishing a permanent home for the child, that is:
 
  - ~~a. The plan to return the child to its natural parent or parents or Relative Placement~~
  - ~~b. The plan to refer the child to the appropriate court for termination of parental rights and placement in~~
  - ~~c. A permanent relative's home, adoptive home, or foster/adopt home.~~~~
- ~~4. Social services offered and/ or utilized to facilitate plans for establishing a permanent home for the child~~
- ~~5. Relevant testimony and recommendations from the foster parent of the child, the grandparents of the child, the guardian ad litem of the child, representatives of any private care agency which has cared for the child, the social worker assigned to the case, and any other relevant testimony pertaining to the case.~~

~~In reference to the foster care review once every six (6) months, the state also mandates that each child's review plan shall be filed with the court which awarded custody, and shall be made available to natural parents or foster parents upon approval of the court. Further, state law states that the court shall make a finding as to the degree of compliance by the agency and the parents with the child's social service plan. [43-15-13 (4)]~~

## **Agency Compliance**

~~In order to carry out the requirements of the laws, each child in the custody of the Mississippi Department of Human Services must have a review at least every six months. Every child in the Department's custody is included in this review process, including children in adoptive placement prior to legal finalization of that process. The Department has designated such case reviews as Foster Care Reviews. A Foster Care Review must be held within the first six months after a child's initial placement in custody, and within each six month period thereafter. The Foster Care Reviews may be conducted by a Foster Care Reviewer (Foster Care Review Conference) or by the Foster Care Review Board.~~

~~In addition, a court review, which may be called a review, dispositional or permanency hearing must be held within twelve (12) months of initial placement, and annually thereafter. Some judges have designated the state Foster Care Review Board to hold the dispositional hearings for children in their jurisdiction. In order to meet federal criteria in this regard, the judge must issue an order to this effect, and a copy must be filed in the case of each child in custody within the specific judge's jurisdiction. State law does not provide for judges to allow a body other than the court to perform review~~

*Compliance*—A case plan (child and parental) is in compliance if:

- The case plan is current according to agency policy (for children's ISPs- within 30 calendar days of custody for Initial ISPs and every 180 days thereafter; for adult ISPs, within 30 calendar days after case assignment, a first review within five months of case assignment and every six (6) months thereafter.)
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Item 13 on the Periodic Administrative Determination (form 4263) will be determined on the PARENT'S progress on their ISP.

### *Example of Time Frame*

A child who is placed in the custody of the Department of Human Services, for example, on July 5, 1998, should have the following schedule:

Foster Care Review Board	By 01-05-99
Foster Care Review (Conference or Board)	Within 6 months of the initial Foster Care Review Board
Review, Dispositional or there-	By 7-5-99, and within every 12 months
Permanency Hearing	After, and also within 30 days of any court determination that reasonable efforts are not to be made.

*A Foster Care Review by the Department must be repeated within every six months to comply with state law.*

### *Review, Dispositional or Permanency Hearings*

Pursuant to Section 43-21-613 of the Mississippi Code of 1972, Annotated, the dispositional hearing must determine the future status of the child, including, but not limited to, whether the child should return to the parent, should be continued in foster care for a specified period, should be placed for adoption, or should, because of the child's special needs or circumstances, be continued in foster care on a permanent or long term basis. In the case of a child who has attained the age of 16, the dispositional hearing shall also address the services needed to assist the child to make the transition from foster care to independent living. If the plan is to return the child to the parent, a judicial determination must be made and stated that reasonable efforts are under way to make it possible for the child to return to his home and must state the expected date of reunification.

Reasonable efforts to reunify, will perhaps in some cases not be made for a child in custody, because the court has determined such reasonable efforts are not to be made. In that case, federal law requires a permanency hearing within 30 days of the court determination that reasonable efforts are not to be made.

### *Review Board Recommendations*

If the board is performing review, dispositional or permanency hearings per court order, the agency is bound to follow the board's recommendations as it would a court order. If the board is NOT performing review, dispositional or permanency hearings, the board's authority is advisory only. See? Disagreement with Dispositional Review Board' for instructions on what to do when the Area Social Work Supervisor disagrees with the recommendations of the board which is performing dispositional reviews.

## **Potential Review Participants**

The Foster Care Reviewer must invite the following persons to the Foster Care Review:

1. Parents
2. Child, (regardless of age)

- ~~3. Grandparents~~
- ~~4. Foster parents, or the individual (relative or otherwise) with whom the child is placed~~
- ~~5. Child's guardian ad litem~~
- ~~6. Child's attorney~~
- ~~7. County of service, adoption unit, or agency of service as appropriate, if child is placed outside county of responsibility~~

Written Notices/Invitations shall be sent to participants by the child's caseworker at least 10 calendar days prior to the County Conference. Participants shall include the following:

- The parents
- The foster child/ren
- The guardian ad litem and/or child/ren's attorney
- The foster/adoptive parents or relative placement
- The grandparents
- County or Agency of Service staff
- Other family members
- Community service providers who are involved in the case and/or service provisions to the family

### **Exceptions To Invitations**

~~Invitations should not be sent to parents who have voluntarily relinquished their parental rights or whose parental rights have been terminated by court action.~~

~~When the parent has voluntarily relinquished parental rights, or had parental rights terminated by court action, his or her parents (who would be grandparents to the child) do NOT have to be invited. However, the county staff may choose to invite these grandparents. Grandparents who have the child placed with them must be invited.~~

### **Time Frame**

~~Ten day prior written notice is required to be sent to all parties. For example, if the review meeting is to be held on September 15, the written letter must be mailed on or before September 5.~~

*Invitation to Potential Review Meeting Participants*

~~At least ten days in advance of the Foster Care Review meeting, the Foster Care Reviewer will send letters of invitation to the above named persons using the template letters found in MACWIS.~~

~~These invitations must include the date on which they are mailed and the name and address of the individual to whom they are mailed. A copy must be filed in the case record.~~

~~If the Social Worker in the county knows that a parent cannot read, the Worker should orally invite the parent and document such in the case record.~~

### **Efforts To Locate Absent Parents**

~~If the parents' whereabouts are unknown, diligent efforts to locate the parent must be documented in the record. These efforts include all of the following:~~

- ~~• Checking with the Division of Economic Assistance~~
- ~~• Utilization of the Division of Child Support Enforcement's Parent Locator Services (allowed and encouraged by Federal Regulation).~~
- ~~• Contacting all local utility companies.~~
- ~~• Contacting all local law enforcement offices.~~
- ~~• Searching the telephone and city directories.~~
- ~~• Contacting relatives.~~
- ~~• Writing to the last known address, or sending a letter addressed to the parent c/o a relative at the relative's address.~~

~~Thorough documentation of diligent efforts is important as parents must be invited to participate in Foster Care Reviews. These efforts need to be documented at least every six months in the case record.~~

### **Participation by Foster Children and "No Contact" Orders**

~~All foster children, regardless of age must be invited to the Foster Care Review and allowed to attend but they do not have to attend. If there is a no contact order, by the court of jurisdiction the foster child must still be invited and allowed to attend a review meeting, but not the same meeting to which the parents are invited. When there is a no contact order, the County Staff and the Foster Care Reviewer must coordinate to schedule at a different time a separate meeting to which the child will be invited.~~

#### *Foster Child Leaving the Meeting*

~~If the foster child and parents attend the same Foster Care Review meeting, and for some reason the Social Worker or the Foster Care Reviewer believe the child's best interest will be served by the child leaving the meeting room, the child may be removed from the room. Later, the Foster Care Reviewer may talk to this child privately about the permanent plan.~~

### **Preparing The Foster Child**

~~Children free for adoption, placed in an Adoption Unit foster home, or an Adoption Unit adoptive home will be notified directly by the Adoption Unit about the scheduled review meeting. The Adoption Unit will also notify the Adoption Unit foster parents or adoptive parents, directly, about the review meeting.~~

~~If the child is placed out of county, the county of responsibility will request assistance from the county of service in preparing the child and the foster parents. The Foster Care Review meeting should be discussed verbally with the child in words which can be easily understood. The following points should be included in the discussion:~~

- ~~• The Department's understanding of the child's anxiety about his/her future~~
- ~~• The purpose of the meeting (to discuss plans for the child and the parents)~~
- ~~• The persons who may attend the meeting~~
- ~~• The child's right to decide if he/she wishes to attend and /or participate in the meeting.~~

~~It is required to confirm the discussion in writing to the child. This may be done by placing a copy of the child's invitation in the child's record.~~

### **~~Participation By Foster Parents~~**

~~The foster parents have a great deal of knowledge about the child because of their involvement with the child on a daily basis and must be invited. The foster parents are not allowed to bring anyone to accompany or represent them.~~

~~The worker should discuss the Foster Care Review with the foster parents. The foster parents may attend the meeting regardless of the child's decision. Copies of their invitations must be filed in the case record.~~

### **~~Participation By Foster Child's Guardian Ad Litem and/or Attorney~~**

~~The child's guardian ad litem and/or attorney must be invited to the Foster Care Review. The worker should document in the child's record the names and mailing addresses of the guardian ad litem and/or attorney. Copies of their invitations must be filed in the record~~

### **~~Participation By Grandparents~~**

~~Section 43-15-13 of the Mississippi Code mandates that the grandparents be included in the review process. The county Social Worker should make every effort to get names and addresses of grandparents in order that they may be invited to the review conferences or board meetings, as well as be explored as a placement resource for the child.~~

### **~~Participation by County DHS Staff Persons~~**

~~Either the assigned Social Worker or the Area Social Work Supervisor must attend review and the Regional Directors may attend and participate if they choose to do so.~~

### **~~Others~~**

~~In addition, other persons who have information about the case or are involved with the child may be invited to the review by the county of responsibility. These persons include, but are not limited to, county of service Area Social Work Supervisor, surrogate parent, teacher, counselor, therapist and any relative who might be the focus of the child's permanent plans. If a child is placed in another state, the local social worker in that state should be invited to the conference.~~

~~No attorneys may be invited except those representing the foster children. Once they receive their own invitation, the parents may invite their own attorney to represent them at the review.~~

### *Statement Regarding Confidential Information*

Attending participants who must sign the Statement Regarding Confidential Information are anyone except the following:

1. Parents and their attorney
2. Foster child and his or her attorney
3. DHS and other service agency staff
4. Guardian ad litem
5. Foster parents
6. Grandparents

### **Overview of Review Types and Procedure**

Prior to the conference or board, the Foster Care Reviewer will examine the file and collect information needed.

The information to be collected includes, but is not limited to, the following:

- A copy of the child's Individual Service Plan
- copy of the parent's Individual Service Plan
- A copy of the Initial Review (to be collected at the first foster care review following the Initial Review).
- A copy of the county's documentation of extraordinary and compelling reasons for extending the time period allowed for the parents to complete the terms of their Service Agreement (if applicable.) [43-15-13 (3)].

At the time designated for the conference or the board meeting, the Foster Care Reviewer will convene the meeting and act as moderator.

These review meetings can be a key element in Family Centered Practice. They give the family a formal opportunity to have the child's permanent plan reiterated and to state their ideas and plans. They give the Social Worker an opportunity to reiterate what the parents must do to achieve the permanent plan and what the Social Worker will do to help them.

### **Conference Procedure**

1. The Foster Care Review Conference is scheduled and conducted by the Foster Care Reviewer. It is usually held in the county of responsibility. At the conference, the county Social Worker is responsible for seating and introducing any invited participants, and for assisting them to complete an Authorization for a Representative and/or a Statement Regarding Confidential Information.
2. At the conference, the Foster Care Reviewer will explain the purpose of the conference to the assembled participants. The Social Worker, or designee, will explain the county's permanent plan for the child and what must be done to achieve that plan.
3. The participants will then be allowed to share their thoughts with the Reviewer.

4. ~~The Foster Care Reviewer will take notes of what is said by each participant and give each participant an opportunity to read and sign the notes.~~
5. ~~The Reviewer will use information gathered from the case record and the conference to make the determinations mandated by law.~~
6. ~~The Reviewer will complete the required review screens in MACWIS. The information entered on these screens will be compiled to produce the Review Conference Report.~~
7. ~~The Reviewer will notify the Area Social Work Supervisor and the Foster Care Review Supervisor. The Area Social Work Supervisor or his designee must forward a copy of this report to the court as mandated by Section 43-15-13 of the Mississippi Code of 1972, Annotated when the review has been completed~~

### ~~Review Board Procedure~~

~~A number of Foster Care Review Boards are operational in the state. The boards are composed of members from a variety of disciplines (medical, therapeutic, educational, etc.) and concerned lay people. Foster Care Review Board members are designated as Agency Volunteers and may be reimbursed for mileage to and from meetings. Each Foster Care Review Board has the responsibility to address the continuing need for, the restrictiveness and the appropriateness of, a child's placement. They also evaluate compliance with the case plan, and progress made toward alleviating the causes necessitating the placement in foster care. Finally, the board must evaluate the county's permanent plan for the child, and make a written recommendation concerning that plan.~~

~~At the Review Board, the Foster Care Reviewer will present the facts of the case to the board members, using the information collected from the case record, and the Case Plan, and perhaps other documents.~~

~~Then all the invited participants who are present will meet together with the board. The county Social Worker will state the Permanent plan for the benefit for all present.~~

~~The participants will then be allowed to share their thoughts with the board and to answer clarifying questions which may be asked by the board. The Foster Care Reviewer will take notes of what is said.~~

~~After all the invited participants have left, the board will privately discuss the case, reach a consensus of opinion, and record that opinion on a Foster Care Review Board Report.~~

~~If the Review Board disagrees with the plan established by the county, the board will state the basis of disagreement and propose an alternate plan.~~

~~The Board members, who are unpaid volunteers, will never be put in the position of having to state their opinion to the participants, thereby avoiding the possibility of arguments, from the participants.~~

~~The Reviewer will forward the Foster Care Review Board's Report to the Area Social Work Supervisor within 5 working days. If the board was performing as a Dispositional Hearing, the Reviewer will attach a Dispositional Notice to the board's report before forwarding it to the Area~~

~~Social Work Supervisor. The Reviewer will notify the supervisor of the Reviewers that the review process has been completed, in order that further action can be taken as needed by the supervisor.~~

**Review Report**

~~Therefore, after receiving the Foster Care Review Report, the Area Social Work Supervisor:~~

- ~~1. Should read the review report,~~
- ~~2. Must document agreement or disagreement with the review determination,~~
- ~~3. May make written comments,~~
- ~~4. Must ensure that a copy is made and filed in the case record,~~
- ~~5. Must file the review report with the court, according to section 43-15-13(4) of the Mississippi code,~~
- ~~6. Must not distribute copies to anyone without the authorization of the court.~~

**Filing The Review Report With Court**

~~The Area Social Work Supervisor must submit to the court the following items:~~

- ~~1. the original review report and all its attachments, plus one copy,~~
- ~~2. the record of training of the current foster parents of the child or children being reviewed [43-15-13 (5)], if placement is with foster parents,~~
- ~~3. a Six Month Review Order, for use by the judge, if he/she so desires,~~
- ~~4. a cover letter, asking the clerk of the court to 'file' the original report, stamp the copy 'Filed', and return the copy, along with a copy of the filed Six Month Review Order, or any other order which the judge issues as a result of making the finding which is mandated in Section 43-15-13 (4) of the Mississippi Code.~~

~~If no response has been received by the Area Social Work Supervisor by end of ten working days, the Area Social Work Supervisor must follow up with another letter or with telephone calls in order to attempt to obtain the 'filed' material and any resultant court orders.~~

~~Samples of the cover letter to the clerk of the court and the Six Month Review Order follow.~~

**Sample Letter to the Clerk of the Court**

Dear Mr., Mrs., Ms. \_\_\_\_\_,

~~Enclosed please find the original plus one copy of foster care review(s) on (name child or children). Attached to each review is a court order form which the judge may wish to use in order to make the finding mandated in 43-15-13 (4).~~

~~Please file the original. Please stamp the copy 'Filed,' and return it to us, along with a file copy of any resultant orders the court issues.~~

~~IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, MISSISSIPPI  
YOUTH COURT DIVISION~~

IN THE INTEREST OF:

\_\_\_\_\_

CAUSE NO.:

SIX MONTH REVIEW ORDER

~~THIS CAUSE HAVING COME ON for a six month review as mandated by Section 43-15-13 of the Mississippi Code of 1972 Annotated, as amended, and the Department of Human Services, having filed with this Court a Foster Care Review Report compiled pursuant to the review conducted in accordance with subsection (4) of said section; the Court finds as follows:~~

~~That the Department of Human Services (shall) (shall not) make available to the (natural parents) (and) (foster parents) a copy of this review plan.~~

~~That the court specifically finds, as to the degree of compliance by the agency and the parent(s) with \_\_\_\_\_ the \_\_\_\_\_ child's \_\_\_\_\_ service \_\_\_\_\_ plan, \_\_\_\_\_ as \_\_\_\_\_ follows:~~

~~That the Court further finds that the Department (has) (has not) documented extraordinary and compelling reasons for extending the time period in which to meet the service agreement in the best interest of the child.~~

OR

~~In the interest of the child, the instant cause is hereby set for review hearing on the day of \_\_\_\_\_, \_\_\_\_\_; and, the clerk of the Court shall notice all necessary individuals in accordance with the Youth Court Act.~~

~~SO ORDERED this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.~~

Youth Court Judge

~~The Area Social Work Supervisor or his designee must forward a copy of all review reports to the court.~~

~~State law (43-15-13) requires the court to make finding every 6 months from the Foster Care Review Plan as to the degree of compliance by the Agency and the parents with the service plan for the child.~~

~~The parent/legal guardian and the court holding jurisdiction shall be notified in writing when the child leaves foster care, regardless of whether the child's exit is planned or unplanned. The only exceptions to giving a written notice to the parent (s) are when the child is returned to the parent, a parent has voluntarily released the child for adoption, or the parent's legal rights to the child have been terminated through Chancery Court.~~

### **Role of Foster Care Reviewers**

- ~~1. To be an objective collector and presenter of information for Foster Care Review Conferences —and Board meetings.~~
- ~~2. To be an objective moderator at Foster Care Review Conferences and Board meetings.~~
- ~~3. To be an objective facilitator who assists the Regional Director, Area Social Work Supervisors, and Social Workers in recognizing problems and strengths in foster care cases.~~

### **Foster Care Unit**

~~Complete reviews, on children reported to them, within the time frame mandated by law. There is no 'grace period.' When scheduling reviews, each Reviewer must consider the following factors:~~

- ~~• *Time frame:* Legally mandated six month time frame;~~
- ~~• *Distance:* How far must the Reviewer travel to perform the review?~~
- ~~• *Feasibility:* Would it be economically advantageous to perform other reviews in the same county on the same day?~~
- ~~• *Consolidation:* What other children in the same county have entered custody or been requested for re-hearing by the Review Board?~~
- ~~• *County staff preferences:* Upon what days of the week, or during what weeks of the month does the county staff want the Reviewer to come to their office, or not come to their office?~~
- ~~• Scheduled Personal or Medical Leave of the Reviewer.~~
- ~~• Emergency Personal or Medical Leave of the Reviewer (e.g., for emergency surgery, illness of a child, accidental injury, car trouble).~~
- ~~• Emergency Personal or Medical Leave of all other Reviewers.~~
- ~~• Unusual hazardous weather conditions.~~

~~Each Reviewer must strive to schedule reviews early enough that there will be time for rescheduling and conducting a review if circumstances prevent it from being held on the originally scheduled date.~~

~~Each Reviewer must keep in mind that he/she may have to perform reviews for an absent Reviewer and should allow time to do so without sacrificing the timeliness of his/her own caseload.~~

~~Reviewers should strive to perform reviews no earlier than the first day of the fifth month from the date of the previous review. For example, a child who had a review conference on January 12 could be scheduled for Review Board as early as June 1. On the other hand, if the regularly scheduled meeting of the Review Board is not until the fourth Thursday of the month, it would be impossible to wait until the sixth month (July) to present this case because it would be out of compliance with federal mandates after July 11.~~

~~Reviewers will be expected to coordinate and cooperate with each other so that if emergency situations arise, the Foster Care Review Unit can fulfill its responsibility of completing all reviews within the federally mandated time frame, rather than allowing cases to become overdue or abdicating the responsibility to county staff to do the reviews. Some of things they should are as follows:~~

- ~~1. Notify Area Social Work Supervisor of cases that are scheduled.~~
- ~~2. Send invitation letters to participants.~~
- ~~3. Assess compliance with policy, and cite factual or suspected deficiencies and policy references of the review report forms.~~
- ~~4. Make commendations of documented casework when appropriate.~~
- ~~5. Notify Area Social Work Supervisors of completed reviews within 5 working days of the date review was completed.~~
- ~~6. Provide monthly summary report by county and region to Division Director on number of cases which fail to comply with policy~~
- ~~7. Maintain Foster Care Review Boards as needed to perform reviews annually~~

### **Regional Directors And ASWS**

- ~~1. Ensure staff knows role and responsibilities of Foster Care Review Unit.~~
- ~~2. Ensure staff reports promptly and appropriately any child who enters or leave custody of DHS.~~
- ~~3. Ensure casework is performed according to policy in order to assist the state in passing the Federal audits, thereby continuing to receive federal money needed for foster care services and \_\_\_\_\_ staff.~~
- ~~4. Ensure that an appropriate Permanent Plan is made and implemented within a reasonable time frame for each foster child~~
- ~~5. Ensure that deficiencies recorded on review report are corrected.~~

### **Area Social Work Supervisors**

- ~~1. Inform Social Workers when their cases are scheduled for review.~~
- ~~2. Ensure that a copy of each review is taken to the judge who has jurisdiction.~~
- ~~3. Review the original review report, and note as to agreement or disagreement, and any actions needed.~~

- ~~4. Forwarded the review reports and attached documents, the cover letter, the Six Month Review Order, and the record of the foster parent training to the court for the court to making a finding.~~
- ~~5. Ensure that the county DFCS staff persons comply with the orders of the court.~~

**County Social Worker**

- ~~1. File in the case folder a copy of the blanket court order (if the judge has issued one) authorizing the Foster Care Review Board to hold dispositional or review hearings.~~
- ~~2. Attend the Foster Care Review conferences and Board meetings.~~
- ~~3. Assist, when feasible, the foster children and parents to attend the conferences and/or the board meeting~~

LEGAL BASE

Federal:       Public Law 96-272  
                   Public Law 105-89  
                   45 CFR 303.21  
                   45 CFR 303.70  
                   45 CFR 1355.475 (5)(A)

State:           Mississippi Code of 1972, Annotated Section 43-21-603