



OFFICE OF CHILDREN, YOUTH AND FAMILIES BULLETIN
COMMONWEALTH OF PENNSYLVANIA * DEPARTMENT OF PUBLIC WELFARE

NUMBER:
3130-10-01

ISSUE DATE:
May 3, 2010

EFFECTIVE DATE:
October 1, 2010

SUBJECT:

Shared Case Responsibility Policy and Procedures

BY


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SCOPE:

County Commissioners and Executives
County Children and Youth Social Service Agencies
County Juvenile Probation Offices
Private Children and Youth Social Services Agencies
Chief Juvenile Probation Officers
Juvenile Court Judges
Juvenile Court Judges Commission
Juvenile Law Center
Orphans Court Judges

PURPOSE:

The purpose of this bulletin is to provide a framework in which County Children and Youth Agencies (CCYA) and Juvenile Probation Offices (JPO) can work to support the practice of Shared Case Responsibility (SCR), formerly referred to as Shared Case Management. This practice refers to the sharing of the responsibility for care of and services to youth who are under the direct supervision of either CCYA or JPO, or both concurrently, and the families of these youth. The intent is to emphasize issues related to the delivery of services provided to this target population, as well as to clarify accountability issues in the Adoption and Foster Care Analysis Reporting System (AFCARS). While the Office of Children, Youth and Families (OCYF) has no regulatory authority over JPO, the Juvenile Court Judge's Commission (JCJC) encourages JPO to support and implement the SCR policies and procedures set forth in this OCYF bulletin.

While this bulletin replaces and rescinds OCYF Bulletins 3140-82-01 and 3140-83-04, it is not intended to replace or substitute for OCYF Bulletins 3140-01-01, entitled Title IV-E and Medicaid Policies and Procedures Manual; 3140-06-04, entitled Random Moment Time Study Policy and Procedures (CCYA); 3140-06-03, entitled Random Moment Time Study Policy and Procedures (JPO); or 3140-06-05, entitled Federal Title IV-E & Medicaid Administrative Invoicing Procedures. These bulletins should continue to be utilized as references for Title IV-E policies and procedures when applicable.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

Regional Directors

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BACKGROUND:

The concept of sharing management and responsibility for those cases involved with both CCYA and JPO, was established more than 25 years ago as a means to include adjudicated delinquent youth in the CCYA-administered Title IV-E Foster Care Maintenance Program. For CCYA, which holds authority as the Title IV-E agency, the primary purpose of involvement was to determine eligibility for Title IV-E, and then to administer the funding for eligible shared case management/responsibility placements. JPO continued to serve adjudicated youth according to the requirements of the Juvenile Act of Pennsylvania and, since 1996, to focus on implementation of the principles of Balanced and Restorative Justice (BARJ):

- **Accountability** – youth, who have committed an offense, incur an obligation to individual victims and to their community to repay the harm that they have caused.
- **Competency Development** – while under the jurisdiction of the juvenile justice system, youth should be provided with the resources to develop and to increase their skills and capabilities, enabling them to function as healthy and productive members of their communities.
- **Community Protection** – the juvenile justice system has a responsibility to protect the public from youth under its jurisdiction who pose a risk of causing harm.

On November 19, 1997, President Clinton signed into law the Adoption and Safe Families Act (ASFA). One goal of this legislation was to make the children and youth social service system more responsive to the multiple and complex needs of youth, and their families, by establishing measurable goals in the areas of safety, permanence and well-being. OCYF Bulletin 3130-01-01, entitled Guidelines for the Adoption and Safe Families Act of 1997, was issued on January 2, 2001 to provide policy for the implementation of the ASFA legislation in Pennsylvania. ASFA covers all children under the care and responsibility of CCYA, including those cases shared with JPO.

Collaborative efforts between CCYA and JPO to meet the multiple service needs of this population of shared cases have been ongoing. This Bulletin reiterates and reinforces those efforts. By working closely together to meet not only the full spectrum of needs of youth and families, but also the full continuum of case transitions, CCYA and JPO should be able to deliver better outcomes in terms of family integrity and durable gains for youth.

Definitions:

Accept for service - decide on the basis of the needs and problems of a child and family, to admit or receive the individual as a client of the agency or as required by a court order entered under The Juvenile Act, (42 Pa. C.S., Chapter 63, relating to juvenile matters).

Active case (CCYA) – the status of a case that has been accepted for service by the agency until such time that the case is closed and the child and family are no longer agency clients.

Adjudication of delinquency – in response to a petition filed alleging a juvenile to be delinquent, a determination made by the court, that 1) the allegations that the juvenile committed the delinquent acts are true, and 2) that the juvenile is in need of treatment, supervision or rehabilitation.

Aftercare – a comprehensive cross-systems service plan, beginning at disposition and continuing through placement and discharge back to the community of a delinquent or dependent youth, that insures better outcomes through the continuity of supports and connections that will assist youth as they transition to independent adulthood.

Child – as defined by the Juvenile Act, an individual who (1) is under the age of 18 years; (2) is under the age of 21 years who committed an act of delinquency before reaching the age of 18 years; or (3) was adjudicated dependent before reaching the age of 18 years and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, but in no event shall a child remain in a course of instruction or treatment past the age of 21 years.

Consent decree – after the filing of the petition, but prior to the entry of an adjudication order, the court may defer adjudication by suspending the proceedings and ordering a continuation of the juvenile in his or her home, under the supervision of and the terms and conditions negotiated with the JPO and agreed to by all parties; any violation of these conditions, and the petition may be reinstated and the child held accountable as if the consent decree had never been entered. The consent decree may not exceed six months unless extended up to an additional six months by court order.

Dependency – in response to a petition filed alleging a child to be dependent, a determination made by a court, upon clear and convincing evidence, that a child is a ‘dependent child’ as defined in the Juvenile Act.

Diversion – the resolution of a juvenile’s case prior to an adjudication of delinquency. Diversion prior to the filing of a petition normally occurs through the use of informal adjustment. Diversion following the filing of a petition normally occurs through a consent decree.

Family – a group of individuals living in one household who are bound by ties of blood, law and/or affinity.

Informal adjustment - prior to the filing of a petition, in the case of a child alleged to be delinquent, an option for the JPO to refer the youth and his or her family, with their consent, to a public or private social service agency for services, with the JPO providing “counsel and advice”; the informal adjustment may not exceed six months unless extended up to an additional three months by court order. If the youth does not complete the informal adjustment successfully, a delinquency petition may be filed. An informal adjustment may also be used in cases in which a child is alleged to be a dependent child.

Juvenile – as defined in the Pa. Rules of Juvenile Court Procedure, a person who has attained ten years of age and is not yet twenty-one years of age, and who is alleged to, or has been determined to, have committed a delinquent act before reaching eighteen years of age.

Permanency – the establishment of an identified adult or family who has made a commitment to care for and to support a child or a juvenile up to and beyond the age of majority. Permanency options in hierarchical order are as follows: 1) return home, 2) adoption, 3) permanent legal custodian, 4) fit and willing relative and 5) another planned permanent living arrangement.

DISCUSSION:

Youth adjudicated delinquent through the juvenile court system, and their families, may have similar needs and issues to youth and families involved in the child welfare system and, as such, they are entitled to the rights and protections of that system, independent of funding considerations. Likewise, many youth with dependency issues also engage in ‘pre-delinquent’ behavior, and may benefit from some interface with the juvenile justice system, such as a delinquency prevention program. **Shared *legal* responsibility may be Court-ordered via a dual adjudication order (court determination that a youth is both dependent and delinquent, with care and responsibility assigned to CCYA), or via an order that incorporates language creating Shared Case Responsibility (SCR) between CCYA and JPO for a youth’s care, possible placement, case management and services to the family.**

NOTE: There are some cases in which youth are dually adjudicated, but are *not* placed under the care and responsibility of CCYA; such children are **NOT** eligible for Title IV-E funding.

However, there may be less formalized scenarios in which each agency wishes to consider how services from the other agency could benefit the youth and family as a whole, even on a time-limited basis. For such cross jurisdictional or ‘crossover’ cases, those that can benefit from a service aspect of both CCYA and JPO, ‘shared case responsibility’ is now also established as a *practice* option that may exist outside of a court order that establishes shared legal responsibility.

More specifically, to improve the outcomes of youth with ‘crossover’ needs, the two agencies may need to ‘borrow’ from and complement one another’s expertise and case focus to fill in potential service gaps. In cases in which placement is needed, the agencies can coordinate both how the provisions of the Title IV-B protections will be met, as well as how the agencies might share in meeting some of the service delivery goals in the youth’s permanency plan.

Currently, CCYA and JPO have limited similarities in their service missions, but there are overlapping activities. Through recognizing these, agencies can complement and reinforce each other’s efforts in shared cases. One example of a concurrent mission for both CCYA and JPO is the area of competency development. For JPO, competency development relates to youth being provided with the resources to develop and to increase their skills and capabilities, enabling them to function as healthy and productive members of society. For CCYA, this concept aligns perfectly with regulatory requirements designed to prepare youth for independent living. While the purposes are different, both JPO and CCYA engage in their respective risk assessment activities, and both also attend to family functioning domains particular to their missions.

It should be noted that ASFA requirements pertain to both dually adjudicated youth, whom the court places under the care and responsibility of CCYA, and to those with SCR court orders, including the requirements to file petitions to terminate parental rights, when applicable, and to seek adoptive placements as a first goal of permanency, should a return home be ruled out. While CCYA may coordinate with JPO to meet some ASFA requirements, it is CCYA’s responsibility to ensure that all pertinent requirements are met. While a foster care placement for a dually adjudicated or an SCR youth marks the onset of the AFCARS reporting process, as long as the dual adjudication or the SCR status is maintained, the youth must continue to be reported in AFCARS, even if he or she exits a foster care placement on a limited time basis. This consistency of reporting ensures that appropriate ASFA-driven services continue to be tracked for the youth, thereby meeting Federal guidelines.

This policy improvement also aligns with the January 1, 2005, Joint Position Statement on Aftercare for Delinquent Youth that was signed by the Department of Education, the Pennsylvania Commission on Crime and Delinquency, the Pennsylvania Council of Chief Juvenile Probation Officers, the Juvenile Court Judges Commission and the Department of Public Welfare.

The purpose of the Joint Position Statement on Aftercare for Delinquent Youth is to develop a model aftercare planning and service delivery system for youth in delinquency placements. As the Commonwealth moves towards integrating services, it is critical that youth involved in the juvenile justice system are able to have timely access to necessary services that will ensure their successful re-entry into the community. A coordinated and integrated system will provide access to quality services and ensure better outcomes for these youth and their families. Comprehensive services by CCYA, through keeping cases open on youth who have continuing dependency needs, and who entered the delinquency system from the dependency system, will be needed. In certain cases, it will be appropriate to seek an adjudication of dependency for a delinquent child, who no longer needs the services of the delinquency system, before the child reaches the age of 18. Also, keeping in line with the Joint Position on Aftercare for Delinquent Youth is that youth with a dual adjudication or an SCR order will be afforded the same level of service coordination, regardless of placement type.

Cross-jurisdictional service provisions for youth and their families being served by JPO, CCYA and other agencies, will further solidify the benefits of collaborative relationships and multi-disciplinary case planning. In contrast to unilateral decision-making and approaches that do not take into consideration the goals and requirements of other agencies involved with youth and their families, coordination among agencies should avoid service duplication, yield better outcomes and insure greater fiscal accountability.

This goal also echoes the 'single plan' concept being considered by the juvenile justice system as a means to improving coordination and continuity of service delivery between JPO and provider agencies. An essential recommended reading is an article by Patricia M. Torbet of the National Center for Juvenile Justice. In this article, entitled "Building Pennsylvania's Comprehensive Aftercare Model"; the 'single plan' model is discussed at length in the chapter on "Probation Case Management Essentials for Youth in Placement". The article may be accessed through the following link: <http://ncji.servehttp.com/NCJJWebsite/pdf/finalprobcm.pdf>.

POLICY AND PROCEDURES:

To encourage coordination of services to youth and their families, both JPO and CCYA should develop an intake protocol that includes an effort to ascertain if the corresponding JPO/CCYA is or has been involved with the youth or family, and whether or not there appears to be any need for crossover services. Having an accurate picture of the family's history with other agencies contributes to more appropriate service planning, more effective deployment of available resources and reduces duplication of efforts. If access to a shared data base is available, checking within that system will be important. If involvement is determined, sharing an update with current case information, consistent with all statutory and regulatory confidentiality requirements, with the agency on record is recommended. Also, a request may be made for an up-to-date history of that agency's past and/or current involvement. Sharing of information between agencies in a timely manner will permit better service coordination. Documentation of these contacts should be in each agency's case file.

For those youth determined to be involved with both agencies, and for whom placement may be necessary, JPO and CCYA should consult with each other regarding the benefits of seeking a dual adjudication or an SCR order. If, after consultation, JPO and CCYA agree that both dependency and delinquency issues are present, the agencies should coordinate the filing of their separate petitions to the court, consistent with the Pa. Rules of Juvenile Court Procedure, with each agency requesting a court determination of dual adjudication or SCR. If there is no placement pending or, in cases in which there was only past involvement with the other agency and no current issues requiring crossover services, sharing a courtesy update on the family with the corresponding JPO/CCYA is recommended. Such a proactive approach may mitigate the effects of developing dependency risks, for JPO cases, or delinquency risks, for CCYA cases. Documentation of these updates should be included in the case files for both JPO and CCYA.

For new JPO youth and families having no current or past CCYA involvement, JPO assessment of static and dynamic risk factors, (to determine how far the juvenile should penetrate the Juvenile Justice System), should include consideration of whether or not there appear to be potential dependency issues for the youth and/or his or her minor age siblings who live in the home. Research has long shown that there is a strong correlation between delinquency and the presence of dependency issues. If conversations with the family, regarding their perceptions of the presenting problem, or simple observation, cause the JPO to suspect possible dependency issues, JPO may choose either to make a formal referral for services to CCYA, or request an informal consultation with CCYA. Documentation of JPO concerns and/or CCYA assessment for dependency issues must be included in the CCYA case file, and JPO should document any referral to CCYA in JPO files. For JPO youth and/or siblings with identified dependency risks, case plan consultation with CCYA is recommended when a dual adjudication or an SCR order is contemplated. If a single case plan is developed, it should identify tasks for each agency, if applicable, during any type of diversion, placement and/or return to the community.

In cases in which JPO identifies no initial dependency concerns in the family, JPO should make periodic notations regarding any dependency concerns, at a recommended rate of once every six months, and refer to CCYA or to a specialized JPO, if any dependency issues are believed to have developed. Through this proactive approach, JPO will be able to decrease the incidence of youth being discharged to unprepared independence. Documentation of these periodic considerations should appear in the JPO case record. If either JPO or CCYA files a petition with the court, the petition may request a dual adjudication or an SCR order, if the filing agency has determined it would be in the best interest of the youth and family.

Once a youth is dually adjudicated, or adjudicated delinquent with SCR language, the order needs to remain in place as long as the involvement of both CCYA and JPO are required to meet the needs of the youth and family. Neither CCYA nor JPO should seek to have the Court discharge jurisdiction of the youth, based solely on the type of placement to which the youth is remanded. Both the current and anticipated needs of an individual case should determine the continuation or discontinuation of the dual adjudication or the SCR status to insure that the best outcome possible is achieved. If either JPO or CCYA, or both, seek to change the status of a case by petitioning the Court to revoke the dual adjudication order or the SCR language order, it is recommended that the other agency be invited to the court hearing in which the matter will be determined. There should be detailed information in the case file to justify why shared legal responsibility is no longer needed.

Practice Considerations

Each county will need to determine the most effective way to coordinate efforts between JPO and CCYA agencies, especially in terms of establishing case standards to identify youth that need a dual adjudication or an SCR order, and especially in terms of involving the courts. Considering that Pennsylvania's court system is unique in the extent of its judges' broad dispositional authority in the cases of both dependent and delinquent children, the courts will be a powerful ally by ensuring greater accountability for services. Some county JPO and CCYA are already working together to serve shared populations and, in other states, the process has been started by incorporating such means as joint pre-hearing conferences, joint hearings, dedicated docket days, special liaisons in each agency, written agreements between agencies and 'one judge-one family'/'one case-one plan' cases (Siegel, G. and Lord, R. [2004] "When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases"; Pittsburgh, PA; National Center for Juvenile Justice).

It will be essential for each JPO and CCYA to consult with its court regarding issues of confidentiality to determine if current practices will need to be modified to allow critical information to flow appropriately between JPO and CCYA; standard targeted releases of information may need to be developed and signed by youth and families at intake. Also, counties will need to identify participants and issues for cross-training opportunities. OCYF will be developing training on the outlined coordination efforts, and implementing plans to provide that training across the State.

OCYF recognizes that the extent of coordination efforts required to effect such a significant practice change requires a structured plan of implementation. To that end, OCYF is providing a framework for service coordination, based upon the particular status of individual cases. It will be up to administrators from each county JPO and CCYA to convene meetings, as necessary, to determine how to use this framework to meet their particular needs, and how the process will look in their county. These meetings may involve individuals from contiguous counties, or stakeholder agencies, and should certainly include the juvenile court judges. Primary focal points should be to identify barriers, brainstorm ideas for creating information bridges, improve service delivery and establish county protocols. Protocols that already exist between CCYA and District Attorneys' Offices for cooperation on cases involving both child abuse and criminal acts may serve as models for collaboration and communication.

Another helpful consideration may be to develop Memorandums of Understanding (MOU) between JPO and CCYA that would be approved by the county court. Detailed information on the process of developing an MOU may be accessed at the following link: <http://www.juvenileis.org/pdf/FinalJISMOUToolkit.pdf>. At that site is a toolkit for developing an MOU, called "Guidelines for Juvenile Information Sharing (JIS)". Section 3 of the toolkit features an MOU template, a copy of which is attached. Counties may choose which sections of the template will work for them, or develop their own template, using the toolkit as a guideline. It is recommended that counties identify their primary needs and design an MOU that meets those needs.

Service Coordination Framework for Shared Case Responsibility

In order to provide additional concrete direction and to encourage more collaborative efforts to serve Pennsylvania youth and their families, OCYF convened an executive advisory board, consisting of both JPO and CCYA administrative level participants, JCJC, the Administrative Office of Pennsylvania Courts (AOPC), as well as OCYF representatives. One of the goals of this board was

to create a roadmap to guide county JPO and CCYA towards a clearer understanding of how to implement shared case responsibility. To this end, templates were developed for five different types of case statuses. For each one, responsibilities were delineated for both CCYA and JPO individually and together, where applicable. A space for 'other considerations' was included to cover those time-limited JPO youth diverted from an adjudication of delinquency through the use of an informal adjustment or a consent decree. The five templates are detailed in Attachment A.

Included in the templates are responsibilities for ASFA and Title IV-B protection requirements, as these apply to youth who are dually adjudicated, with care and responsibility under CCYA, and to those who are under an SCR order, as well as to those who are dependent-only youth. As both JPO and CCYA share responsibility for these youth, they should jointly determine how these requirements will be addressed; however, it is CCYA's responsibility to ensure the requirements are met. Any division of labor may differ from county to county, and may differ from case to case within a county, or even within the lifetime of one case. When youth are in a secure setting, for example, it has been JPO that assumes primary responsibility for case planning, and visitation; when the youth is in a traditional foster home, it has been CCYA assuming those tasks. The youth will benefit most if there is joint planning, and if there is a monitoring 'presence' by both agencies; even though one agency may assume primary visitation responsibilities, periodic contact by the other agency will serve to maintain a 'presence'. This expectation is consistent with the previously referenced 'single plan' emphasis in Juvenile Justice that JPO will be more active in monitoring placements, both in terms of the juvenile's progress and in terms of a facility's performance and delivery of service.

ASFA Requirements:

- a. **Safety** – youth must be seen and safety documented monthly; however, it is the sole responsibility of CCYA to perform *formal* safety assessments, in accordance with the safety assessment and management process interval policy, and to develop safety plans, if necessary. It is anticipated that when JPO visits a youth, JPO will alert CCYA if any general safety concern is noted during a visit with the child or family. It will then be CCYA responsibility to do a formal assessment, if indicated. In practice, this requirement means that decisions in a youth's case must be based on consideration of the youth's safety at every step in the case. Documentation of the youth's safety should be addressed in any service plan, during all face-to-face visits and at each permanency hearing for as long as the youth remains in placement. Ongoing documentation of required monthly contacts must be maintained in the CCYA case record, and must include the date of the contact, names of others present and how the youth was determined to be safe in the setting.
- b. **Permanency** – substitute care placements are intended to be temporary; the youth must have a permanency goal, established in a Child Permanency Plan (CPP) and sanctioned by the court. Permanency goals for dually adjudicated and for SCR youth are the same as those for dependent-only youth. Permanency hearings must occur every 6 months with proper notification to parents/caretakers; a petition to terminate parental rights must be made if the youth has been in placement at least 15 of the previous 22 months, unless there are reasons not to do so, as prescribed in statute. (Section 6351 (f) (9) of the Juvenile Act).
- c. **Well-being** – while a youth, who is either dually adjudicated or under an SCR court order, is in placement, the youth's physical, mental health and educational needs must be met.

The templates in Attachment A also cover responsibility for Title IV-B protections. These relate to providing services and overall safety to youth and families involved in the child welfare system, which would include both dually adjudicated youth and those under an SCR court order. Within 60 days of accepting the youth and family for service, CCYA must complete a Family Service Plan (FSP) as per PA Code Title 55, Chapter 3130.61-3130.63 (relating to family service plans, parent appeals and fair hearings, and review of family service plans). For delinquent youth, who have had no prior involvement with CCYA, and who become a shared legal responsibility case through a dual adjudication or an SCR court order, the FSP must be completed within 60 days. Completion of the FSP is required for all youth who are dually adjudicated or who are under an SCR court order, and is not contingent on the youth being placed in a foster care setting.

FSP requirements:

- 1) Identifying information on each youth and family member;
- 2) A description of why the case was accepted for service;
- 3) Service objectives for the family;
- 4) Services to be provided to meet the plan objectives;
- 5) Actions to be taken by the parents, youth, CCYA/JPO workers and any other provider agency workers, as well as the dates when those actions will be taken;
- 6) Documentation of the opportunity for the youth and family to participate in the development of the plan;
- 7) Documentation of the opportunity for the parents or legal guardian and youth, age 14 or over, to sign the plan;
- 8) Written statement that indicates that signing constitutes agreement with the plan;
- 9) Documentation that copies of the plan were provided to the parents or legal guardian, the youth (age 14 or over), their legal counsel and other service representatives for the family and youth; and
- 10) Documentation that the family was provided written notice of their right to appeal to DPW's Office of Hearing and Appeals.

When placement is being considered for a youth, there must be an amendment to the FSP, and a CPP developed concurrently that reflects the youth's need for safety and permanency. The CPP must identify a permanency goal, and must be completed prior to the placement, regardless of the type of placement. If it is an unplanned placement, the CPP must be done within 30 days of the youth's placement. The CPP is required by Pa Code Title 55, Chapter 3130.67-3130.71 (relating to placement planning, visiting and communication policies and placement reviews).

CPP requirements:

- 1) Description of the circumstances necessitating placement;
- 2) Health and education information for the youth that includes:
 - a. the names and addresses of educational and health providers;
 - b. the youth's grade level and performance;
 - c. the youth's school record;
 - d. assurances that the placement considers the proximity of the youth's school at the time of placement;
 - e. record of youth's immunizations;

- f. known medical problems, including any mental, physical or emotional disabilities;
- g. list of youth's medications and treatments, if applicable; and
- h. other relevant health and educational information.

NOTE: Health and educational information need to be updated each time the youth changes placement, and a copy given to the foster parent or placement provider.

- 3) A statement that indicates the services that have been provided to prevent placement;
- 4) Identification/discussion of the type and appropriateness of the placement, including:
 - a. a description of how the placement is least restrictive setting possible to meet the needs of the youth
 - b. description of how the location/proximity encourages parent-youth visits
 - c. number of months anticipated for this placement, (plans for SCR youth may need to express this number as a range of months, or a minimum number of months);
- 5) Identification of the permanency goal for the youth;
- 6) Consideration of programs/services to be offered to the youth regarding independent living, as well as documentation of the services provided or the reasons why services were not provided;
- 7) Identification of all services provided to the youth, parents/caretakers and, if applicable, to the foster parents to achieve the permanency goal; (ASFA places increased emphasis on the prompt identification of services necessary to facilitate a timely return home).
- 8) Identification of agency responsibility for implementation of the service plan;
- 9) Parent/youth visitation schedule, including frequency, location, duration and cancellation contingencies;
- 10) Reflection of the results of permanency hearings as they apply to permanency goals/plans;
- 11) Documentation of the opportunity provided to the youth and family to participate in the development of the plan;
- 12) Documentation of the opportunity provided to parents or legal guardian/youth (14 or over) to sign the plan;
- 13) Written statement that indicates that signing constitutes agreement;
- 14) Documentation that copies were provided to the parents or legal guardian/youth (14 or over), their legal counsel and any other provider agency representatives for the youth and family; and
- 15) Documentation of the provision of written notice of their right to appeal the plan to DPW's Office of Hearings and Appeals.

The agency responsible for the completion of the FSP and/or CPP must, in conjunction with the parents or legal guardian, youth and substitute caregivers, if the youth is in placement, develop these plans and set goals and objectives that meet the needs of the youth and family, including the emotional, psychological, physical and educational needs of the youth. The plans should reflect the capabilities and strengths of all parties, and should clearly recognize the youth's need for safety and permanency. The plans should also be youth- and family-specific, and should have measurable and time-limited objectives and should specify who will do what, by when and how.

Additionally, as a result of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, as part of the CPP, agencies must develop a youth-directed transition plan designed to meet the specific needs of any youth in placement for whom there is a case plan to discharge the child from agency custody at age 18 or later. The transition plan must be done within the 90 days prior to the

anticipated court discharge, and must include elements of ongoing or planned permanency connections, as well as plans to meet the child's housing, education, service, financial, physical and behavioral health needs and any other needs identified by the youth. Current service providers should be included in the planning to insure needed transitions to adult services will occur.

CCYA is ultimately responsible for the development of these plans, but it is anticipated that JPO will participate by providing input and support in dual adjudication and in SCR cases. If JPO chooses to develop the FSP/PPP, model forms are available from the county CYA.

FEDERAL TITLE IV-E and SHARED CASE RESPONSIBILITY:

Title IV-E is a federal entitlement program which offers funding to states for costs associated with placement maintenance and administrative expenses of youth who are in foster care and who have court orders placing them under the care and responsibility of either CCYA only, or CCYA and JPO by proof of a court order designating shared legal responsibility through a dual adjudication or an SCR order. (It should be noted that there are some cases in which youth are dually adjudicated, but are not placed under the care and responsibility of CCYA; such children are NOT eligible for Title IV-E funding.)

In the course of providing services to youth and their families, it is sometimes necessary for a CCYA or JPO to recommend placement. The selection of a placement should not be contingent on whether or not the costs incurred, as a result of the placement, are reimbursable under the Title IV-E program. Instead, priority should be given to choosing a placement that best serves the needs of the youth.

Once the needs of the youth have been considered, and shared legal responsibility has been established via a dual adjudication or an SCR order, then the procedures below must be followed in order for the county to claim Title IV-E funding:

- A. When a youth enters placement via a court order, (regardless of whether or not the placement is a foster care setting), the first order authorizing removal of the youth from the home must contain the required 'Contrary to the Welfare/Best Interest' (CTW/BI) judicial determination. If the language is not stated in the initial removal order, then the youth will not be eligible for Title IV-E funding for the entire custody episode.
 - When a youth enters placement, the CY-60 is utilized to obtain Medicaid for the youth.
- B. CCYA/JPO obtains a judicial determination within 60 days of the youth's placement stating that "reasonable efforts were made to prevent removal of the youth" or "the situation precluded the need for reasonable efforts". If this language is not stated in an order within 60 days, the youth will not be eligible for Title IV-E funding for the entire custody episode.
- C. At the time a youth is transitioned to a foster care setting, as defined on page 13, the following steps must be taken, if not previously completed:
 - CCYA/JPO completes a subsequent CY-60 to notify the County Assistance Office (CAO) of the adjudicated youth's placement change.

- CCYA/JPO gathers information and completes a CY-61 in order for the CCYA to determine Title IV-E eligibility for the youth. AFDC relatedness is determined for the month that removal proceedings are initiated. Thus, the **eligibility month** is:
 - The month the voluntary placement agreement was signed;
 - The month the removal petition was filed; or
 - The month the removal court order was granted, if a removal petition was not filed.

NOTE: It is recommended that the dual adjudication or the SCR order, that places the youth under the care and responsibility of CCYA, include a judicial determination regarding “whether reasonable efforts were made to finalize the permanency plan” (REPP). This determination is necessary to prevent any periods of non-reimbursability, in the event an adjudicated youth may be in a placement that exceeds the six-month timeframe for REPP, as required under the Juvenile Act. When an adjudicated delinquent youth enters placement while solely under the care and responsibility of JPO, the six month timeframe for REPP starts on the day the youth enters foster care. The exception to this rule would occur in those rare circumstances when a delinquent youth enters placement while solely under the care and responsibility of JPO, and shared legal responsibility is granted prior to the youth entering a foster care placement. The six month timeframe for these exceptions starts on the day shared legal responsibility is granted. When a youth enters placement while under the care and responsibility of CCYA (solely or via shared legal responsibility), the six month timeframe starts on the day the youth enters placement regardless of whether or not the placement is a foster care setting.

Once the responsibility for placement and care has been obtained through a dual adjudication or an SCR order, and it is determined that all Title IV-E eligibility requirements are met, an agency may claim Title IV-E funding from the first day of the month the youth enters a foster care placement. In such cases, Title IV-E will not be retroactive to the time of removal/placement, if the initial removal was to a placement outside the scope of foster care.

AFCARS Reporting Requirements

For the purposes of foster care reporting, each State’s AFCARS submission must include all youth in foster care for whom the State Title IV-B/IV-E agency has responsibility for placement, care, or supervision (45 CFR 1355.40(a)(2)). As the agency administering the IV-B/IV-E programs, the CCYA is responsible for submitting to OCYF an AFCARS file that includes the following populations of youth:

1. All youth in foster care under the responsibility of the State agency administering or supervising the administration of the Title IV-B Child and Family Services State Plan and the Title IV-E State Plan; that is, all youth who are required to be provided the assurances of section 422(b)(10) of the Social Security Act (the Act);
2. All youth supervised by or under the responsibility of another public agency with which the Title IV-B/E agency has an agreement under Title IV-E and on whose behalf the State makes Title IV-E foster care maintenance payments; and
3. All youth who have been in foster care at least 24 hours.

Foster Care is defined as 24-hour substitute care for all youth placed away from their parent(s) or guardian(s) and for whom the CCYA has placement and care responsibility. Foster care settings include, but are not limited to:

- Non-relative Foster Homes;
- Kinship Foster Homes (whether payments are being made or not);
- Group Homes;
- Emergency Shelters;
- Residential Facilities (in PA this includes non-accredited units of Residential Treatment Facilities [RTF]);
- Child Care Institutions (public facilities with less than 25 beds or private facilities with any number of beds); and
- Pre-adoptive Homes.

Foster care does not include:

- Youth who are in their own homes under the responsibility of the CCYA, unless on a trial home visit;
- Youth Development Centers/Youth Forestry Camps;
- Detention Centers (or facilities that are primarily for the detention of children who are adjudicated delinquent);
- Secure Residential Facilities;
- Psychiatric Residential Treatment Facilities (accredited-PRTF); and
- Hospitals (general hospitals or free standing psychiatric hospitals).

For AFCARS reporting purposes, SCR includes youth who are dually adjudicated (court determined to be both delinquent and dependent) and youth who are adjudicated delinquent with SCR language in the court order. Youth who are determined dependent only should not be reported as having SCR in AFCARS even though there may be some involvement with JPO. *This bulletin does not change the reporting requirements for dependent only youth.*

A youth who is removed from his or her home and placed in foster care, and who has a dual adjudication order or an order that incorporates language creating SCR between JPO and CCYA, must be reported in the CCYA AFCARS submission from the point of first entry into foster care placement, and throughout all subsequent placement settings until discharge from placement or until the dual adjudication or SCR order is vacated. The criteria for reporting the youth in AFCARS is based on the shared legal responsibility and placement in foster care, not on whether the youth is Title IV-E eligible.

At the time of initial removal from home, dually adjudicated or SCR youth will be placed either in a foster care setting or a non-foster care setting. The youth may also move over the course of an AFCARS episode between foster care and non-foster care settings. An episode is defined as a removal with one or more placement settings. A removal is defined as either the physical act of a youth being taken from his or her normal place of residence and placed in a substitute care setting, either by court order or by voluntary placement agreement, or the subsequent removal of custody from the parent or relative guardian, pursuant to a court order or voluntary placement agreement, allowing the youth to remain in a substitute care setting where he is already residing. Placement

occurs after or initially upon removal, and is the physical setting in which a youth finds him/herself, that is, the resultant placement setting.

The following guidelines are provided for determining at what point during a removal episode the dually adjudicated or SCR youth should be reported in a CCYA AFCARS submission:

- Youth who are removed from their homes and initially placed in a non-foster care setting should not be included in AFCARS.
- Youth in a non-foster care setting who move to a foster care setting should be reported in AFCARS beginning with the report period in which they enter the foster care setting. For AFCARS reporting purposes, the date of latest removal from home (element 21) and the date of placement in current foster care setting (element 23) should be the date the youth is placed in the foster care setting.
- Youth who are removed from their homes and initially placed in a foster care setting should be included in AFCARS reporting beginning with the report period in which they are removed from their home. The date of latest removal from home (element 21) should be the actual date the youth was removed from home and placed into foster care. The date of placement in current foster care setting (element 23) should also be the date the youth is placed in the foster care setting. Element 23 may change to a later date if the youth experiences subsequent placement moves within the removal episode.
- Youth in a foster care setting who are moved to a non-foster care setting should continue to be reported in AFCARS as long as they have a dual adjudication or an SCR order in place. The date of placement in the current foster care setting (element 23) should change to reflect the date the youth moved to the non-foster care setting. (In this case, for reporting purposes only, 'current foster care setting' will be used despite the fact that the actual placement is not considered a foster care setting).
- Youth in a foster care placement who are moved to a non-foster care setting and for whom a subsequent court order is obtained removing the dual adjudication or the SCR should be removed from AFCARS beginning with the report period in which the subsequent court order is obtained, (unless the court order makes the youth dependent only). The date of discharge from foster care (element 56) should be the date of the court order removing dual adjudication or SCR, making the youth delinquent only. The reason for discharge (element 58) should be transfer to another agency (value 6). If, at a later date, the youth returns to a foster care setting and again becomes SCR or dually adjudicated, the youth will be reported in AFCARS as a new removal episode even though the youth did not leave placement. For this new removal episode, the date of latest removal from home (element 21) and the date of placement in current foster care setting (element 23) should be the date the youth is placed in the foster care setting. If a case is re-established as shared legal responsibility through a subsequent dual adjudication or an SCR order after the youth is placed in a foster care setting, the date of latest removal from home (element 21) and the date of placement in current foster care setting (element 23) should be the date of the court order creating shared legal responsibility.
- Youth for whom a subsequent court order is obtained removing dual adjudication or SCR, regardless of whether a placement move has occurred, should be removed from AFCARS beginning with the report period in which the subsequent court order is obtained, (unless the new court order makes the child dependent only). The date of discharge from foster care

(element 56) should be the date of the court order removing shared legal responsibility. The reason for discharge (element 58) should be transfer to another agency (value 6). If, at a later date, the youth returns to a foster care setting and again becomes SCR or dually adjudicated, the youth will be reported in AFCARS as a new removal episode even though the youth was never returned home. For this new removal episode, the date of latest removal from home (element 21) and the date of placement in current foster care setting (element 23) should be the date the youth is placed in the foster care setting. If the new dual adjudication or new SCR order is obtained after the youth is placed in a foster care setting, the date of latest removal from home (element 21) and the date of placement in current foster care setting (element 23) should be the date of the court order creating shared legal responsibility.

- Dually adjudicated or SCR youth who are being reported in AFCARS and who go on a trial home visit should continue to be reported in AFCARS. The youth should be removed from AFCARS at the end of the trial home visit (assuming the youth does not return to placement). If the length of the trial home visit is not specified in the court order, then the youth should be discharged from AFCARS after six months. If a subsequent court order is obtained removing shared legal responsibility, making the youth delinquent only, the youth should be removed from AFCARS beginning with the report period in which the subsequent court order is obtained. The date of discharge from foster care (element 56) should be the date of the court order vacating dual adjudication or SCR. The reason for discharge (element 58) should be whichever of the following most applies: Reunification with parent or primary caretaker (value 1), Living with other relative (value 2), or Guardianship (value 5). If the youth continues to be adjudicated dependent, but is no longer adjudicated delinquent, the youth should continue be reported in AFCARS by CCYA until the trial home visit period or the remainder of the six months ends.
- Youth for whom a subsequent court order is obtained vacating dual adjudication or SCR, but who are determined to be dependent should be reported in AFCARS. Youth already being reported in AFCARS at the time of the subsequent court order should continue to be reported. Youth not already being reported at the time of the subsequent court order should be entered into AFCARS beginning with the report period in which the court order granting dependency is obtained. The date of latest removal from home (element 21) should be the date of the court order that determines the youth to be dependent and removes shared legal responsibility for the case. The date of placement in current foster care setting (element 23) should also be the date of the court order, unless the youth has experienced a placement move subsequent to the date of the court order. In that case, the date of placement in current foster care setting (element 23) should be the date the youth was placed in the current placement setting.

Lotus Approach Counties

Counties using the Lotus Approach (AFCARS Interim Solution) will check the “Shared Case with JPO” box on the AFC003 Removal Entry Form when a JPO Shared Case Responsibility (SCR) or dually adjudicated youth is entered into AFCARS. This box will remain checked as long as there is shared legal responsibility for the youth. If there is a court order removing SCR or dual adjudication, and the youth continues to be reported in AFCARS, the “Shared Case with JPO” box should be unchecked for the reporting period in which shared legal responsibility was removed. The “Shared Case with JPO” box should reflect the SCR or dual adjudication status of the youth as of the last day

of the reporting period, or as of the discharge date (if the youth was discharged during the report period).

All Other Counties

Counties not using Lotus Approach (AFCARS Interim Solution) should program their systems to report the SCR or dually adjudicated status of the youth as of the last day of the report period, or as of the discharge date (if the youth was discharged during the report period). Reporting of SCR and dually adjudicated youth in the county AFCARS file is not dependent on whether elements 59 (Title IVE Foster Care) and 60 (Title IVE Adoption Assistance) are applicable. Counties should ensure that only removals, placements, and discharges that occur while the youth is SCR or dually adjudicated, and upon entry into the first foster care setting, are reported in the AFCARS file. Removals, placements, and discharges that occur while the delinquent youth is not SCR or dually adjudicated should not be part of the AFCARS record, unless the youth transitions from SCR or dual adjudication to an adjudication of dependency only and remains in the AFCARS file.

Examples for AFCARS reporting of JPO youth:

Current Removal Date and Current Placement Setting Date

Youth is removed from home on 3/10/09; there is no dual adjudication or SCR court order creating shared legal responsibility, and the youth is placed in a group home on 3/10/09.

Youth is not entered into AFCARS

Youth is removed from home on 2/20/09, shared legal responsibility is created by a dual adjudication or an SCR court order, and initial placement is in a non-foster care setting.

Youth is not entered into AFCARS

Youth is removed from home on 2/20/09, shared legal responsibility is created by a dual adjudication or an SCR court order, and initial placement is in a non-foster care setting; youth later is placed in a foster care setting on 5/2/09.

Date of latest removal from home = 5/2/09

Date of placement in current foster care setting = 5/2/09

Youth is removed from home on 5/13/09, shared legal responsibility is created by a dual adjudication or an SCR court order, and the youth is placed in a foster home on 5/13/09.

Date of latest removal from home = 5/13/09

Date of placement in current foster care setting = 5/13/09

Youth is removed from home on 5/13/09, shared legal responsibility is created by a dual adjudication or an SCR court order, and the youth is placed in a foster home on 5/13/09; youth subsequently moves to a non-foster care setting on 5/22/09 and remains dually adjudicated or SCR. (For AFCARS reporting purposes, the 'non-foster care setting' will be entered as the 'current foster care setting' to enable tracking of the youth.)

Date of latest removal from home = 5/13/09
Date of placement in current foster care setting = 5/22/09

Youth is removed from home on 5/13/09, there is no shared legal responsibility created by court order, and the youth is placed in detention. On 5/20/09 the youth moves to a group home. On 5/25/09, shared legal responsibility is created through a dual adjudication or an SCR court order; youth remains in the group home.

Date of latest removal from home = 5/25/09
Date of placement in current foster care setting = 5/25/09

Discharge Date and Reason

Youth who is dually adjudicated or who is SCR and in a foster care setting is discharged (exits) from care on 4/28/09.

Date of discharge from foster care = 4/28/09

Reason for discharge = the most appropriate of the allowable reasons (reunification with parents or primary caretaker(s), living with other relatives, adoption, emancipation, guardianship, transfer to another agency, runaway, or death)

Youth who is dually adjudicated or who is SCR and is in a foster care setting moves to a placement setting that is a non-foster care setting (detention, YDC, etc) on 3/20/09. A new court order is obtained removing dual adjudication or SCR on 3/25/09. Youth is adjudicated delinquent, but not dependent or SCR: there is no longer shared legal responsibility.

Date of discharge from foster care = 3/25/09

Reason for discharge = transfer to another agency

Youth is in a foster care setting and moves to a placement setting that is non-foster care (detention, YDC, etc) on 2/25/09. Dual adjudication or an SCR order remains in effect.

Date of discharge from foster care = is blank – youth is not discharged

Reason for discharge = is blank

Date of placement in current foster care setting = 2/25/09