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16.06.01 - RULES GOVERNING FAMILY AND CHILDREN'S SERVICES

000. LEGAL AUTHORITY.

Pursuant to Sections 16-1624, 16-2001, 16-2402, 39-105(1), 39-106(1)(a), 56-202(b), 56-203b, 56-204(a) and 56-204A, Idaho Code, the Idaho Legislature has delegated to the Department the responsibility to establish and enforce such rules and methods of administration as may be necessary or proper to administer social services to people who are in need. These services include but are not limited to provisions for child protection services, termination of parental rights, foster care, adoption services, children's mental health services, institutional and group care, services for unwed parents, and payments for foster care and day care. In addition, pursuant to Sections 39-105(1), 39-119, 56-803, 16-1822, and 16-1827, the Idaho Legislature has delegated to the Board of Health and Welfare the responsibility to establish and enforce rules governing licensing, fees for services, and adoption of "hard-to-place" children. Authority to establish and enforce rules governing and implementing the Interstate Compact on Placement of Children and Interstate Compact on Adoption and Medical Assistance is vested in the Compact Administrators, pursuant to Sections 16-2102, Article VII, and 39-7501, Idaho Code, respectively. (7-1-98)T

001. TITLE AND SCOPE.

01. Title. These rules are to be cited in full as Idaho Department of Health and Welfare Rules, IDAPA 16.06.01, "Rules Governing Family and Children's Services." (11-16-95)T
02. Scope. These rules are established to govern the statewide provision of: (11-16-95)T
- a. Family services associated with child protection, behavioral and emotional disorders, substance abuse, alternate care and adoptions; (11-16-95)T
- b. As resources are available, services aimed at preventing child protective, and severe behavioral and emotional problems from impinging upon families and communities; and (11-16-95)T
- c. Family services to support the education, training and employment programs being provided for public assistance and Food Stamp recipients. (11-16-95)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(1609b)(IV), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. The document is available for public inspection and copying at cost in the main office of this agency. (11-16-95)T

003. ADMINISTRATIVE APPEALS.

Contested case appeals shall be governed by the Idaho Department of Health and Welfare Rules, Title 05, Chapter 03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (11-16-95)T

004. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, Title 05, Chapter 01, Rules Governing the Protection and Disclosure of Department Records. (11-16-95)T

005. MANDATORY CRIMINAL HISTORY CHECKS.

The following persons shall participate in a criminal history check in accordance with Idaho Department of Health and Welfare Rules, Title 05, Chapter 06, "Rules Governing Mandatory Criminal History Checks:" All current Department employees, applicants, transfers, reinstated former employees, student interns, promotees, contract employees, volunteers, and others assigned to programs that involve direct contact with children. Programs within the Department that involve direct contact with children include, but are not limited to, the following: State Hospital South, Adolescent Program; all regionally operated day treatment programming staffed by personnel of the Family and Children's Services Programs and/or Mental Health Programs and Child Development Center Programs and others; and all other programs that include provision of services to children as an alternative to parental care for all or

any portion of the day. "Others assigned" specifically refers to employees of the Department of Education or local school districts assigned to regional day treatment programming or institutional settings. (11-16-95)T

006. -- 009. (RESERVED).

010. DEFINITIONS AND ABBREVIATIONS.

For the purposes of the rules contained in Idaho Department of Health and Welfare Rules, IDAPA 16.06.01, "Rules Governing Family and Children's Services," the following terms and abbreviations are used as defined herein: (11-16-95)T

01. AFDC (Aid to Families with Dependent Children). Federal/state-supported income maintenance program for persons with limited income and assets who are determined to be eligible by the Department's local offices. Federal funds are allocated under Title IV-A of the Social Security Act. When used with regard to eligibility for social services, this term includes recipients of AFDC and those persons whose needs are taken into account when determining their eligibility. (11-16-95)T

02. AFDC-FC (Aid to Families with Dependent Children-Foster Care). Child care provided in lieu of parental care in a foster home, children's agency or institution eligible to receive Aid to Dependent Children under Title IV-E of the Social Security Act. (11-16-95)T

03. A/R. Applicant for or recipient of services. (11-16-95)T

04. Adoption Assistance. Funds provided to adoptive parents of children who have special needs and/or could not be adopted without financial or medical assistance. (11-16-95)T

05. Adoption Services. Protective service through which children are provided with permanent homes, under new legal parentage, including transfer of the mutual rights and responsibilities that prevail in the birth parent-child relationship. (11-16-95)T

06. Alternate Care. Temporary living arrangements, when necessary for a child to leave his own home, through a variety of foster care, respite care, residential treatment and institutional resources, in accordance with the protections established in public Law 96-272, the federal "Adoption Assistance and Child Welfare Act of 1980" as amended, the Child Protective Act, Section 16-1601 et seq., Idaho Code, and the Indian Child Welfare Act. (11-16-95)T

07. Board. The Idaho State Board of Health and Welfare. (11-16-95)T

08. Case Management. A change oriented service to families that assures and coordinates the provision of family assessment, case planning, treatment and other services, protection, advocacy, review and reassessment, documentation and timely closure of a case. (11-16-95)T

09. Case Plan. See "Family Plan". (11-16-95)T

10. Central Office. The state level administrative office of the Department of Health and Welfare located in Boise, Idaho. (11-16-95)T

11. Child Mental Health. All children under eighteen (18) shall be served who: (7-1-98)T

a. Are seriously emotional disturbed or gravely impaired due to a serious mental illness; and (7-1-98)T

b. Present a significant risk of harm to themselves and/or significant risk of harm to others; and (7-1-98)T

c. Because of their mental illness are at risk for out-of-home placements or are currently in out-of-home placement and lack adequate resources to participate in their community non-public system of care. (7-1-98)T

- d. Seriously emotionally disturbed children who are involuntarily committed to the Department for out-of-home placement shall be served without regard to income. (7-1-98)T
12. Child Mental Health Services. Services provided in response to the needs of seriously emotionally disturbed children and their families. These services are provided in accordance with the provisions of Section 16-2402 et seq., Idaho Code, the "Children's Mental Health Services Act". (7-1-98)T
13. Child Protection. All children under eighteen (18) who have been harmed or threatened with harm by a person responsible for their health or welfare, including runaways who are harmed or threatened with harm by virtue of their status, through non-accidental physical or mental injury, sexual abuse (as defined by state law) or negligent treatment or maltreatment, including the failure to provide adequate food, clothing or shelter shall be served without regard to income. Developmentally disabled or emotionally disturbed children who are committed to the Department for out-of-home placement shall be served without regard to income. (11-16-95)T
14. Child Protective Services. Services provided in response to potential, alleged or actual abuse, abandonment or neglect of individuals under the age of eighteen (18) in accordance with the provisions of Section 16-1601 et seq., Idaho Code, the "Child Protective Act." (11-16-95)T
15. Compact Administrator. The individual designated to coordinate interstate transfers of persons requiring special services in accordance with the provisions of Section 16-21-1 et seq., Idaho Code; "Interstate Compact on the Placement of Children," Section 16-1901 et seq., Idaho Code; or the "Interstate Compact on Mental Health," Section 66-1201 et seq., Idaho Code; or the "Interstate Compact on Adoption and Medical Assistance," Section 39-7501 et seq. Idaho Code. (11-16-95)T
16. DHW Regions. Seven (7) geographically defined regions which serve as administrative units for the delivery of social services through local Department local offices. (11-16-95)T
17. Day Care for Children. Direct care and/or protection for children within or outside of the home when the custodial or developmental needs of the child are not being met by the family for any portion of a twenty-four (24) hour day. (11-16-95)T
18. Day Treatment Services. Intensive nonresidential services that include an integrated set of educational, clinical, social, vocational and family interventions provided on a regularly scheduled, typically daily, basis. (11-16-95)T
19. Department. The Idaho Department of Health and Welfare. (11-16-95)T
20. Director. The Director of the Department of Health and Welfare or designee. (11-16-95)T
21. Emergency Assistance To Families. Social services, emergency payments and placement services authorized by FACS social workers for Emergency Assistance eligible families to meet emergency need. (7-1-97)T
22. Extended Family Member. As defined by the law, or custom of an Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen (18) and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent. (11-16-95)T
23. FFP. Federal Financial Participation. (11-16-95)T
24. Family. Related individuals including birth or adoptive immediate family members, extended family members and significant other individuals, who are included in the family plan. (11-16-95)T
25. Family and Children's Services (FACS). Those programs and services directed to families and children, administered by the Department and provided in accordance with these rules. (11-16-95)T
26. Family Assessment. An ongoing process based on information gained through a series of meetings with a family to gain mutual perception of strengths and resources that can support them in creating long-term

solutions related to identified service needs and/or safety issues that threaten family integrity, unity or the ability to care for their members. (11-16-95)T

27. Family Case Record. Compilation of all documents relating to a family's case. (11-16-95)T
28. Family Centered Services. An approach to the delivery of social services that focuses on families rather than individuals. Services are based on assessment of the entire family and a negotiated family plan designed to strengthen and maintain the family, while ensuring the protection and well being of children. (7-1-98)T
29. Family Plan. A written document that serves as the guide for provision of services. The plan, developed with the family, clearly identifies who does what, when, how and why. The family plan incorporates any special plans made for individual family members. If the family includes an Indian child, or child's tribe, tribal elders and/or leaders should be consulted early in the plan development. (11-16-95)T
30. Family Services Worker. Any of the direct service personnel, including social workers, psychologists, counselors and family therapists, working in regional Family and Children's Services Programs. For purposes of pre-placement home studies, adoption home studies, reports to the court under the Termination and Adoption Acts, and Placement Supervision Reports, "family services workers" also include licensed counselors or psychologists, or individuals who have at least bachelor's degrees in social work, marriage and family therapy, or other social sciences. (11-16-95)T
31. Field Office. A Department of Health and Welfare service delivery site. (11-16-95)T
32. Goal. A long-range statement of what is to be accomplished to succeed in the direction of the mission of the program. (11-16-95)T
33. Indian. Any person who is a member of an Indian tribe or who is an Alaska Native and a member of a Regional Corporation as defined in 43 U.S.C. 1606. (11-16-95)T
34. Indian Child. Any unmarried person who is under the age of eighteen (18) who is: (11-16-95)T
 - a. A member of an Indian tribe, or (11-16-95)T
 - b. Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe. (11-16-95)T
35. Indian Child Welfare Act (ICWA). The Indian Child Welfare Act, 25 U.S.C. 1901, et seq. (11-16-95)T
36. Indian Child's Tribe. (11-16-95)T
 - a. The Indian tribe in which an Indian child is a member or eligible for membership, or (11-16-95)T
 - b. In the case of an Indian child who is a member of or eligible for membership in more than one (1) tribe, the Indian tribe with which the Indian child has the more significant contacts. (11-16-95)T
37. Indian Tribe. Any Indian Tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. 1602(c). (11-16-95)T
38. Information and Referral Services. A service which enables individuals to gain access to human services through providing accurate, current information on community and Department resources. While information and referral is not a separate service of the Department it is provided as a component of most social service programs. Information and referral services will be provided without regard to income. (11-16-95)T
39. Job Opportunities and Basic Skills Training Program (JOBS). The training and employment program established for recipients of aid to dependent children by the Family Support Act of 1988 and provided in

- Idaho Department of Health and Welfare Rules. (11-16-95)T
40. Job Search Assistance Program (JSAP). The training and employment program established for food stamp recipients by the Hunger Prevention Act of 1988 and provided in accordance with Idaho Department of Health and Welfare Rules. (11-16-95)T
41. Licensed. Facilities or programs being licensed in accordance with the provisions of Idaho Department of Health and Welfare Rules, Title 06, Chapter 02, "Rules and Standards for Child Care Licensing." (11-16-95)T
42. Licensing. See Idaho Department of Health and Welfare Rules, Title 06, Chapter 02, "Rules and Standards for Child Care Licensing," Section 100. (11-16-95)T
43. Medicaid. See "Title XIX," defined in Subsection 004.38. (11-16-95)T
44. Medicare. See "Title XVIII," defined in Subsection 004.39. (11-16-95)T
45. Most in Need of Mental Health Services. A child under eighteen (18) years of age who is gravely impaired as evidenced by imminent risk of harm to self or others or are at risk of out-of-home placement due to a serious emotional disturbance and lack resources to obtain services through the non-public community treatment system. (7-1-98)T
46. Multiethnic Placement Act of 1994 (MEPA). MEPA prohibits states or public and private foster care and adoption agencies that receive federal funds from delaying or denying the placement of any child solely on the basis of race, color or national origin. (11-16-95)T
47. Needs Assessment. First step in the planning process which results in systematic documentation of existing conditions in relationship to desired conditions taking into consideration the number of individuals or families who are receiving services and the number who remain unserved. (11-16-95)T
48. Objective. Statement of measured and specific progress toward a goal to be achieved during a stated period of time. (11-16-95)T
49. Permanency Planning. A primary function of family services initiated in all cases to identify programs, services and activities designed to establish permanent home and family relationships for children within a reasonable amount of time. (11-16-95)T
50. P.L. 96-272. Public Law 96-272, the federal "Adoption Assistance and Child Welfare Act of 1980." Section 422 requires states to implement a case review system to protect children in alternate care under the supervision of the state. (11-16-95)T
51. Planning. An orderly rational process which results in identification of needs and formulation of strategies to fulfill such needs, within resource constraints. (11-16-95)T
52. Prevention. Programs, services and activities aimed at preventing child protective and severe behavioral and emotional problems. Prevention services are developed and provided by FACS in coordination with other statewide and community organizations as resources are available. (11-16-95)T
53. Protective Services. To provide assistance in response to potential, actual or alleged neglect, abuse or exploitation of children. (11-16-95)T
54. Purchase of Services. Provision of services to clients by local agencies or individuals who contract with DHW. (11-16-95)T
55. Qualified Expert Witness--ICWA. A person who is most likely to be a qualified expert witness in the placement of an Indian child is: (11-16-95)T

- a. A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs pertaining to family organization and child rearing practices; (11-16-95)T
- b. An individual who is not a tribal member who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; (11-16-95)T
- c. A professional person who has substantial education and experience in a pertinent specialty area and substantial knowledge of prevailing social and cultural standards and child rearing practices within the Indian community; or (11-16-95)T
- d. An individual regarded as being a qualified expert who is referred by the Indian child's tribe, the Department's ICWA Specialist, or the Bureau of Indian Affairs. (11-16-95)T
56. Regional Office. Department office located in one (1) of seven (7) areas of the state which comprises a geographically defined service area for the administration and delivery of the Department's services. (11-16-95)T
57. Reservation. Indian country as defined in 18 U.S.C. Section 1151, and any lands, not covered under such section, title to which is either held by the United States in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation. Such term includes but is not limited to the Kootenai Reservation, the Coeur d'Alene Reservation, the Nez Perce Reservation, the Duck Valley Reservation, and the Shoshone-Bannock Reservation. (11-16-95)T
58. Risk Assessment. Direct contact of a family services worker with a family to objectively determine if safety issues or immediate service needs exist, which require further Family and Children's Services response. (11-16-95)T
59. SSI (Supplemental Security Income). Income maintenance grants for eligible persons who are aged, blind or disabled. Grants are provided under Title VI of the Social Security Act and are administered by the Social Security Administration and local Social Security Offices. (11-16-95)T
60. Self-Support Services. Supportive social services provided to an individual and their family to increase their ability to obtain employment. (11-16-95)T
61. Serious Emotional Disturbance (SED). An emotional or behavioral disorder or a neuropsychiatric condition which results in a serious disability, which requires sustained treatment interventions and causes the child's functioning to be impaired in thought, perception, affect and/or behavior. A disorder shall be considered to be a serious disability if it causes substantial impairment in functioning in family, school and/or community. A substance abuse disorder does not, by itself, constitute a serious emotional disturbance, although it may co-exist with serious emotional disturbance. (7-1-98)T
62. Sheltered Workshop Services. Work activities and extended sheltered employment services for adults age eighteen (18) and over who are developmentally disabled as defined by the Idaho Developmental Disabilities Services and Facilities Act. Sheltered workshop services are established to assist individuals in acquiring skills which promote opportunities for independent daily living and/or employment. Activities include therapeutic and prevocational activities, skills for self-care and management of daily living and recreational and work skills training. (11-16-95)T
63. Social Service Block Grant. The social service block grant funds are federal funds provided to states to assist in the development of comprehensive social service programs to help those with special needs to achieve and maintain a greater degree of economic self support and self sufficiency, to prevent neglect, abuse, or exploitation of children and adults who are unable to protect their own interests, to prevent or reduce inappropriate institutional care, and to secure referral or admission for institutional care when other forms of care are not appropriate. (11-16-95)T
64. TAFI. Temporary Assistance to Families in Idaho. (7-1-97)T

65. Target Population. Group of persons, residing within a defined geographical area, who are identified as being at risk for an adverse social or health condition or combination of conditions and whom the program is designed to serve. (11-16-95)T
66. Title IV-A. Title under the Social Security Act which provides public assistance to families with dependent children and is commonly identified as Aid to Families with Dependent Children (AFDC). (7-1-97)T
67. Title IV-B. Title under the Social Security Act which provides Child Welfare Services. This categorical service program is aimed at improving the general welfare of children regardless of income. (11-16-95)T
68. Title IV-E. Title under the Social Security Act which provides funding for foster care maintenance (formerly provided for under Title IV-A of the Social Security Act) and adoption assistance payments for certain eligible children. (11-16-95)T
69. Title XVIII (Medicare). Title of the Social Security Act which provides funding for medical services for persons over age sixty-five (65). (11-16-95)T
70. Title XIX (Medicaid). Title under the Social Security Act which provides "Grants to States for Medical Assistance Programs." (11-16-95)T
71. Tribal Court. A court with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings. (11-16-95)T
72. Unmarried Parents' Services. Unmarried parents' services are aimed at achieving or maintaining self-sufficiency or self-support for unmarried parents. These services include counseling for all unmarried parents who need such service in relation to their plans for their children and arranging for and/or paying for prenatal and confinement care for the well-being of the parent and infant. (11-16-95)T

011. -- 019. (RESERVED).

020. GENERAL REQUIREMENTS APPLICABLE TO ALL FAMILY AND CHILDREN'S SERVICES PROGRAMS.

01. Information, Referral and Screening. All residents of the state of Idaho, regardless of the duration of their residency shall be entitled to receive, upon referral or request: (11-16-95)T
- a. Accurate and current information about services to children and families provided through the Department. (11-16-95)T
- b. Referral to other appropriate public or private services available in the community; and (11-16-95)T
- c. A screening to determine service needs and safety issues that can be addressed through Family and Children's Services. (11-16-95)T
02. Initiating Family and Children's Services. Family and children's services are initiated upon referral for services that the program is legally mandated to provide or after completion of a written voluntary request for services. Efforts shall be made to identify any Indian children in the family and all possible tribes in which a child may be a member or eligible for membership. (7-1-98)T
03. Individual Authorized to Request Voluntary Services. Requests for voluntary services shall be made by a family member or by an authorized representative, or by someone acting on behalf of an incompetent or incapacitated person. (11-16-95)T
04. Record of Request for Services. The date of referral or request for services shall be documented in

the records of the field office. (11-16-95)T

05. Information to be Provided to Family. Upon referral or application for services, the family services worker shall inform the family that: (11-16-95)T

a. They have the right to accept or reject services offered by the Department, except those services imposed by law or by a court order; (11-16-95)T

b. Fees may be charged for certain services, and that the parent has financial responsibility for the child in care; (11-16-95)T

c. They have the right to pursue an administrative appeal of any decision of Family and Children's Services relating to them, including but not limited to any decision not to provide services or to discontinue planned services; the Department's failure to act upon a referral or request for services within thirty (30) days; or an decision to remove a child from an alternate care placement unless court-ordered or court-authorized. (11-16-95)T

021. ASSESSMENT OF NEED.

Upon referral for protective, children's mental health or other legally-mandated services, or upon voluntary request for services, assessment of need shall be determined by the Department or by contractors based upon the following: (7-1-98)T

01. Risk Assessment. A risk assessment shall be conducted to determine the safety of the child, the family, and the community. (11-16-95)T

02. Family Assessment. If the referral is for legally-mandated services or if the risk assessment indicates a need, a family assessment shall be conducted. (11-16-95)T

03. Other Evaluations. When a family assessment indicates a need, other professional diagnostic evaluations of the family or individual involved shall be arranged. (11-16-95)T

022. -- 029. (RESERVED).

030. FAMILY SERVICES PROVIDED.

The services and treatment provided by Family and Children's Services shall be based upon regional needs and resources, and include at least the following elements: (7-1-97)

01. Crisis Response. Family and Children's Services shall respond, on a twenty-four (24) hour per day seven (7) day per week basis, to family crises associated with child protective and severe emotional disturbances in children. (7-1-97)

02. Case Management. Family services shall include case management to assure and coordinate family assessment, case planning, treatment and other services, protection of children, permanency planning, advocacy, review and reassessment, documentation and timely closure of cases. (7-1-97)

03. Multi-disciplinary Family Services. Family services shall be multi-disciplinary and shall be oriented toward resolution of issues associated with child protective, children's mental health, substance abuse and adoptive situations; training and employment issues; including parenting skills and severe behavioral and emotional disorders. (7-1-98)T

04. Education, Training and Employment Programs. Family services shall be available to support the education, training and employment programs of the Job Opportunities and Basic Skills Training Program (JOBS) for public assistance recipients and the Job Search Assistance Program (JSAP) for Food Stamp recipients. (7-1-97)

05. Community Based. Family services shall be aimed at bringing the child and family to a level of functioning that demonstrates a safe environment and an ability to provide a safe environment acceptable in the community and make maximum use of normal environments such as the home, school, other home-like settings, and other community services and resources. (7-1-98)T

06. Preventative Services. (7-1-97)

031. -- 039. (RESERVED).

040. FAMILY SERVICES PRACTICE.

Through social work and the use of other appropriate and available resources, the Department provides services for children and families with the goal of preventing or eliminating the need to remove children from their homes; providing for children's safe return home as soon as possible; providing mental health treatment services needed by the child and family; and promoting the stability and security of Indian tribes and families by compliance with the Indian Child Welfare Act. (7-1-98)T

01. Service Capacity Management. The Department shall manage service capacity within each region of the state to ensure that family service workers respond within a reasonable period of time to referrals, requests for services and ongoing family case needs. (11-16-95)T

02. Permanency Planning. Permanency is the primary goal of family services in all cases by: (11-16-95)T

a. Establishing a plan for programs, services and activities that move toward the goal of permanency for family members within a reasonable amount of time as identified in the family plan; (11-16-95)T

b. Identifying temporary and permanent living arrangements for children who are unable to remain in their own homes; (11-16-95)T

c. Providing counseling to children, families and alternate care providers toward the goal of family reunification or toward other permanent arrangements for the children when family reunification is not feasible within a reasonable amount of time; (7-1-98)T

d. Providing services and assistance to facilitate independent living when that is the goal of the permanency plan for a child; and (7-1-98)T

e. Providing services, including case management, so that children with serious emotional disturbances can remain within their home, family, school, community and receive treatment in the least restrictive and most appropriate setting possible. (7-1-98)T

03. Family Plan Development. The family plan shall be completed within thirty (30) days of the date the case was opened. (11-16-95)T

a. Families shall be involved in identification of issues, planning their own service and treatment goals, objectives and processes. The family plan and any changes to it shall be signed and dated by the family, or the reason for their refusal to sign shall be documented in the plan. (7-1-98)T

b. The duration and frequency of services shall be determined based on the needs of the family and individuals involved and shall be identified in the family plan. (11-16-95)T

c. All parties shall receive a copy of the family plan and all parties, including the parents and the child if of appropriate age, shall sign a statement indicating they have read and understood the plan. (11-16-95)T

d. At least every six (6) months, the assigned family services worker shall reassess the need for continued services and if appropriate, update the plan based on the changing needs of the family or individual family members. (11-16-95)T

e. Administrative or judicial review shall be held at least every six months for each child placed under the Child Protective Act and the Children's Mental Health Services Act and at least annually for children in guardianship of the Department and who are placed in adoptive homes, from the date guardianship is granted until a final court order of adoption is issued and placed in the family plan. (7-1-98)T

f. Planning for closure shall begin at the time the family plan is developed and the ending date for services shall be projected. (11-16-95)T

041. NOTICE REQUIRED FOR ICWA.

Wherever these rules require notice to the parent or custodian and tribe of an Indian child, notice shall also be provided to the Secretary of the Interior by certified mail with return receipt requested to Department of the Interior, Bureau of Indian Services, Division of Social Services, Code 450, Mail Stop 310-SIB, 1849 C Street, N.W., Washington, DC 20240. In addition, pursuant to 25 CFR Section 23.11, copies of such notices shall be sent by certified mail with return receipt requested to the Portland Area Director, Bureau of Indian Affairs, 911 NE 11th Avenue, Portland, OR 97232. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, notice of the proceeding shall be given to the Secretary, who shall provide notice to the parent or Indian custodian and tribe. (11-16-95)T

042. -- 049. (RESERVED).

050. SERVICES TO BE PROVIDED.

The role of the family services worker is to assure that the following services are provided and documented in the case record: (11-16-95)T

01. Reasonable Efforts/Active Efforts. Services offered or provided to the family that were intended to prevent removal of the child from the family, prevent a seriously emotionally disturbed child from having to move to a more restrictive setting, or to obtain another permanent placement; or, for an Indian child, a description of the active efforts made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family; that these efforts have proved unsuccessful; and that based on qualified expert information, continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child; (7-1-98)T

02. ICWA Preferences. If appropriate, application of the placement preference for placement in accordance with the Indian Child Welfare Act, or a detailed explanation of good cause for not applying the preferences; (11-16-95)T

03. Least Restrictive Setting. Placement in the least restrictive setting and in close proximity to the parents or if not, justification that the placement is in the best interest of the child; or, for an Indian child, placement in the least restrictive setting that most approximates a family and is within reasonable proximity to the child's home taking into account any special needs of the child; (11-16-95)T

04. Legal Requirements. Compliance with all the requirements of the court at the time of the judicial determination; and in the case of an Indian child, notice of the pending proceeding to the parent or Indian custodian and the Indian child's tribe, including notice of their right to intervene; the right to twenty (20) days' additional time to prepare for the proceeding; the right to appointment of counsel if the parent or Indian custodian is indigent; the right to examine all documents filed with the court upon which placement may be based; and the right to withdraw consent to a voluntary foster placement; (11-16-95)T

05. Analysis of Cause for Placement. An analysis of the circumstances that necessitated the placement and improvements required for the child's return home; (11-16-95)T

06. Planning for Foster Care. Formulation of the Department's plan for assuring that the child receives necessary care while in the foster home or treatment setting, including services to the foster parents; (11-16-95)T

07. Date for Permanent Placement. Determination of the anticipated date the child will return to his or her parents or to an alternate permanent placement; (7-1-98)T

08. Consideration of Long-Term Foster Care. Use of long-term care shall be utilized only when circumstances will not allow the child with special needs to return home or be placed with an adoptive family, after reasonable efforts to replace the child with the parents or another family or an adoptive family. There must be active agreement of the caretaker and child. Such agreement shall be in writing and signed by the foster parent(s), child, designated FACS staff and where appropriate, the child's family; (7-1-98)T

09. Visitation for Birth Parents. Arrangements for visitation arrangements provided to the birth parents; (11-16-95)T
10. Notification of Change in Placement. Written notification to the birth parents within seven (7) days of a change of placement of the foster child if a child is relocated to another foster care setting, or similar notice to the parent or Indian custodian of an Indian child, and the Indian child's tribe, which includes the information described in Subsection 040.e.; (7-1-98)T
11. Notification of Change in Visitation. Written notification that birth parents shall be notified in writing if there is to be a change in their visitation schedule with their child in foster care; (7-1-98)T
12. Notification of Right to Participate and Appeal. A written statement that birth parents shall be notified in writing of their right to discuss any changes and the opportunity to appeal if they disagree with changes in placement or visitation; (11-16-95)T
13. ICWA Placement Preferences. Compliance with the foster care placement preferences of the Indian Child Welfare Act; (11-16-95)T
14. Compliance with requirements of the Multiethnic Placement Act. (11-16-95)T

051. -- 059. (RESERVED).

060. FAMILY CASE RECORDS.

The Department shall maintain a family case record on every family that is provided services, which shall provide complete, accurate written documentation of activities as follows: (11-16-95)T

01. Services Provided. Identification of a child as Indian and appropriate ICWA notices; services requested or offered and subsequent disposition including referrals for services outside the Department; (11-16-95)T
02. Assessment. Reports from the assessment of need for services; (11-16-95)T
03. Family Plans. Any plans made with the family including goals and objectives; time frames for meeting goals and objectives; revisions to goals, objectives and time frames, and the projected ending date for service; (11-16-95)T
04. Record of Hearing. Dates and results of any court actions, administrative reviews, administrative hearings or other significant actions involving the family; and (11-16-95)T
05. Closure of Plan. Reasons for terminating services, based upon: (11-16-95)T
 - a. Attainment of goals; (11-16-95)T
 - b. Services are no longer desired by the family, except when they are legally mandated; (11-16-95)T
 - c. Services are no longer legally mandated; (11-16-95)T
 - d. Services are no longer beneficial or appropriate for the family; or (11-16-95)T
 - e. Service capacity has been exceeded. (11-16-95)T
06. Other Requirements. All entries in the family case record shall be legible, specify the date the service was provided, and shall be signed and dated by the worker providing services at the time the entry is made. (11-16-95)T
07. Storage of Records. All family case records shall be stored in a secure file storage area, away from public access and retained not less than five (5) years after the case is closed, after which they may be destroyed,

except complete family case records involving adoptive placements shall be forwarded to the Department's central adoption unit. Case records involving Indian children shall be available at any time at the request of an Indian child's tribe or the Secretary of the Interior. The confidentiality of family case records is to be maintained in accordance with the provisions of Idaho Department of Health and Welfare Rules, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records." (11-16-95)T

061. -- 069. (RESERVED).

070. STANDARDS FOR SAFEGUARDING INFORMATION CONCERNING APPLICANTS AND RECIPIENTS OF SERVICES.

Protection and disclosure of Department records is governed by Idaho Department of Health and Welfare Rules, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records." (11-16-95)T

071. -- 099. (RESERVED).

100. EMERGENCY ASSISTANCE TO FAMILIES.

A family is eligible for Emergency Assistance in Idaho if a licensed social worker within the Department of Health and Welfare, Family and Children's Services receives a report or referral indicating an emergency condition and determines an emergency exists. (7-1-97)T

101. EMERGENCY ASSISTANCE REQUIREMENTS.

01. Application. An application is completed by a parent. If both parents are absent, refuse to cooperate in supporting the child or are unwilling to apply on behalf of the child, another adult relative or the Family and Children's Services social worker may complete the application on behalf of the child. (7-1-97)T

02. Eligible Child. The family contains a child under the age of eighteen (18); (7-1-97)T

03. Necessity for Assistance. The Family and Children's social worker has determined that the family has an emergency condition and the family is unable to meet that need; and (7-1-97)T

04. Parent's Refusal to Cooperate with TAFI Requirements, a Personal Responsibility Contract or Parent's Ineligibility for TAFI Due to Use of Lifetime TAFI Benefits. The emergency condition did not arise because the parents failed to cooperate with TAFI requirements, a Personal Responsibility Contract, or are ineligible for TAFI because their lifetime benefit has been met. (7-1-97)T

102. EMERGENCY CONDITIONS.

A family meets the requirements for emergency conditions in the following circumstances: (7-1-97)T

01. Report of Abuse or Neglect. A family is considered to have an emergency condition if there are reports of risk factors for child abuse or neglect and as a result the child is at risk of out of home placement; or (7-1-97)T

02. Unmet Service Need. A family is considered to have an emergency condition if there are unmet service needs that may lead to child abuse or neglect and as a result the child is at risk of out of home placement; or (7-1-97)T

03. Child's Mental Health. A family is considered to have an emergency condition if the child is at risk for out home placement due to the child's mental health. (7-1-97)T

103. -- 109. (RESERVED).

110. EMERGENCY SERVICES.

As determined appropriate and necessary by Family and Children's Services personnel and because services are not available through the family, extended family, friends, or other community resources, services may be provided to families in need and may include: information and referral, case management, court-related activities, intensive in-home services, day treatment, counseling, youth/family companion services, non-residential substance abuse

treatment, community-based assessment, respite care, shelter care, and other community-based services provided to meet needs attributable to the emergency or crisis situation and to avoid out-of-home placement or expedite family reunification for the child at risk. (7-1-97)T

01. Emergency Payments. Money payments, payments in kind, or other payments such as vendor payments made on behalf of the eligible family for the purchase of goods and services not available through other community resources to meet needs attributable to the emergency or crisis situation. (11-16-95)T

02. Placement Services. Shelter care, foster family care, or residential group care for children separated from their parents, including food, clothing, and supervision unless the child has such assistance provided under Title IV-E. Needed medical care is also included unless the child is eligible for such care under Title XIX. (11-16-95)T

111. AUTHORIZATION AND DURATION OF SERVICES AND ASSISTANCE.

Emergency services and assistance are limited to a maximum duration of ninety (90) days or less as necessary to alleviate the emergency condition, and an application and plan must be completed within the first thirty (30) days of the Department's determination of the necessity for assistance. (7-1-97)T

112. PROGRAM ADMINISTRATION.

In addition to the assistance and services described in this section, the Department shall engage in activities incidental to and necessary for the proper and efficient administration of the emergency assistance program. Family and Children's Services personnel shall complete the application/planning process including receiving reports and referrals indicating emergency conditions, completing risk assessments, stabilizing families, court-related activities, developing family plans and authorizing services, as well as completing documentation, payment and reporting processes, staff and provider training and other related administrative activities. (7-1-97)T

113. -- 149. (RESERVED).

150. CHILD PROTECTION SERVICES.

Sections 56-204A, 56-204B, 16-1601, 16-1623 and 16-2001, Idaho Code, make the Department an official child protection agency of state government with a duty to intervene in situations of child neglect, abuse, or abandonment. The Department is the state agency to which a citizen shall report circumstances of harm or threatened harm of children, with a right to expect appropriate action. They authorize and direct the Department to undertake activities to eliminate the causes of such neglect, abuse or abandonment, and they enable the Department to invoke the authority of the courts in those situations where other efforts have failed. A respectful, non-judgmental approach should be the policy for assessments, especially during the initial contact with the family. Training in communication would include multicultural and diversity issues and interest based conflict resolution. (7-1-97)

151. REPORTING ABUSE, ABANDONMENT OR NEGLECT.

Professionals and other persons identified in Section 16-1619, Idaho Code, have a responsibility to report abuse, abandonment or neglect and are provided protection for reporters. Duly ordained ministers of religion are exempt from reporting of child abuse and neglect if: 1) the church qualifies as tax-exempt under 26. U.S.C. 501(c)(3); 2) the confession or confidential communication was made directly to the duly ordained minister of religion; and 3) the confession was made in the manner and context which places the duly ordained minister of religion specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine. All Department of Health and Welfare personnel are responsible for recognizing and immediately reporting to Family and Children's Services or to law enforcement any concern regarding abuse, abandonment or neglect of a child or children. Failure to report as required by Section 16-1619(b), Idaho Code, is a misdemeanor. (11-16-95)T

152. REPORTING SYSTEM.

Each region of the Department shall maintain a system for receiving and responding to reports or complaints on a twenty four (24) hour per day, seven (7) day per week basis throughout the entire region. The region shall advertise the system to the public throughout the region and ensure the accurate recording of as many facts as possible at the time of the report. (11-16-95)T

153. ASSIGNING REPORTS FOR RISK ASSESSMENT.

The Department shall assign all reports of possible abuse, abandonment and neglect of children received from agencies, institutions or professional personnel for risk assessment. Other reports shall be assigned for risk

assessment, unless the field office has knowledge or information that discredits the report beyond a reasonable doubt.
(11-16-95)T

154. RESPONSE PRIORITIES.

The Department shall use the following statewide standards for responding to allegations of abuse, neglect or abandonment, using the determination of risk to the child as the primary criterion. Any variance from these response standards shall be documented in the family's case file with a description of action taken, which shall be reviewed and signed by the Child Protective Supervisor.
(7-1-97)

01. Priority I. The Department shall respond immediately if a child is in immediate danger involving a life-threatening or emergency situation. Emergency situations include sexual abuse when a child may have contact with the alleged perpetrator and circumstances indicate a need for immediate response. Law enforcement shall be notified and requested to respond or to accompany a family services worker. Every attempt should be made to coordinate the Department's assessment with law enforcement's investigation. The child must be seen by a Department family services worker, law enforcement, and medical personnel if applicable, immediately unless written regional protocol agreements direct otherwise. All allegations of physical abuse of a child through the age of six (6) or with profound developmental disabilities should be considered under Priority I unless there is reason to believe that the child is not in immediate danger.
(7-1-97)

02. Priority II. A child is not in immediate danger but allegations of abuse, including physical or sexual abuse, or serious physical or medical neglect are clearly defined in the referral. Law enforcement shall be notified within twenty-four (24) hours. The child shall be seen by the family services worker within forty-eight (48) hours of the Department's receipt of the referral. Law enforcement must be notified within twenty-four (24) hours of receipt of all Priority II referrals which involve issues of abuse or neglect.
(7-1-97)

03. Priority III. A child may be in a vulnerable situation because of services needs, which if left unmet, may result in harm, or a child is without parental care for safety, health and well being. The child and parents will be interviewed for substantiation of the facts, and to assure that there is no parental abuse or neglect. A family services worker shall respond within three (3) calendar days and the child must be seen by the worker within five (5) calendar days of the Department's receipt of the referral.
(7-1-97)

04. Notification to Referent. The Department of Health and Welfare, Family and Children's Services, shall notify the reporting individual of the receipt of the referral within five (5) days.
(7-1-97)T

155. SUPERVISORY REVIEW - CERTAIN PRIORITY I AND II CASES.

In all Priority I and II cases where the alleged victim of neglect, abuse or abandonment is through the age of six (6) , review by supervisory or team of all case documentation and other facts shall be conducted within forty-eight (48) hours of initiation of the risk assessment. Such review shall be documented in the file with the signature of the supervisor or team leader, time and date, whether additional risk related issues will be pursued and by whom, and any planning for initiation of services.
(7-1-97)

156. REPORTS INVOLVING INDIAN CHILDREN.

Possible abuse, abandonment, or neglect of a child who is known or suspected to be Indian shall be reported to appropriate tribal authorities immediately. If the reported incident occurs off a reservation, the department shall perform the investigation. The department shall also investigate incidents reported on a reservation if requested to do so by appropriate authorities of the tribe. A record of any response shall be maintained in the case record and written documentation shall be provided to the appropriate tribal authorities.
(7-1-98)T

157. REPORTS INVOLVING MILITARY FAMILIES.

Reports of possible child abuse, abandonment or neglect involving a military family shall be reported in accordance with the provisions of any agreement with the appropriate military family advocacy representative, in accordance with the provisions of Section 811 of Public Law 99-145. Child abuse, abandonment or neglect of a child on a military reservation falls under federal jurisdiction.
(11-16-95)T

158. COMMUNITY RESOURCES.

The Department shall provide information and referral to community resources or may offer preventative services to the family.
(7-1-97)

159. -- 169. (RESERVED).

170. RISK ASSESSMENT OF REPORTS.

The Department's risk assessment shall be conducted in a standardized format of risk assessment and shall utilize multi-disciplinary team protocols. (7-1-97)

171. ASSESSMENT.

The assessment shall include contact with the child or children involved, the immediate family and a records check for history with respect to child protection issues. (7-1-97)

01. Interview of a Child. The interview of a child concerning a child protective report shall be conducted: (7-1-97)

a. In a manner that protects all children involved from undergoing any unnecessary traumatic experience, including but not limited to multiple interviews; (7-1-97)

b. By a professional with specialized training in using techniques that consider the natural communication modes and developmental stages of children; and (7-1-97)

c. In a neutral, non-threatening environment, such as a specially equipped interview room, if available. (7-1-97)

02. Interview of Family. Interview of the child's immediate family is mandatory in every case and may require the participation of law enforcement. The family services worker conducting the interview shall: (7-1-97)

a. Immediately notify the parents being interviewed of the purpose and nature of the assessment. At the initial contact with family, the name and work phone numbers of the case worker and his/her supervisor shall be given to ensure the family has a contact for questions and concerns that may arise following the visit; (7-1-97)

b. Interview siblings who are identified as being at risk; and (7-1-97)

c. Not divulge the name of the person making the report during the course of the assessment. (7-1-97)

03. Collateral Interviews. Any assessment of an abuse or neglect report shall include at least one (1) collateral interview with a person who is familiar with the circumstances of the child or children involved. Collateral interviews shall be conducted with discretion and preferably with the parents' permission. (7-1-97)

04. Role of Law Enforcement. Section 16-1625, Idaho Code, specifies that the Department may enlist the cooperation of peace officers for phases of the risk assessment for which they have the expertise and responsibility. Such areas include, but are not limited to: (7-1-97)

a. Interviewing the alleged perpetrator; (7-1-97)

b. Removing the alleged perpetrator from the child's home in accordance with Section 39-6301, Idaho Code, the "Domestic Violence Act"; and (7-1-97)

c. Taking a child into custody in accordance with Section 16-1612, Idaho Code, where a child is endangered and prompt removal from his or her surroundings is necessary to prevent serious physical or mental injury. (7-1-97)

05. Notification of Referent. Upon completion of the Risk Assessment, the Referent shall be notified. (7-1-97)T

172. DISPOSITION OF REPORTS.

Within five (5) days after completion of risk assessments, the Department shall determine whether the reports are valid or not valid. The validity of reports shall be determined using the following definitions, with consideration

given to the age of the child, extenuating circumstances, prior history, parental attitude toward discipline, and severity of abuse or neglect: (7-1-97)

01. Valid. Child abuse and neglect reports are confirmed by one (1) or more of the following: witnessed by a worker, determined or evaluated by a court, a confession, or are substantiated through the presence of significant evidence that establishes a clear factual foundation for the determination of "valid." (7-1-97)

02. Verifiable. Child abuse and neglect reports are confirmed by one (1) or more of the following: witnessed by a worker, determined or evaluated by a court, a confession, or are substantiated through the presence of significant evidence, but where circumstances demonstrated that such incidents are not likely to reoccur. (7-1-97)

03. Indicated. Child abuse and neglect reports are indicated when the allegations cannot be confirmed or refuted; however, the worker has a reasonable belief the abuse or neglect occurred. (7-1-97)

04. Unable to Determine. A determination of child abuse and neglect cannot be made and the worker has no firm belief that abuse or neglect occurred. This category includes reports relating to families the worker is unable to locate. (7-1-97)

05. Invalid. Child abuse and neglect reports that are clearly unfounded, erroneous or otherwise incorrect. The worker is reasonably sure that the abuse or neglect did not occur. (7-1-97)

173. VALID REPORTS.

For reports determined to be "valid," the appropriate information shall be entered into the Department's Central Registry for the reporting of child abuse, abandonment and neglect, and the alleged perpetrator so advised in writing. Notification will include how the individual can appeal to have his disposition status changed. (7-1-97)

174. ALL OTHER REPORTS.

If it is determined through the risk assessment that reports are "not valid," the families shall be advised. (7-1-97)

01. Request for Statement. Upon the individual's request, the field office shall issue written statements indicating that: (7-1-97)

a. The Department has not obtained sufficient information to warrant further assessment of or action on that specific report; and (7-1-97)

b. The Department shall fulfill its legal responsibility to investigate and take appropriate action on any further reports that elaborate on the previous allegations or relate new allegations. (7-1-97)

02. Removal of Identifying Information. Upon written request of the individual, the Department may remove identifying information relevant to that individual regarding an invalid report from the Department's Data Base. (7-1-97)

175. -- 199. (RESERVED).

200. COURT-ORDERED CHILD PROTECTION RISK ASSESSMENT.

When, in any divorce proceeding or upon request for modification of a divorce decree, an allegation of child abuse or child sexual abuse is made, implicating either party, the court shall order that an investigation/risk assessment be conducted by the Department of Health and Welfare. Court orders for preliminary child protective risk assessment and for any subsequent assessment the court may deem necessary shall be served on the supervisor for child protection services in the field office in which the court has geographical jurisdiction. The child protection supervisor shall immediately initiate the risk assessment and consult with the court promptly if there are any obstacles proceeding its completion. Immediately upon completing the report, the Department shall make a written report to the court. (11-16-95)T

201. CHILD PROTECTIVE ACT PETITION.

If any incidence of child abuse, neglect of abandonment is substantiated through the risk assessment or during the provision of services, and cannot be resolved through informal processes or voluntary agreement that is adequate for

protection of the child, the Department shall request the prosecuting attorney to file a Child Protective Act petition. (11-16-95)T

202. COOPERATION WITH LAW ENFORCEMENT.

The Department shall cooperate with law enforcement personnel in their handling of criminal investigations and the filing of criminal proceedings. (11-16-95)T

203. -- 229. (RESERVED).

230. CHILD CUSTODY INVESTIGATIONS FOR DISTRICT COURT.

Where no other community resources are available and when ordered by district courts, the Department shall, for a fee, conduct risk assessments and provide social information to assist the court in child custody actions, to assist the court to determine the most therapeutic placement for the child. Before the family services worker sends the report to the court, it must be reviewed and approved by the supervisor. (11-16-95)T

01. Requests from Private Attorney. If a parent's attorney requests an risk assessment and report of findings regarding the fitness of a parent, the attorney shall be advised that such service is provided on behalf of a child but not on behalf of a litigant, and that any such assessment and report would be provided to the court pursuant to a court order. (11-16-95)T

02. Conduct of the Assessment. In conducting the assessment, the family services worker shall explain to the family the purpose for which the information is being obtained. If the judge intends to treat the report as evidence, the family shall be informed that any information they provide will be brought out at the court hearing. If the family refuses to give information to the family services worker, the Department has no authority to require cooperation. However, the judge may issue an order directing the family to provide information to the family services worker for the purpose of making a report to the court. (11-16-95)T

03. Report to Court. The family services worker shall provide a report only to the Magistrate judge who ordered the assessment, and shall use the Department's format for the assessment of need. The report shall describe what was observed about the home conditions and the care of the child(ren). (11-16-95)T

04. Department Clients. If the family is or has been a client of the Department, disclosure of information shall comply with Idaho Department of Health and Welfare Rules, Title 05, Chapter 01, "Rules Governing the Disclosure and Protection of Department Records." (11-16-95)T

05. Fee. The Department shall bill the court a fee for the child custody assessment and report at the rate of thirty-five dollars (\$35) per hour. (11-16-95)T

231. -- 239. (RESERVED).

240. ADMINISTRATIVE REVIEW.

Unless a judicial review occurs at the end of a six (6) month period in a Child Protective Act placement or other out of home placement including placements under the Children's Mental Health Services Act, the Department shall conduct an individual family case review to assure compliance with all applicable state and federal laws, and to ensure good social and clinical practice. (7-1-98)T

01. Notice of Administrative Review. The administrative review shall include: (11-16-95)T

a. Advance written notice to all parties, including an Indian child's tribe if appropriate, and including at least two weeks' notice to adoptive parents; (11-16-95)T

b. Action being considered; (11-16-95)T

c. The right to be represented by the individual of their choice. (11-16-95)T

02. Procedure in Administrative Review. The parties shall be given the opportunity for face-to-face discussion including attending, asking questions and making statements. (11-16-95)T

03. Members of Administrative Review Panel. The administrative review team shall include a Department employee who is not in the direct line of supervision in the delivery of services to the child or parents being reviewed. The review panel may include agency staff, staff of other agencies, officers of the court, members of Indian tribes and citizens qualified by experience, professional background or training. Members of the administrative review panel shall be chosen by the regional director and receive instructions from the program manager to enable them to understand the review process and their roles as participants. (11-16-95)T

04. Issues Considered in Administrative Review. The review panel shall: (11-16-95)T

a. Review the extent to which all parties have followed through with the family plan, their progress toward alleviating the circumstances necessitating the placement and the extent to which the goals described in the plan have been achieved. (7-1-98)T

b. Review compliance with the Indian Child Welfare Act, if appropriate; (11-16-95)T

c. Make a determination of the continuing necessity for and appropriateness of the child's placement; and (11-16-95)T

d. A target date by which the child may be returned home or placed for adoption, legal guardianship or other permanent placement. (11-16-95)T

05. Recommendations and Conclusions of Administrative Review Panel. Following the review, written conclusions and recommendations shall be provided to all participants, subject to Department safeguards for confidentiality. The decision shall also provide appeal rights. (11-16-95)T

241. CITIZEN REVIEW PANELS.

The Department shall have Citizen Review Panels in each region to review child protection cases. (7-1-97)

242. -- 399. (RESERVED).

400. AUTHORITY FOR ALTERNATE CARE SERVICES.

Upon approval of the Regional Family and Children's Services Manager or designee, the Department may provide or purchase alternative care under the following conditions: (11-16-95)T

01. Department Custody. When the child is in the legal custody or guardianship of the Department; or (11-16-95)T

02. Voluntary Agreement. Upon agreement with the parents when circumstances interfere with their provision of proper care or they are no longer able to maintain a child with serious emotional disturbance in their home and they can benefit from social work and treatment services. A family plan must be developed between the Department and the family. A contract between the Department and the service provider, if applicable, must also be in effect. (7-1-98)T

401. CONSIDERATIONS FOR PLACEMENT IN ALTERNATIVE CARE.

The Department shall make meaningful reasonable attempts, both verbally and in writing, to inform in priority order as identified below of the potential imminent placement and the requirements for consideration as a placement resource. The Department shall place children in a safe and trusted environment consistent with the best interest and special needs of the children as required by P.L.96-272, Section 475(5). Ideally, placement priority shall be given in the following order: a) Immediate family; b) Extended family members; c) Non-family members with a significant established relationship with the child; d) Other licensed foster parent. Upon immediate contact with persons in categories a through d above, and after preliminary screening, within seventy-two (72) hours of decision to place, Departmental staff shall make reasonable attempts to inform immediate family members of policies to follow in order to become a placement resource. Alternate care placement shall in all cases include consideration of: (7-1-97)

01. Family Assessment. The family assessment conducted in accordance with the provisions of Section 022. (7-1-97)

02. Ability of Providers. The ability of potential alternate care providers to address and be sensitive to the varied race, color, religion and national origin needs of the child; (7-1-97)

03. Family Involvement. The involvement of the family in planning and selecting the placement. The Department shall use a family unity meeting concept making reasonable efforts to gather immediate and extended family members and other significant supporters to identify family strengths relevant to creating a safe environment for the child. This process will be fully reported to the court along with resulting plans and commitments. (7-1-97)

04. ICWA. All requirements of the Indian Child Welfare Act. (7-1-97)

05. MEPA. All requirements of the Multiethnic Placement Act. (7-1-97)

402. INVOLUNTARY PLACEMENT OF INDIAN CHILDREN.

Involuntary placement of an Indian child in foster care must be based upon clear and convincing evidence, including information from qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Foster care placement shall be in the least restrictive setting that most approximates a family and in which any special needs may be met. In the absence of good cause to the contrary, a preference shall be given to placement with: (11-16-95)T

01. Extended Family. A member of the Indian child's extended family; (11-16-95)T

02. Foster Home Approved by Tribe. A foster home licensed, approved, or specified by the Indian child's tribe; (11-16-95)T

03. Licensed Indian Foster Home. An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or (11-16-95)T

04. Indian Institution. An institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the child's needs. (11-16-95)T

403. INVOLUNTARY PLACEMENT UNDER THE CHILDREN'S MENTAL HEALTH SERVICES ACT.

When a seriously emotionally disturbed child presents a significant danger to himself or herself and/or to others and the child's parent will not consent to a voluntary placement of the child, the child can be placed involuntarily through a court order. Involuntary Treatment Orders are limited to one hundred twenty (120) days and can be changed to a voluntary placement upon the request of the consenting parent(s). At the end of one hundred twenty (120) days, a judicial redetermination is required to extend the involuntary treatment order for an additional set period of time. (7-1-98)T

404. OUT-OF-STATE PLACEMENTS (INTERSTATE COMPACTS).

Where necessary to encourage all possible positive contacts with family, including extended family, placement with family members or others who are outside the state of Idaho shall be considered. On very rare occasion the Department may contract with a residential facility out of state if it best serves the needs of the child and is at a comparable cost to facilities within Idaho. When out-of-state placement is considered in the permanency planning for a child, such placement shall be coordinated with the respective interstate compact administrator in Central Office according to the provisions of Section 16-2101 et seq., Idaho Code, the "Interstate Compact on the Placement of Children" and Section 66-1201 et seq., Idaho Code, the "Interstate Compact on Mental Health." Placements shall be in compliance with all state and federal laws. (11-16-95)T

405. ALTERNATE CARE CASE MANAGEMENT.

Case management shall continue while the child is in alternate care and shall ensure the following: (7-1-97)

01. Preparation for Placement. Preparing a child for placement in alternate care shall be the joint responsibility of the child's family, the child (when appropriate), the family services worker and the alternate care provider. (7-1-97)

- of:
- 02. Information for Provider. The Department and the family shall inform the alternate care provider (7-1-97)
 - a. Any medical, health and dental needs of the child; (7-1-97)
 - b. The name of the child's doctor; (7-1-97)
 - c. The child's current functioning and behaviors; (7-1-97)
 - d. The child's history and past experiences; (7-1-97)
 - e. The child's cultural and racial identity needs; (7-1-97)
 - f. Any educational, developmental, or special needs of the child; (7-1-97)
 - g. The child's interest and talents; (7-1-97)
 - h. The child's attachment to current caretakers; (7-1-97)
 - i. Procedures to follow in case of emergency; (7-1-97)
 - j. Any additional information that may be required by the terms of the contract with the alternate care provider. (7-1-97)
 - 03. Parental Responsibilities. Parents shall sign a Departmental form of consent for medical care and keep the family services worker advised of where they can be reached in case of an emergency. Any refusal to give medical consent shall be documented in the family case record. (7-1-97)
 - 04. Financial Arrangements. The family services worker shall assure that the alternate care provider understands the financial and payment arrangements and that necessary Department forms are completed and submitted. (7-1-97)
 - 05. Contact with Child. The family, the family services worker, the alternate care provider and the child, if of appropriate developmental age, shall establish a schedule for frequent and regular visits to the child by the family and by the family services worker or designee. (7-1-97)
 - a. Face-to-face contact in the alternate care setting with the child by the family services worker must occur at least monthly or when necessary for the observable needs of the child. (7-1-97)
 - b. The Department shall have strategies in place to detect abuse or neglect of children in alternate care. (7-1-97)
 - c. Regular contact with children placed in intensive treatment facilities, in or out-of-state, shall occur in accordance with Idaho Department of Health and Welfare policy on "Placement in Intensive Treatment Facilities." (7-1-97)
 - d. Frequent and regular contact between the child and parents and other family members shall be encouraged and facilitated unless it is specifically determined not to be in the best interest of the child. Such contact will be face-to-face if possible, with this contact augmented by telephone calls, written correspondence, pictures and the use of video and other technology as may be relevant and available. (7-1-97)
 - 06. Discharge Planning. Planning for discharge from alternate care into family services that follow alternate care shall be developed with all concerned parties. Discharge planning shall be initiated at the time of placement and completed prior to the child's return home or to the community. (7-1-97)
 - 07. Transition Planning. Planning for discharge from alternate care into a permanent placement shall be developed with all concerned parties. Discharge planning shall be initiated at the time of placement and completed

prior to the child's return home or to the community. (7-1-97)

08. Financial and Support Services. As part of the discharge planning, Departmental resources shall be coordinated to expedite access to Department financial and medical assistance and community support services. (7-1-97)

406. -- 419. (RESERVED).

420. ALTERNATE CARE - CASEY FAMILY PROGRAM, BOISE DIVISION.

Children may be referred to the Casey Family Program, Boise Division for placement when it is determined that reunification of the birth family is not anticipated to be possible. Once the child has been accepted into the Casey Family Program, Boise Division, the Program will provide direct case management services pursuant to a contract with the Division of Family and Community Services with final responsibility for decision-making continuing to rest with the Department. Children placed with the Casey Family Program shall continue to be eligible for all Department programs, and regional and Casey Family staff shall combine resources to the extent possible to serve these children in the most effective manner. (11-16-95)T

421. ALTERNATE CARE - FAMILY PRESERVATION SERVICES.

Referral may be made of families who may benefit from intensive family preservation services to individual contractors of the Department who provide these services. Some of these contracted services may include brief respite care. (11-16-95)T

422. ALTERNATE CARE - PLACEMENT OF UNWED MOTHERS AT BOOTH MEMORIAL HOME.

Referrals may be made to Booth Memorial Home for both outpatient and residential services for unwed pregnant women under the age of twenty-one (21), whose determined needs for outpatient or alternate care placement cannot be met by less restrictive means. (11-16-95)T

- 01. Referral Criteria. For referral to this program, the mother must: (11-16-95)T
 - a. Be unmarried; (11-16-95)T
 - b. Have a high-risk pregnancy; (11-16-95)T
 - c. Be under the age of eighteen (18) at the time of referral for residential services, and up to the age of twenty-one (21) for outpatient referrals, as long as such outpatient clients are enrolled in the educational component of the program; (11-16-95)T
 - d. Be a resident of the state of Idaho; (11-16-95)T
 - e. Lack other community resources that would meet her needs in the most home-like environment; (11-16-95)Tand
- f. Be willing to enroll in the educational program provided by Booth if the mother has not completed high school or a GED. (11-16-95)T
- 02. Exclusions from Referral. Individuals not appropriate for referral to Booth include: (11-16-95)T
 - a. Those who are a danger to self or others; (11-16-95)T
 - b. Those who could be better served by other levels of care, such as foster care or local board and room care; or (11-16-95)T
 - c. Those whose problems are of such levels that they need the structure of an institutional placement. (11-16-95)T

423. ALTERNATE CARE PLANNING.

Alternate care planning is mandated by the provisions of Sections 417(a)(15) and 475, P.L.96-272. (11-16-95)T

01. Alternate Care Plan Required. Each child receiving alternate care under the supervision of the state shall have a written alternate care plan. (11-16-95)T

a. The purpose of plan shall be to facilitate the return of the child to his or her own home as expeditiously as possible or to make other permanent arrangements for the child if such return is not feasible. (11-16-95)T

b. The alternate care plan shall be included in the family plan required by Section 070. (11-16-95)T

02. Development of the Alternate Care Plan. The alternate care plan shall be developed within thirty (30) days after a decision has been made to place a child in alternate care. (11-16-95)T

a. The parents and the child, to the extent possible, shall be involved in planning, selecting, and arranging the alternate care placement and any subsequent changes in placement. (11-16-95)T

b. The plan shall include documentation that the parents have been provided written notification of: (11-16-95)T

i. Visitation arrangements made with the alternate care provider, including any changes in their visitation schedule; (11-16-95)T

ii. Any change of placement immediately, and at the latest within seven (7) days, when the child is relocated to another alternate care or institutional setting; and (11-16-95)T

iii. Their right to discuss any changes and to seek recourse, in accordance with the provisions of Section 040, if they disagree with any changes in visitation or other alternate care arrangements. (11-16-95)T

c. All parties involved in the alternate care plan, including the parents and the child if of appropriate developmental age: (11-16-95)T

i. Will be required to sign a statement indicating that they have read and understood the alternate care plan; and (11-16-95)T

ii. Will receive a copy of the alternate care plan. (11-16-95)T

424. REQUIREMENTS FOR THE ALTERNATE CARE PLAN (SECTION 422 COMPLIANCE).

Section 422 of P.L. 96-272, the federal "Adoption Assistance and Child Welfare Act of 1980," requires states to implement a case review system to protect children who are in alternate care under the supervision of the state. The system must meet certain requirements for the contents of the alternate care plan, for periodic case review and for dispositional hearings. (7-1-97)

01. Contents. The alternate care plan shall include the following eight (8) requirements (seven (7) requirements of P.L. 96-272 and one (1) requirement subsequently added by P.L. 101-239): (7-1-97)

a. A description of the type of home or institution in which the child is to be placed; (7-1-97)

b. A discussion of the appropriateness of the placement; (7-1-97)

c. A statement of how the plan is designed to achieve placement in the least restrictive (most family-like) and most appropriate setting available, consistent with the best interest and special needs of the child; (7-1-97)

d. A statement of how the plan is designed to achieve placement in close proximity to the parents' home, consistent with the best interest and special needs of the child; (7-1-97)

e. Discussion of how the family and the Department plan to carry out the judicial determination made (court order) with respect to the child in accordance with Section 472(a)(1), P.L. 96-272. The Department shall use a

family unity meeting concept making reasonable efforts to gather immediate and extended family members and other significant supporters to identify family strengths relevant to creating a safe environment for the child. This process will be fully reported to the court along with resulting plans and commitments; (7-1-97)

- f. A plan for assuring that the child receives proper care; (7-1-97)
- g. A plan for assuring that identified services are provided to the child and family to improve the conditions in the parents' home, to recommend to the court return of the child to that home or to arrange for other permanent placement for the child. In the case of a child with a serious emotional disturbance, the plan will identify services and behavior required for the child to return to living at home. All case plans shall include specific time frames of obtaining the family's measurable outcomes and defined frequency of communication, review and reassessment of risk; (7-1-98)T
- h. A plan for assuring that identified services are provided to the child and foster parents to address the needs of the child while in foster care; (7-1-97)
- i. A discussion of the appropriateness of the services provided to the child under the plan; and (7-1-97)
- j. To the extent available and accessible, current health and education records, including: (7-1-97)
 - i. The names and addresses of the child's health and educational providers; (7-1-97)
 - ii. The child's grade level performance; (7-1-97)
 - iii. The child's school record; (7-1-97)
 - iv. Assurances that the child's alternate care arrangements take into account proximity to the school in which the child is enrolled at the time the alternate care plan is developed; (7-1-97)
 - v. A record of the child's immunizations; (7-1-97)
 - vi. The child's known medical problems including any emotional and/or behavioral disturbances; (7-1-98)T
 - vii. Any other pertinent health and education information concerning the child. (7-1-97)
- k. A statement explaining why the child has been placed in a foster family home or child-care institution a substantial distance from the home of the parents of the child, or in a state different from the state in which such home is located, and why such placement is in the best interests of the child; (7-1-97)
- l. A plan for assuring that if a child has been placed in foster care outside the state in which the home of the parents of the child is located, periodically but not less frequently than every twelve (12) months, a caseworker on the staff of the state agency of the state in which the home of the parents of the child is located, or of the state in which the child has been placed, visit such child in such home or institution and submit a report on such visit to the state agency of the state in which the home of the parents of the child is located. (7-1-97)
- 02. Periodic Review. By the provision of Section 475(5)(b), P.L. 96-272, the status of each child placed in alternate care must be reviewed periodically, but no less frequently than every six (6) months from the date of the original alternate care placement and every six (6) months thereafter until the child has been in placement for eighteen (18) months (see Subsection 424.03.c.), by either a court or an administrative review. The periodic reviews shall meet the following six (6) requirements: (7-1-97)
 - a. The periodic reviews have determined the continuing necessity for an appropriateness of the placement. (7-1-97)
 - b. The periodic reviews have determined the extent of compliance with the alternate care plan.

(7-1-97)

c. The periodic reviews have determined the extent of progress which has been made toward alleviating or mitigating the causes necessitating the placement. (7-1-97)

d. The periodic reviews have projected a likely date by which the child may return to his or her own home or be placed for adoption or in legal guardianship. (7-1-98)T

e. The periodic reviews are open to the participation of the parents and the children involved. (7-1-97)

f. The periodic reviews are conducted by a panel of appropriate persons, at least one (1) of whom is not responsible for the case management of, or delivery of, services to either the child or the parents who are the subject of the review. (7-1-97)

03. Dispositional Hearings. By the provisions of Section 475(5)(b), P.L. 96-272, every child in alternate care under state supervision must be afforded a permanency planning dispositional hearing. (7-1-97)

a. Dispositional hearings shall meet the following three (3) requirements: (7-1-97)

i. Procedural safeguards were applied with respect to parental rights pertaining to the removal of the child from the home of his or her parents. (7-1-97)

ii. Procedural safeguards were applied with respect to parental rights pertaining to a change in the child's placement. (7-1-97)

iii. Procedural safeguards were applied with respect to parental rights pertaining to any determination affecting visitation rights. (7-1-97)

b. Procedural safeguards shall assure fundamental fairness to the family including the following: (7-1-97)

i. Opportunity for a hearing prior to any change of disposition or of the status quo; (7-1-97)

ii. Adequate notice of such hearings, with time to prepare and right to be present; (7-1-97)

iii. Their right to know the allegations against them and to confront those allegations; and (7-1-97)

iv. Their right to have legal counsel appointed if requested and eligible. (7-1-97)

c. Permanency planning dispositional hearings shall be held no later than eighteen (18) months after the date of the original alternate care placement and no later than every twelve (12) months thereafter. Some hearings, not dispositional hearings, are required more frequently according to the following guidelines: (7-1-97)

i. Hearings are required each time any child is moved to a more restrictive alternate care setting; (7-1-97)

ii. Every twelve (12) months for any child in the care of the Department under Section 16-1610, Idaho Code, the "Child Protective Act," a renewal of custody hearing is needed. This hearing shall meet dispositional hearing requirements if the judge makes, and the resulting court order contains, required findings. (7-1-97)

iii. Hearings are required in accordance with Section 16-2010(c), Idaho Code, at least each eighteen (18) months from the date guardianship was granted, until a final court order of adoption is issued and placed in the adoptive family's case record. (7-1-97)

d. The administrative or judicial hearing for permanency planning disposition must include, at a minimum: (7-1-97)

- i. Written notice to all parties at least two (2) weeks in advance specifying: (7-1-97)
 - (a) The date, time, and place of the review; (7-1-97)
 - (b) Action to be taken; (7-1-97)
 - (c) Opportunity for face-to-face discussion including attending, asking questions, and making statements; (7-1-97)
 - (d) Opportunity for recourse in the form of a petition for review by the magistrate division of the District Court or, more generally, by the request for a review hearing in underlying court action under the appropriate Act. (7-1-97)
- ii. Determination of: (7-1-97)
 - (a) Continuing necessity for, and appropriateness of, the child's placement; and (7-1-97)
 - (b) Future status of the child (whether the child should be returned to the family, should continue in foster care for specified period, should be placed for adoption or should continue in foster care on a permanent, long term basis, and in the case of a child in care out of state, whether the out-of-state placement continues to be appropriate and in the best interest of the child). (7-1-97)
- e. The eighteen (18) month permanency planning dispositional hearing may be held by the court having jurisdiction in the underlying case if that is the preference of the court. If the court does not wish to conduct this hearing, it may be held administratively by a hearing officer appointed by the regional director. (7-1-97)
 - i. The hearing officer shall not be an employee of the Division of Family and Community Services or a regional Family and Children's Services Program. (7-1-97)
 - ii. The hearing officer shall be certified as having completed the training program provided by the Deputy Attorney General assigned to the region or the Division that will enable him to understand the review process and his role as participant and hearing officer. This requirement of certification does not include hearing officers with legal background or judges, although both are encouraged to attend training sessions. (7-1-97)
- f. A written record of the administrative or judicial hearing shall be maintained: (7-1-97)
 - i. Indicating the time, date, and place of the review and all the participants; (7-1-97)
 - ii. Stating the recommendations and conclusions and the reasons therefore; (7-1-97)
 - iii. Filed in the family's case record; and (7-1-97)
 - iv. Provided to all participants, subject to the safeguards regarding confidentiality in accordance with the provisions of IDAPA 16, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records." (7-1-97)

425. -- 434. (RESERVED).

435. DETERMINATION OF ELIGIBILITY FOR ADC-FC.

The family services workers shall initiate an application to ensure that eligibility for ADC-FC is made, or that the child is clearly ineligible because of family resources. The worker shall maintain documentation of the eligibility determination or ineligibility in the case record of the child, and arrangements for parental support. (11-16-95)T

436. FINANCIAL SUPPORT FOR CHILDREN IN ALTERNATE CARE.

In accordance with Section 56-203B, Idaho Code, parents are responsible for costs associated with the care of their child or children. Upon consideration of any alternate care for a child: (11-16-95)T

01. Notice of Parental Responsibility. The Department shall provide the parents written notification of their responsibility to contribute toward the cost of their child's support, treatment and care, including but not limited to clothing, medical, incidental and educational costs. (11-16-95)T

02. Financial Arrangements with the Parents. When children are placed in alternate care pursuant to court order or voluntary agreement, the parents shall be expected to reimburse the Department for the costs of care. (11-16-95)T

a. The amount of support shall be based on the parent's income, the costs of care for the child and any unique circumstances affecting the parent's ability to pay. (11-16-95)T

b. Every family shall be expected to contribute to the cost of their child's care, but no family shall be asked to pay more than the actual cost of care, including clothing, medical, incidental and educational costs. The cost of room and board shall be paid by the parents to the Department, and the Department shall in turn pay the foster parents. (11-16-95)T

437. SUPPORT AGREEMENT FOR VOLUNTARY PLACEMENTS.

If the placement is voluntary, the parents shall sign an agreement that specifies the amount of support to be paid, when it is to be paid the payee and the address to which it is to be paid. (11-16-95)T

438. SUPPORT IN COURT-ORDERED PLACEMENT.

In the case of a court-ordered placement, if no support agreement has been reached with the parents prior to the custody or commitment hearing, the Department's report to the Court shall indicate the necessity to hold a support hearing. (11-16-95)T

439. INSURANCE COVERAGE.

The parents shall inform the Department of the all insurance policies covering the child, including names of carriers, and policy or subscriber numbers. If medical, health and/or dental insurance coverage is available for the child, the parents shall acquire and maintain such insurance. (11-16-95)T

440. REFERRAL TO CHILD SUPPORT SERVICES.

The family shall be referred to the State Title IV-D Agency for support payment arrangements. (11-16-95)T

01. Assignment of Child Support. The Department through the Bureau of Child Support Services shall secure assignment of any support due to the child while in alternate care. Social Security and Supplemental Security Income benefits are specifically aimed at meeting the child's needs and therefore will follow the child in placement and the Department shall request to be named payee for all funds for placements extending over thirty (30) days. (11-16-95)T

02. Collection of Child Support. The Department shall take action to collect any child support ordered in a divorce decree. (11-16-95)T

441. -- 499. (RESERVED).

500. HEALTH AND DENTAL CARE FOR CHILDREN IN ALTERNATE CARE.

Every child placed in alternate care shall receive a medical card each month. Those children eligible for Medicaid will receive a medical card. (11-16-95)T

551. EPSDT SCREENING.

Children in alternate care shall receive the Early Periodic Screening, Diagnosis and Treatment (EPSDT) services allowable under Title XIX. Those children already receiving Medicaid at the time of placement shall be screened within thirty (30) days after placement. Children not receiving Medicaid at the time of placement shall receive a screening within thirty (30) days from the date Medicaid eligibility is established. (11-16-95)T

552. MEDICAL EMERGENCIES.

In case of serious illness, the alternate care provider shall notify the child's doctor and the Department immediately.

The parents or the court in an emergency, or the Department if it is the guardian of the child, have the authority to consent to major medical care or hospitalization. (11-16-95)T

553. DENTAL CARE.

Every child age two (2) who is placed in alternate care shall receive a dental examination as soon as possible after placement but not later than ninety (90) days, and thereafter according to a schedule prescribed by the dentist. (11-16-95)T

01. Costs Paid by Medicaid. If dental care not included in the state medical assistance program is recommended, a request for payment shall be submitted to the state Medicaid dental consultant. (11-16-95)T

02. Emergencies. For children in shelter care, emergency dental services shall be provided for and paid for by the Department, if there are no other financial resources available. (11-16-95)T

554. COSTS OF PRESCRIPTION DRUGS.

The Department shall purchase prescribed drugs for a child in alternate care through participating pharmacists, in excess of the Medicaid monthly maximum at the Medicaid rate. (11-16-95)T

555. -- 559. (RESERVED).

560. INCOME, BENEFITS AND SAVINGS OF CHILDREN IN FOSTER CARE.

Family services workers shall identify and, if necessary, apply on behalf of the child for income or benefits from one (1) or every available sources including Social Security, veterans' benefits, tribal benefits, or estates of deceased parents. The address of the payee shall be the regional Child Support Services office. (11-16-95)T

561. ACCOUNTING AND REPORTING.

Regional Child Support Services shall account for the receipt of funds and develop reports showing how much money has been received and how it has been utilized. (11-16-95)T

562. FORWARDING OF BENEFITS.

If the Department is receiving benefits and the child is returned to the home of the parents or relatives for a trial visit, Child Support Services shall be notified by memo from a family services worker giving the name and address of the person to whom these benefits shall be forwarded. (11-16-95)T

01. Return to Alternate Care. If the child returns to alternate care, the Department shall be notified immediately of the correct payee. (11-16-95)T

02. Review After Six (6) Months. If an alternative care placement continues for a period of six (6) months, a careful review must be initiated to determine if a change of payee must be accomplished. (11-16-95)T

563. PERIODIC REVIEW OF BENEFITS FROM BUREAU OF INDIAN AFFAIRS (BIA).

Field offices must contact the Bureau of Indian Affairs and review periodically benefits that may be available to children in foster care. (11-16-95)T

564. -- 569. (RESERVED).

570. DRIVERS' LICENSES FOR CHILDREN IN ALTERNATE CARE.

Foster parents shall be discouraged to sign for a foster child's driver's license. Insurance purchased by the Department does not provide coverage. No departmental employee shall sign for any foster child's driver's license or permit without written authorization from the Regional Director. Any Department employee signing for a child's driver's license or permit without the Regional Director's approval assumes full personal responsibility and liability for any damages that may be assessed against the child and shall not be covered by the Department's insurance. (11-16-95)T

01. Payment by Department. The Department shall make payments for driver's training, licenses and permits for children in the Department's guardianship when provided for in the family case plan for older teens for whom emancipation is the goal. (11-16-95)T

02. Payment by Parents. The parents of children in foster care must authorize drivers' training, provide payment and sign for drivers' licenses. (7-1-98)T

571. -- 579. (RESERVED).

580. LICENSURE.

All private homes and facilities providing care for children pursuant to these rules shall be licensed in accordance with Idaho Department of Health and Welfare Rules, Title 06, Chapter 02, "Rules and Standards for Child Care Licensing," unless foster care placement of an Indian child is made by the court with a foster home licensed, approved or specified by the Indian child's tribe, or an institution for children approved by an Indian tribe or operated by an Indian organization. (11-16-95)T

581. FACILITIES OPERATED BY THE STATE.

Facilities operated by the State and providing care for children pursuant to these rules shall meet the standards for child care licensure. (11-16-95)T

582. -- 599. (RESERVED).

600. PAYMENT FOR SHELTER CARE.

Payment for placement of children requiring temporary, emergency alternate care is twenty dollars (\$20) per day for children from birth through age seventeen (17), for a maximum of thirty (30) days of shelter care for each uninterrupted placement. (11-16-95)T

601. PAYMENT TO FAMILY FOSTER CARE PROVIDERS.

Monthly payments for care provided by foster care families are:

Family Foster Care Payments - TABLE 601			
Ages	0-5	6-12	13-18
Monthly Room and Board	\$228	\$250	\$358

(11-16-95)T

01. Gifts. An additional thirty dollars (\$30) for Christmas gifts and twenty dollars (\$20) for birthday gifts shall be paid in the appropriate months. (11-16-95)T

02. Clothing. Costs for clothing shall be paid, based upon the Department's determination of each child's needs. All clothing purchased for a child in alternate care becomes the property of the child. (11-16-95)T

03. School Fees. School fees due upon enrollment shall be paid, based upon the Department's determination of the child's needs. (11-16-95)T

602. SPECIALIZED FOSTER CARE.

Families providing specialized foster care because of a child's diagnosed emotional, behavioral and/or physical problems shall be paid at the family foster care rate applicable to the child's age as follows: (11-16-95)T

01. Lowest Level of Need for Specialized Care. Ninety dollars (\$90) per month for children requiring a mild degree of specialized care for documented conditions including but not limited to: (11-16-95)T

- a. Chronic medical problems; (11-16-95)T
- b. Frequent, time-consuming transportation needs; (11-16-95)T
- c. Behaviors requiring extra supervision and control; or (11-16-95)T
- d. Need for preparation for independent living. (11-16-95)T

02. Moderate Level of Need for Specialized Care. One hundred fifty dollars (\$150) per month for children requiring a moderate degree of specialized care for documented conditions including but not limited to: (11-16-95)T
- a. Ongoing major medical problems; (11-16-95)T
 - b. Behaviors that require immediate action or control; or (11-16-95)T
 - c. Alcohol or drug abuse. (11-16-95)T
03. Highest Level of Need for Specialized Care. Two hundred forty dollars (\$240) per month for children requiring an extraordinary degree of specialized care for documented conditions including but not limited to: (11-16-95)T
- a. Serious emotional disturbance; (11-16-95)T
 - b. Severe developmental disability; or (11-16-95)T
 - c. Severe physical disability such as quadriplegia. (11-16-95)T
04. Reportable Income. Specialized care payments for more than ten (10) qualified foster children received during any calendar year must be reported as income to the Internal Revenue Service. (11-16-95)T

603. -- 609. (RESERVED).

610. PROFESSIONAL FOSTER CARE.

Placement in professional foster care for children who require professional care for clinically diagnosed emotional, behavioral and/or physical problems shall be based upon the documented needs of each child, including the inability of less restrictive settings to meet the child's needs and a determination that the child would require a more restrictive setting if professional foster care were not available. (11-16-95)T

01. Qualifications. At least one (1) parent shall possess a master's or higher degree in a human service field or a bachelor's degree with three (3) years of experience in a human service delivery setting, and neither parent shall be a Department employee. (11-16-95)T
02. Payment. Payment shall be made through a professional services contract with the Department for a basic rate and cost for social services total of one thousand dollars (\$1,000) per month per child. (11-16-95)T
03. Treatment Plan. The professional foster parents shall implement a treatment plan, developed in conjunction with the child's family services worker, for each child in their care. (11-16-95)T

611. GROUP FOSTER CARE.

Group foster care is for children who generally require more structured activities and discipline than found in a family setting. Examples are intermediate residential treatment, short-term group care, and emancipation homes. (11-16-95)T

01. Referral - Group Foster Care. Referral of a child to a group foster care facility shall be authorized by the Family and Children's Services Manager or designee. (11-16-95)T
02. Placement. Placement shall be based on the documented service needs of each child and the ability of the group care provider to meet those needs. (11-16-95)T
03. Payment - Group Foster Care. Payment shall be pursuant to contract authorized by the regional director or division administrator, based on the needs of the children being placed and the services to be provided. (11-16-95)T

612. -- 619. (RESERVED).

620. INTENSIVE TREATMENT FACILITIES.

Children with serious emotional and/or behavior disturbance may be placed in individualized day treatment or residential care. (11-16-95)T

01. Referral - Intensive Treatment. Referral of a child to an intensive treatment facility shall be authorized by the regional director or designee. (11-16-95)T

02. Payment - Intensive Care. When care is purchased by private providers, payment shall be made pursuant to contract authorized by the regional director or division administrator, based on the needs of each child being placed and the services to be provided. When care is provided in facilities operated by the Department, payment shall be arranged in cooperation with Department fiscal officers. (11-16-95)T

621. -- 629. (RESERVED).

630. FOSTER CARE MAINTENANCE PAYMENTS.

Foster care maintenance payments shall be made only on behalf of an eligible child who is in a licensed family foster home of an individual, in an approved relative's home, in a private child care institution, in a home licensed, approved or specified by the Indian child's tribe, or in a state-licensed public child care institution accommodating no more than twenty-five (25) children. Payments may be made to individuals, to a public or private child placement of child care agency. For Title IV-E purposes, payments for foster care maintenance, whether at regular or specialized rates, are limited to the following: (7-1-98)T

01. Maintenance of Child. The cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, personal incidentals, liability insurance for the child, and reasonable travel to the child's home for visitation. (11-16-95)T

02. Administrative Costs. Reasonable costs of administration and operation of an institution necessarily required to provide the maintenance of the child. (11-16-95)T

03. Exclusions. No Title IV-E reimbursement is available for children placed in detention facilities, forestry camps, training schools or any other facility operated primarily for the detention of delinquent children. (11-16-95)T

631. -- 639. (RESERVED).

640. PAYMENT IN THE HOME OF A RELATIVE.

A child living with a relative may be eligible for a TAFI grant and/or Title XIX benefits. This will be considered first. No additional room and board payment or foster care payment may be made if the child is receiving TAFI. A foster care payment may be made if the relative is not legally responsible for the support of the child and the child is in the legal custody of the Department. (7-1-98)T

641. CHILDREN'S MENTAL HEALTH SERVICES.

01. Services Provided. Section 16-2402 of the Idaho Code designates the Department as the lead agency in establishing and coordinating community supports, services, and treatment for children with serious emotional disturbances and their families. The goals of services are safety of the child and family and individualized treatment in the least restrictive and most normalized setting possible for the child. Successful outcome indicators include, but are not limited to: (7-1-98)T

- a. The child is living in his or own home community; (7-1-98)T
- b. The child's primary relationships and social identity is with positive peers; (7-1-98)T
- c. The child attends and participates in his or her school regularly: (7-1-98)T

- d. The child's life is free of critical incidents which endanger him or her and/or others; and (7-1-98)T
- e. The child has no involvement with the juvenile corrections system. (7-1-98)T

02. Use of Public Funds and Benefits. Public funds and benefits will be used to provide services for children with serious emotional disturbances and their families who are most in need of services. Services should be planned and implemented to maximize the support of the family's ability to provide adequate safety and well-being for the child at home. If the child cannot receive adequate services within the family home, community resources shall be provided to minimize the need for institutional or other residential placement. services shall be individually planned with the family to meet the unique needs of each child and family. Services shall be provided without requiring that parents relinquish custody of their child. (7-1-98)T

642. SERVICES TO BE PROVIDED.

In addition to those services cited in IDAPA 16.06.01.040 and 16.06.01.050, the Department provides and/or financially supports a continuum of services for seriously emotionally disturbed children and their families. (7-1-98)T

01. Family and Community-Based Services. Services include, but are necessarily limited to, Therapeutic Support Services such as screening, intake, risk assessment, comprehensive assessment/evaluation, crisis and emergency intervention, psychiatric, individual, group and family therapy, family preservation, companions, day treatment, crisis respite care, therapeutic foster care, case management, and psychosocial rehabilitation services both group and individual. (7-1-98)T

02. Out-of-Home Residential Services. Services which include, but are necessarily limited to: Therapeutic Group Home, Residential Treatment, State Hospital and Psychiatric Hospitalization. (7-1-98)T

03. Transition Services. Planning with youths and their families as the youths approach age eighteen (18) ensure that the youths with a serious emotional disturbance will receive services, as adults, that they need and for which they are eligible. (7-1-98)T

04. Community Education and Outreach. These activities assure that citizens in each community are aware of what issues affect children's mental health as well as what children's mental health services are available within the community, both publicly and privately funded. (7-1-98)T

643. CHARGES TO PARENTS.

Parents of children with serious emotional disturbances who are receiving services from the Department's Family and Children's Services program, are responsible for paying for services provided to their child and to their family. The amount charged for each service be in accordance with the parents' ability to pay as determined by a sliding fee scale. In addition, liable third-party sources including, but not limited to, private insurance and Medicaid must be included in determining the ability to pay for services that the parent and child are receiving. When a child is placed in alternate care, parents are responsible for costs associated with the care of their child or children. The family will be referred to Child Support Services for determination of fees associated with out-of-home-care and for payment arrangements according to IDAPA 16.06.01, Sections 436 through 440. (7-1-98)T

644. FEE DETERMINATION FOR SERVICES OTHER THAN ALTERNATE CARE.

Parent(s) or guardians must complete a voluntary application for service and complete a "Fee Determination Form" prior to the delivery of services. The fee determination process includes the following features: (7-1-98)T

- 01. Ability to Pay. Charges are based upon the number of dependents and family income. (7-1-98)T
 - a. An ability to pay determination will be made at the time of the voluntary request for services or as soon as possible. (7-1-98)T
 - b. Redetermination of ability to pay will be made at least annually or upon request of the parents or at any time changes occur in family size, income or allowable deductions. (7-1-98)T
 - c. In determining the family's ability to pay for services, the Department shall deduct annualized

- amounts for: (7-1-98)T
- i. Court-ordered obligations; (7-1-98)T
 - ii. Dependent support; (7-1-98)T
 - iii. Child care payments necessary for parental employment; (7-1-98)T
 - iv. Medical expenses; (7-1-98)T
 - v. Transportation; (7-1-98)T
 - vi. Extraordinary rehabilitative expenses; and (7-1-98)T
 - vii. State and federal tax payments, including FICA taxes. (7-1-98)T
- d. Information regarding third-party payors and other resources including Medicaid or private insurance must be identified and developed in order to fully determine the parents' ability to pay and to maximize reimbursement for the cost of services provided. (7-1-98)T
- e. It is the responsibility of the parent(s) to obtain and provide information not available at the time of the initial financial interview whenever that information becomes available. (7-1-98)T
02. Time of Payment. Normally charges for services will be due upon delivery of the service unless other arrangements are made, such as for monthly billing. (7-1-98)T
03. Charges. An amount will be charged based on family size, resources, income, assets and allowable deductions, exclusive of third-party liable sources, but in no case will the amount charged exceed the cost of the services. (7-1-98)T
04. Sliding Fee Scale. Fees will be charged on a sliding scale and based on the current Poverty Guidelines published in the Federal Register. Incomes below the five percent (5%) level are not to be charged. The fee schedule will be available in the regional offices of Family and Children's Services. (7-1-98)T
05. Established Fee. The maximum hourly fees or flat fees charged for children's mental health services are shown in the following Table:

a.	Psychosocial Rehabilitation Services	Hourly Charge
i.	Individual Psychosocial Rehabilitation	\$74
ii.	Group Psychosocial Rehabilitation	\$18
iii.	Rehabilitative Evaluation	\$74
iv.	Task Plan Development	\$74
v.	Community Crisis Support	\$74
vi.	Psychopharmacological Management	\$32
vii.	Psychological Test	\$63
viii.	Medical Report (new)	\$63
ix.	Medical Report (past record)	\$63

x.	Consultation/Collateral	\$63
xi.	Crisis Intervention (at Emergency Room)	\$74
xii.	Diagnostic Interview/Screening	\$63
b.	Psychotherapy	
i.	Individual	\$63 \$83*
ii.	Group Psychotherapy	\$24
iii.	Family Psychotherapy	\$63 \$77*
		*M.D. rate

(7-1-98)T

645. ACCESS TO SERVICES.

The Department will prioritize services to seriously emotionally disturbed children and their families. Services may be accessed through a voluntary application for services or through involuntary legal proceedings. When regional service capacity is reached, every effort will be made to obtain alternative services for the child and family. Their names will also be placed on a waiting list for Department services. (7-1-98)T

01. Response. The Department will respond to the following situations: (7-1-98)T

a. The Department will respond on a twenty four (24) hours a day, seven (7) days a week basis to reports of emergency conditions in which a child is considered to be in immediate danger involving a life-threatening situation. This would include dangerousness or risk of physical harm due to a mental illness and/or grave impairment. (7-1-98)T

b. The Department will also respond to reports of situations involving danger, but less than immediate harm. This would include situations in which parents refuse to seek services for a child with serious emotional disturbance and this neglect poses health hazards to the child that may result in physical injury or extreme emotional impairment. (7-1-98)T

02. Access Beyond Immediate Danger. In order to access publicly funded children's mental health services beyond the emergency conditions cited above, a child must be seriously emotionally disturbed, as defined in these rules. (7-1-98)T

03. Local Resources and Plan Development. Children with serious emotional disturbances and their families may have access to local resources and services which do not require placement outside their home into alternate care. A plan will be developed between the Department, the parent(s), the child, if appropriate, and the service provider. This plan will be specific, measurable and objective in the identification of the goal(s), relevant issues, objectives and outcomes. (7-1-98)T

04. Payment for Treatment. When parent(s) request Department payment for a child's treatment, a signed service agreement must be negotiated and signed by the parent(s). In addition, a referral will be made to Child Support Services to collect payment for the cost of out-of-home care. (7-1-98)T

646. -- 699. (RESERVED).

700. ADOPTION SERVICES POLICY.

Where reasonable efforts to reunite or preserve a family are unsuccessful, or where relinquishment is requested by the parents, the Department shall consider whether termination of parental rights is appropriate. The Department shall ensure that any child legally free for adoption is placed in an appropriate adoptive home, with a family that can

support the racial, ethnic or cultural identity of the child, and to cope with any forms of discrimination the child may experience. (11-16-95)T

701. SERVICES TO BE PROVIDED IN ADOPTIONS.

In addition to the family services provided in accordance with these rules, the Department shall provide the following: (11-16-95)T

01. Response to Inquiries. Written or personal inquiries from prospective adoptive families shall be answered within two (2) weeks. (11-16-95)T

02. Pre-placement Child/Family Assessment. An assessment of the child's family of origin history, needs as an individual and as part of a family, and completion of a life story book for each child preparing for adoptive placement. (11-16-95)T

03. Compliance with Multi-Ethnic Placement Act. Selection of the most appropriate adoptive family consistent with the Multi-Ethnic Placement Act, if the child is not an Indian. (11-16-95)T

04. (Pre-placement) Home Study. An adoptive home study to ensure selection of an appropriate adoptive home. (11-16-95)T

05. Preparation for Placement. Preparation of the child by an assigned social worker who will assist the child in addressing anticipated grief and loss due to separation from his birth parents and assisting the child with the transition into an adoptive home. (11-16-95)T

06. Technical Assistance. Assistance in completing the legal adoption, including compliance with the Indian Child Welfare Act. (11-16-95)T

07. Adoption Assistance. Each child placed for adoption through the Department shall complete a determination of eligibility for adoption assistance prior to the finalization of his adoption. Eligibility for adoption assistance is determined solely on the child's need. No means test shall be applied to the adoptive family's income or resources. Once eligibility is established, the Division shall negotiate a written agreement with the adoptive family. The agreement must be fully executed by all parties prior to the finalization of the adoption in order to be valid. (11-16-95)T

08. Period of Support Supervision. Once a child is placed with an adoptive family, a period of support and supervision by the Department of at least six (6) months shall occur prior to the finalization of the adoption. This supervisory time shall be to assist the child and the adoptive parents in their adjustment to each other, to assure the adoptive family is knowledgeable regarding needed services in their community, and to educate the family regarding the child's eligibility for adoption assistance benefits. If the child has been a foster child placed with the family for a period of at least one (1) year, the family (in conjunction with their social worker) may submit a written request to the Adoptions Central Office to waive the standard support period. (11-16-95)T

09. Post Adoption Services. Services after an adoption is final are provided within available resources. Children with negotiated adoption assistance agreements (whether from Idaho or from another state) are eligible for any services available to Idaho children. Children whose adoption assistance agreement include IV-E eligibility are also eligible for Medicaid in Idaho. Applications for Medicaid are made through Central Office. (11-16-95)T

702. -- 709. (RESERVED).

710. FAMILY HISTORY.

In order to plan successfully for the future of any child in the legal custody or guardianship of the Department, the Department needs to elicit as much information as possible about the child's family and history. This will involve obtaining all social, medical and genetic information available and interviewing the parents and any extended family for this purpose. If the family case plan proceeds to termination and adoption is considered a part of the total planning for the child, the following information shall be obtained with a copy submitted to Central Office: (11-16-95)T

01. Informational Forms. Informational background forms regarding the birth mother, birth father, and

- the child. (11-16-95)T
- 02. Hospital Records. Hospital birth records on child. (11-16-95)T
 - 03. Evaluations/Assessments. Evaluations/Assessments previously completed on child. (11-16-95)T
 - 04. Current Picture. Current picture of child. (11-16-95)T
 - 05. Narrative Social History. Family and Child's Narrative Social History that addresses: (11-16-95)T
 - a. Family dynamics and history; (11-16-95)T
 - b. Child's current functioning and behaviors; (11-16-95)T
 - c. Interests, talents, abilities, strengths; (11-16-95)T
 - d. Child's cultural and racial identity needs; (11-16-95)T
 - e. Life story, moves, reasons, key people; (11-16-95)T
 - f. Child's attachments to current caretakers, siblings and significant others; i.e., special friends, teachers, etc.; (11-16-95)T
 - g. Medical, developmental and educational needs; (11-16-95)T
 - h. Child's history, past experiences, and previous trauma; (11-16-95)T
 - i. Indian child's membership or eligibility for membership in tribe(s); (11-16-95)T
 - j. Membership or eligibility for membership in, and social and cultural contacts with, tribe(s) of parent(s), if any, including names and addresses of extended family and membership in tribe(s); (11-16-95)T
 - k. Indian child's contacts with tribe(s); (11-16-95)T
 - l. Individualized recommendations regarding each child's need for permanency; (11-16-95)T
 - m. Reasons for requesting termination of parental rights. (11-16-95)T

711. APPROVAL PROCESS.

The social history is to be prepared in triplicate, with one (1) copy retained in the Field Office. The original and one (1) copy, together with the certified birth certificate, picture and other pertinent documents are to be forwarded to the Divisions's Regional Social Service Program Manager or designee for approval. One (1) copy of the history and all the supporting documents will be forwarded by the Social Services Program Manager to the State Adoption Program Specialist if termination procedures are authorized. (11-16-95)T

712. DECISION ON PROPOSED TERMINATION.

The Department's Regional Social Services Program Manager or designee, shall notify the Field Office in writing of the decision regarding the proposed termination. If the Field Office is authorized to file a petition, a copy of all pleadings, reports to the court and related documents and the court order shall be sent to the State Adoption Program Specialist. (11-16-95)T

713. TERMINATION OF PARENT-CHILD RELATIONSHIP.

The severing of the parent and child relationship is of such vital importance that it requires a judicial determination separate and apart from other issues. No petition may be filed under the Termination Act by the Department without prior written authorization from the regional staff person delegated this authority. Once authorization is given, a copy of the approval shall be sent to the Central Office adoptions unit. Under the Act, the Magistrate's Division of the District Court has jurisdiction in proceedings to terminate the parent-child relationship involuntarily (upon due

process without the consent of the parents), or voluntarily (with the consent of the parents). Conditions under which termination may be granted are set forth in Idaho Code Section 16-2005. (11-16-95)T

714. VOLUNTARY TERMINATION.

The Termination Act provides a method for the voluntary relinquishment of a child by the birth parent(s). The Act sets forth in Idaho Code 16-2005 (f) the manner and form of the consent. The Department becomes involved in voluntary terminations when a parent or parents request the Department to place their special needs child or children for adoption and when voluntary termination is a goal in the family case plan. Parents requesting placement of an unborn or healthy newborn child should be referred to the licensed private adoption agencies. (11-16-95)T

715. VOLUNTARY CONSENT.

In obtaining a parent's consent to terminate their parental rights through the Department, the form: "Consent for Termination of Parent-Child Relationship" (HW 0777) and "Approval of Consent for Termination and Waiver of Hearing" (HW 0778) must be signed before the Magistrate Judge. Once the parent's consent has been given before the court, a corresponding petition under the Termination Act must be filed by legal counsel representing the Department. (11-16-95)T

716. VOLUNTARY TERMINATION OF PARENTAL RIGHTS TO AN INDIAN CHILD.

Consent to voluntary termination of parental rights by the parent or Indian custodian of an Indian child shall not be valid unless executed in writing and recorded before a court of competent jurisdiction, which may be a tribal court. The written consent must be accompanied by the presiding judge's certificate that: (11-16-95)T

01. Explanation of Consent. The terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian; and (11-16-95)T

02. Interpretation if Necessary. The parent or Indian custodian fully understood the explanation in English or it was interpreted into a language the parent or Indian custodian understood. (11-16-95)T

717. FILING OF PETITION FOR VOLUNTARY TERMINATION.

The petition for a voluntary termination of parental rights shall be filed by an authorized agency, by the guardian of the person or the legal custodian of the child or the person standing in loco parentis to the child, or by any other person having a legitimate interest in the matter. (11-16-95)T

718. REPORT TO COURT - VOLUNTARY TERMINATION.

If a voluntary consent to termination has been signed by the parents before the Magistrate Court, an investigation or report to the court is at the court's discretion. If the petition has been filed by the Department of Health and Welfare, Division of Family and Community Services, a report is required to accompany the petition, pursuant to Idaho Code 16-2008(b). (11-16-95)T

719. INVESTIGATION.

An investigation of the allegations in the petition and a report recommending disposition of the petition shall be completed and submitted to the court within thirty (30) days, unless an extension of time is granted. The purpose of this investigation is not to repeat the allegations in the petition but to verify them from all available sources, including the petitioner, birth parents and possibly the extended birth family of the child. The Report to the Court under the Termination Act, is to serve as an aid to the court in determining a disposition that complies with the Indian Child Welfare Act where applicable, or will be in the best interest of the child. If a petition is filed by a party other than the Department, the court may order such an investigation by the Department. The law also allows completion of an investigation by an authorized agency or a qualified individual, prior to adjudication and disposition. If the Department is the petitioner, the report shall accompany the petition. Reports submitted under the Termination Act based on the birth parents voluntary consent shall include: (11-16-95)T

01. Description of Investigation. The circumstances of the petition and the facts determined from the investigation; and (11-16-95)T

02. Child-Related Factors. Child related factors, including: (11-16-95)T

a. Child's current functioning and behaviors; (11-16-95)T

- b. Medical, educational and developmental needs of the child; (11-16-95)T
- c. Child's history and past experiences; (11-16-95)T
- d. Child's cultural and racial identity needs; (11-16-95)T
- e. Child's interests and talents; (11-16-95)T
- f. Child's attachments to current caretakers and any absent parent; (11-16-95)T
- g. Child's current living situation; (11-16-95)T
- h. Indian child's membership or eligibility for membership in tribe(s); (11-16-95)T
- i. Indian child's contacts with tribe(s); (11-16-95)T
- j. The present circumstances, history, condition and desire of the parent whose rights are being terminated regarding plans for the child; (11-16-95)T
- k. Such other facts as may be pertinent to the parent and child relationship and this particular case; i.e., compliance with Interstate Compact Placement on Children; and (11-16-95)T
- l. A recommendation and reasons as to whether or not the termination of the parent and child relationship should be granted. (11-16-95)T

720. REPORT TO THE COURT - INVOLUNTARY TERMINATION.

If a petition for an involuntary termination of parental rights has been brought before the Magistrate Court, an investigation or report to the court under the Termination Act is required. If the petition has been filed by the Department of Health and Welfare, Division of Family and Community Services, a report is required pursuant to Idaho Code 16-2008(b). Reports submitted under the Termination Act based on an involuntary termination of parental rights shall include: (11-16-95)T

- 01. Allegations. The allegations contained in the petition; (11-16-95)T
- 02. Investigation. The process of the assessment and investigation; and (11-16-95)T
- 03. Family Circumstances. The present condition of the child and parents, especially the circumstances of the parent whose rights are being terminated and contact with the parents of a minor parent, unless lack of contact is explained; (11-16-95)T
- 04. Medical Information. The information forms regarding the child, birth mother, and birth father shall be submitted with the Report to the Court. Reasonably known or available medical and genetic information regarding both birth parents and source of such information, as well as reasonably known or available providers of medical care and services to the birth parents; (11-16-95)T
- 05. Efforts to Maintain Family. Other facts that pertain to the parent and child relationship including what reasonable efforts have been made to keep the child with the birth family; (11-16-95)T
- 06. Absent Parent. Reasonable efforts made by the petitioner to locate the absent parent and provision of notification to an unmarried father of the paternity registry requirement pursuant to Idaho Code 16-1513. (11-16-95)T
- 07. Planning. Proposed plans for the child consistent with 1) the Indian Child Welfare Act; including potential for placement with the Indian child's extended family, other members of the Indian child's tribe, or other Indian families; and 2) the Multi Ethnic Placement Act; which shall include individualized documentation regarding this child's needs in permanent placement; (11-16-95)T

08. Compliance with the Indian Child Welfare Act. Documentation of compliance with the Indian Child Welfare Act, including identification of whether the child is Indian and if so; (11-16-95)T

a. Notification of the pending proceedings by registered mail with return receipt requested, to the parent or Indian custodian and the Indian child's tribe, or to the Secretary of the Interior if their identity or location cannot be determined; (11-16-95)T

b. Notification of the right of the parent or Indian custodian, and the Indian child's tribe, to intervene in the proceeding and their right to be granted up to twenty (20) additional days to prepare for the proceeding; (11-16-95)T

c. Notification that if the court determines indigency, the parent or Indian custodian shall have the right to court-appointed counsel; (11-16-95)T

d. Evidence, including identity and qualifications of expert witnesses, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child; (11-16-95)T

e. Recommendation. A recommendation and the reasons therefor as to whether or not termination of the parent and child relationship is in the best interest of the child; and (11-16-95)T

f. Upon the court's finding to terminate parental rights, the attorney representing the Department must file the "Findings of Fact, Conclusions of Law and Decree." Two certified copies of this document are to be forwarded to the Adoptions Unit at Central Office. (11-16-95)T

721. -- 749. (RESERVED).

750. APPLICATION TO BE ADOPTIVE PARENTS.

Each field office shall be responsible for compiling the names and addresses of adoptive applicants, along with the dates of inquiry and membership in an Indian tribe, if any. A card file or register must be maintained in order to assure the orderly completion of home studies. (11-16-95)T

01. Interviews with Potential Applicants. Initial interviews with groups of applicants or with individual families shall be scheduled promptly and shall be used to explain Department policies and procedures regarding adoptive placement, the kinds of children available, and the nature of the home study. The overall purpose of these interviews is to provide prospective adoptive parents with sufficient educational information to enable them to determine whether they wish to make application for a child and to provide the Department with sufficient information to determine whether they appear to meet general characteristics necessary to successfully parent a special needs child(ren). (11-16-95)T

02. Screening of Adoptive Applicants. Screening of the adoptive applicants will assist the agency or family services worker, in assessing on an individualized basis, the prospective adoptive parent's suitability to care for a specific child, or general description of children through: (11-16-95)T

a. The family's ability to form relationships and to bond with a specific child, or general description of children; (11-16-95)T

b. The family's ability to help the child integrate into the family; (11-16-95)T

c. The family's ability to accept the child's background and help the child cope with his or her past; (11-16-95)T

d. The family's ability to accept the behavior and personality of a specific child or general description of children; (11-16-95)T

e. The family's ability to nurture and validate a child's particular cultural, racial, and ethnic

background; (11-16-95)T

f. The family's ability to meet the child's particular educational, developmental or psychological needs. (11-16-95)T

751. -- 759. (RESERVED).

760. PSYCHOLOGICAL EVALUATION.

A psychological evaluation by a psychologist or a psychiatrist can be required by the family services worker. When either parent has received or is currently receiving treatment for psychological problems or mental illness or when the family services worker feels that there are emotional problems in the family that merit evaluation. (11-16-95)T

761. DENIAL OF APPLICATION.

Following an initial interview, applicants who do not appear to meet the eligibility requirements at the time of initial application may be denied a full home study. The family services worker shall advise the applicants as to factors that would lead to eligibility to file an application and receive a home study at a later date. (11-16-95)T

762. APPLICATION AND DATA COLLECTION.

Following the initial interview, the application, medical forms, list of items to be verified and other pertinent information needed to complete the adoptive home study shall be given to the potential adoptive parents. (11-16-95)T

01. Interviews. Family assessment interviews as well as individual interviews must be held with the potential adoptive parents. (11-16-95)T

02. Home Study of Applicant. A full home study must then be made to determine the ability of the applicants to meet the needs of children available for adoption, and to determine the kind of child for whom they would be most suitable. For an Indian child, the study shall also determine the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or maintains social and cultural ties. (11-16-95)T

03. Submission of Completed Home Study. Once the adoptive home study has been initiated, the original and one (1) copy of the completed home study must be submitted to the State Adoption Program Specialist within a three (3) month period. (11-16-95)T

763. APPLICANT RESPONSIBILITIES.

It shall be the responsibility of adoptive applicants to keep the field office informed of any changes of circumstances, or of any subsequent decision against adoption. Applicants are to maintain contact with the Department on an annual basis. In the absence of contact from the adoptive applicants, the Department shall initiate contact on an annual basis to confirm the currency and accuracy of information in the files and the status of the application. The contact shall be verified by a written annual update to the adoption home study. (11-16-95)T

764. PRE-PLACEMENT ADOPTIVE HOME STUDY.

Upon application by a potential adoptive family, the family services worker shall conduct the pre-placement adoptive home study and issue the verification of positive recommendation where appropriate. The home study shall be completed prior to placement of any child for adoption in that home. (11-16-95)T

765. -- 769. (RESERVED).

770. ADOPTIVE HOME STUDIES.

Pre-placement home studies for Department adoption and for independent, relative and step parent adoptions shall document the following: (11-16-95)T

01. Residence. References who can verify that the family has resided and maintained a dwelling within the State of Idaho for at least six (6) consecutive months prior to the filing of the petition. (11-16-95)T

02. Verification of Ages of Adopting Parents. Legal verification that the person adopting is at least

fifteen (15) years older than the child or twenty-five (25) years of age or older, except in cases where the adopting person is a spouse of a birth parent, shall be accomplished by: (11-16-95)T

- a. Viewing a certified copy of the birth certificate filed with the Bureau of Vital Statistics; or (11-16-95)T
 - b. Viewing one (1) of the following documents for which a birth certificate was presumable required prior to its issuance, such as armed services or other governmental identification, passport, visa, alien identification cards or naturalization papers. (11-16-95)T
 - c. If verifying documentation is not available, the report shall indicate the date and place of birth and reason for lack of verification. (11-16-95)T
03. Medical Examination. A medical examination, with the medical report form signed and dated by the examining physician. (11-16-95)T
 04. Photograph. A photograph of the adopting family. (11-16-95)T

771. -- 779. (RESERVED).

780. FACTORS TO BE CONSIDERED IN DETERMINING SUITABILITY OF ADOPTIVE PARENTS.

01. Indian Child. For an Indian child, absent good cause to the contrary, the following preferences for placement under the Indian Child Welfare Act shall be followed: a) extended family; b) other members of the child's tribe; c) other Indian families. (11-16-95)T
02. Needs of Adoptive Child. The primary eligibility factor in the review of adoptive parent eligibility is the applicant(s)' ability to protect and promote the best interests of a child to be placed in their home. (11-16-95)T

781. -- 789. (RESERVED).

790. FOSTER PARENT ADOPTIONS.

Foster parents are required to sign an agreement that they will not pursue adoption of a foster child unless adoption is recommended by the Department. If a child has been in a foster home for a length of one (1) year or longer, and the foster parents want to be considered as adoptive parents, the same procedure will be followed and the same requirements will apply as with other adoptive applicants, including compliance with the Indian Child Welfare Act and the Multi-Ethnic Placement Act of 1994. (11-16-95)T

791. -- 799. (RESERVED).

800. PLACEMENT OF THE CHILD.

The field office shall provide full confidential background information and discuss the child's history fully with the adopting parents prior to the placement. The disclosure of background information shall be confirmed at the time of placement by a written statement from the family services worker to the adoptive family which they will be asked to acknowledge and sign. A copy of this statement shall be provided to them, one (1) will be kept in the child's case record and one (1) shall be sent to the State Adoption Program Specialist. The child's record shall be reviewed by the placing region's Program Manager or designee prior to being forwarded to the supervising family services worker. The child's case record must be complete and transferred to the supervising family services worker at the time of placement. (11-16-95)T

801. -- 829. (RESERVED).

830. FEES FOR ADOPTIONS THROUGH THE DEPARTMENT.

The application fee covers the costs of processing the adoptive application and does not guarantee that the family will receive a child for adoption. The application fee is non-refundable. Money collected through the Department's adoption program may be utilized to pay state adoption assistance payments for special needs children, purchase of service fees, recruitment costs and placement fees for private agencies serving children who have special needs.

Families who are not able to pay the costs associated with the Pre-placement home study, Supervisory reports, or the Report to the Court, may apply to the Regional Family and Children's Program Manager for waiver of the fees. (11-16-95)T

831. FEE SCHEDULE - ADOPTIONS THROUGH DEPARTMENT.

TABLE 831	
Service	Fee
General Information/Adoption Inquiries	No Charge
Health and Welfare Application:	
Couple	\$25
Single Parent	\$25
Second Placement or Reapplication	\$25
Criminal History Check for each adult in the home	\$33
Pre-placement Home Study - Payment due at time of study or per agreement	\$300
Second Placement	\$100
Placement Supervision Fee - Charged at the time of placement	\$300
Closed Adoption Home Study/Court Report Retrieval Fee	\$50

(11-16-95)T

832. PLACEMENT SUPERVISION - TRANSFER FROM OTHER PUBLIC AGENCY.

If a couple moves to Idaho after a child has been placed with them by the public agency in their former state of residence, courtesy supervision shall be provided at no charge. (11-16-95)T

833. PLACEMENT SUPERVISION - TRANSFER FROM OUT OF STATE PRIVATE AGENCY.

If a couple moves to Idaho after a child has been placed with them by a private agency in their former state of residence, the sending state agency shall arrange through the Interstate Compact for the Placement of Children, services through one (1) of Idaho's private, licensed adoption agencies, or a qualified individual approved for termination and adoption services. (11-16-95)T

834. -- 839. (RESERVED).

840. FEES FOR INDEPENDENT, RELATIVE OR STEP PARENT ADOPTION SERVICES.

When conducted by the Department, fees for completing home studies and reports to the court for independent, relative and step parent adoptions shall be paid directly to the Department according to the following table. (11-16-95)T

Independent, Relative or Step Parent Adoption Services	
TABLE 840	
Service	Fee
Home Study	\$240
Criminal History Check for Each Adult in the Home	\$33

(11-16-95)T

01. Waiver of Fees - Independent, Relative or Step Parent Adoptions. Fees may be waived by the Regional Family and Children's Services Manager, when payment of the fees would pose a financial hardship on the family, or for a child with special needs. (11-16-95)T

02. Other Costs. These fees do not cover any charges made by the agency having guardianship of the child for any placement, transportation, passport or medical costs. (11-16-95)T

03. Placement Supervision - Transfer from Private Agency. If a family moves to Idaho after a child has been placed with them by a private agency, the family shall be referred to the licensed, private adoption agencies for support and supervisory services. (11-16-95)T

841. -- 849. (RESERVED).

850. INDEPENDENT, RELATIVE AND STEPPARENT ADOPTIONS.

Independent adoptive placements shall be handled in accordance with Section 16-1506, Idaho Code. Persons petitioning to adopt a child should have initially completed a pre-placement home study that includes a positive recommendation for adoption. Proceedings to adopt a child shall be commenced by the filing of a petition by the person or persons proposing to adopt the child. Within five (5) days of receiving a petition to adopt a minor child by a person unrelated to the child or not married to a birth parent of the child, the court shall serve a copy of the petition on the Director. The court may also request the Department to conduct an investigation in the case of a relative or step parent adoption. The pre-placement investigation home study and the adoption investigation report to the court shall be completed by licensed staff of the Department, licensed staff of a qualified child-placing children's adoption agency, or a qualified individual. (11-16-95)T

01. Adoptive Parent is Spouse of Birth Parent. Where the adoptive parent is married to the birth parent if the adoptive child, the pre-placement home study shall be completed for the adoptive parent upon order of the court. (11-16-95)T

02. Exigent Circumstances. In exigent circumstances where the prospective adoptive parents are determined by the court to have been unable to complete the pre-placement study with a positive recommendation prior to the time the child is placed in the home, the child shall remain in the home unless the court determines that another placement is appropriate. When exigent circumstances exist, the pre-placement home study, combined with the adoption report under the Adoption Act, shall be initiated within five (5) days of placement. (11-16-95)T

03. Time Frame for Assessment. Once initiated, adoption studies/reports that meet the court's determination of exigent circumstances, shall be completed within sixty (60) days. (11-16-95)T

851. -- 859. (RESERVED).

860. PROCEDURES FOLLOWING THE ADOPTIVE PLACEMENT.

Following the placement there shall be a supervisory period of at least six (6) months before the initiation of legal adoption proceedings. The family services worker shall make scheduled monthly visits to the home during this period to assist the child and the family in their adjustment to each other and will keep the State Adoption Program Specialist informed by means of monthly progress reports. When completion of the adoption is recommended by the field office and approved by the State Adoption Program Specialist, the Department shall request the adoptive parents to contact their attorney. The State Adoption Program Specialist shall provide the attorney with the necessary documentation to file the petition for adoption. (11-16-95)T

861. PROGRESS REPORTS.

Progress reports shall be prepared regularly and shall be based on the family services worker's findings. (11-16-95)T

01. Initial and Subsequent Reports. The first progress report must be made within two (2) weeks after placement, and subsequent progress reports must be made at intervals not to exceed thirty (30) days. These reports shall include: (11-16-95)T

- a. The family services worker's observation of the child and the prospective adopting parents, with emphasis on: (11-16-95)T
- b. Special needs/circumstances of child(ren) at time of placement; (11-16-95)T
- c. Services provided to child(ren) and family during report period; (11-16-95)T
- d. Services to be provided to child(ren) and family; (11-16-95)T
- e. General appearance and adjustment of child(ren) during report period (may include eating, sleep patterns, responsiveness, bonding); (11-16-95)T
- f. School/day care/day treatment program adjustment; (11-16-95)T
- g. Health/developmental progress, medical practitioner information; (11-16-95)T
- h. Has the child(ren) been accepted for coverage on family's medical insurance? When can coverage begin? Will there be any limitations/exclusions?; (11-16-95)T
- i. Family's adjustment to adoptive placement; (11-16-95)T
- j. Is respite care a need for the family; (11-16-95)T
- k. Changes in family situation or circumstances; (11-16-95)T
- l. Areas of concern during report period as addressed by both child(ren) and adoptive parents; (11-16-95)T
- m. Date of next required six (6) month review or eighteen (18) month permanent planning hearing; (11-16-95)T

02. Monthly Foster Care Payments - Pre-Adoptive Placement. That during the period pending completion of adoption, the adoptive parents can be approved through the adoptive home study or licensed as foster parents to cover on-going medical expenses or in some cases monthly foster care payments for a special needs child until an adoption support payment is approved and the adoption finalized. (11-16-95)T

03. Adoptive Study Sufficient. An approved adoption study completed by the Department of Health and Welfare or a licensed children's adoption agency is sufficient to meet the requirements of a foster home license. (11-16-95)T

04. Final Report. The final report shall include pertinent information about the readiness of the child and the family for completion of the adoption. The family's decision to apply for adoption assistance benefits for the child should be documented. Identification of the family's attorney should be made regarding the finalization of the adoption. The family's health insurance carrier should be identified, along with the date the child's medical coverage will begin. An up-to-date medical report on the child must be obtained from the child's physician, so that the Department will have current information about the health of the child. Any problem in placement will be brought to the attention of the State Adoption Program Specialist. (11-16-95)T

862. REPORT TO THE COURT - ADOPTION ACT.

When the family and the child who was placed for adoption in that home are ready to finalize the adoption, the family's attorney shall file a petition to adopt with the court. A copy of that petition shall be served upon the director of the Department. Upon receipt of a copy of the petition to adopt, family services worker or qualified individual shall verify the allegations set forth in the petition and make a thorough investigation of the matter and report the findings in writing to the court within thirty (30) days. (11-16-95)T

01. Registration and Acknowledgment. Upon receipt of the petition to adopt, the field office shall register it and acknowledge receipt to the court and to the petitioners or private adoption agency. If the licensed

adoption agency or qualified individual which completed the pre-placement home study is not identified, that information should be obtained from the attorney. The register shall indicate the date the petition was received, the date the study is due in court, the date the completed study was sent to the court, whether an Indian child is involved, and other pertinent data. (7-1-98)T

02. Initial Interview. Upon receipt of the petition, the family services worker or qualified individual shall arrange an initial interview with the adopting family. (11-16-95)T

03. Time Frame for Investigation. If the family services worker or qualified individual is unable to complete the study within thirty (30) days, an extension of time shall be requested in writing of the court, stating the reasons for the request. If the family services worker suspects that the child is of Indian heritage and the child's tribe or the Secretary has not been notified, the family services worker shall inform the court and the independent agency of the need to comply with the Indian Child Welfare Act. (11-16-95)T

04. Medical Information. A copy of medical and genetic information compiled in the investigation shall be made available to the adopting family by the family services worker or qualified individual prior to the final order of adoption. (11-16-95)T

863. ADOPTION REPORT TO THE COURT.

The completed report to the court shall be filed along with the pre-placement home study. The adoption report to the court shall contain the following: (11-16-95)T

01. Verification of Allegations. The family services worker shall review the documentary evidence presented by the petitioners to verify the allegations contained in the petition. The family services worker shall record the information and source in the report to the court, noting any discrepancies found. Such documentary evidence shall include but not limited to, birth or death certificates from the Bureau of Vital Statistics, consents of both birth parents, termination decrees and divorce decrees, compliance with the Indian Child Welfare Act and/or the Interstate Compact on the Placement of Children. Where necessary documentation is not made available to the family services worker, this fact shall be recorded, including the reason. (11-16-95)T

02. Availability of the Child. It is the responsibility of the petitioners, through their attorney, to present documentary evidence to the court so the judge can examine it and be satisfied that the identify, birthdate, and parentage of the child are as represented in the petition; that an Indian child's parent or Indian custodian, and tribe have received notice of their right to intervene; and that consent has been secured for all persons from whom it is required, to make the child legally available for adoption. (11-16-95)T

03. Confidentiality of Information. The family services worker shall exercise caution in discussing identifying information and avoid revealing that information in the petition while attempting to secure the necessary facts for the study. (11-16-95)T

04. Degree of Relationship of the Child to Petitioners. In those cases where the court has ordered an investigation of petitions to adopt by relatives or step parents, the study shall record such alleged relationship and specify the documentary evidence the petitioners have of that relationship. (11-16-95)T

05. Needs of the Child. The study shall address the needs of the child in regards to the proposed adoption, including but not limited to: (11-16-95)T

a. The history of the child and the child's birth family; (11-16-95)T

b. The circumstances of the placement; and (11-16-95)T

c. The state of Idaho Social, Medical and Genetic History forms shall be completed and submitted to the court, showing reasonably known or available medical and genetic information regarding both birth parents and the child, as well as reasonably known or available providers of medical care and services to birth parents and child. (11-16-95)T

06. Appropriateness of the Adoptive Family. The study shall address the appropriateness of the family

for the particular child or children who are the subject of the petition. (11-16-95)T

07. Evaluation and Recommendation. The family services worker shall provide a brief summary of data presented in prior sections and/or the pre-placement home study, supporting the recommendation regarding the adoption. (11-16-95)T

864. -- 869. (RESERVED).

870. REMOVAL OF A CHILD FROM AN ADOPTIVE HOME.

Despite careful assessment of the child and the family prior to placement, circumstances may arise which make it necessary to remove the child from the home prior to adoption. The child may manifest problems that the family is unable to accept or to handle constructively; or changed circumstances may develop that make it inadvisable for the placement to continue. The decision to remove a child from an adoptive home may result due to the request of the adoptive parents, or upon the decision of the Department as the legal guardian of the child. (11-16-95)T

01. Decision for Removal. The decision for removal may be made by the Department, the family or in some cases jointly. (11-16-95)T

02. Consultation. Consultation shall be requested promptly by the field office and a Department decision for removal against the parents' wishes must be approved and authorized in advance by the State Adoption Program Specialist. If a family services worker feels there is some question regarding an adoptive placement the family services worker is supervising, these questions must be discussed with the family services worker's supervisor and reported to the State Adoption Program Specialist. (11-16-95)T

03. Temporary Replacement After Disruption. When a disruption occurs and it becomes necessary to remove a child from an adoptive home, the field office where the child has been placed shall be responsible for finding a temporary arrangement for the child until another permanent placement can be arranged. In the case of the adoption of an Indian child, the consent of the parent may be withdrawn for any reason at any time prior to the entry of a final decree of adoption, and the child returned to the parent. (11-16-95)T

871. PREFERENCES FOR TEMPORARY PLACEMENT - INDIAN CHILD.

Preferences for placement of an Indian child shall be observed in the temporary and permanent placement unless the child is being returned to the parent or Indian custodian from whose custody the child was originally removed. (11-16-95)T

872. -- 879. (RESERVED).

880. APPLICATIONS FOR SECOND PLACEMENT.

When adoptive applicants who are on the Department's waiting list receive a child, whether through the Department or as an independent placement, the study will be closed; and the applicants can reapply following the six (6) months' supervisory period if they so desire. (11-16-95)T

01. Reapplication Process. When an adoption has been successfully completed by the Department and the adoptive parents wish to reapply, they shall complete an adoption application and financial statement, and submit medical reports and four (4) references. (11-16-95)T

02. Update of Adoption Study. The prospective adoptive family shall assist in updating the original adoption study to include information concerning the acceptance and adjustment of the child previously placed in the home, a photograph of the family, including the child previously placed in the home, and their special request for second placement. (11-16-95)T

881. CLOSURE OF CASE.

The State Adoption Program Specialist shall request from the adopting parents' attorney, a certified copy of the final order of adoption, and a copy of the family service worker's executed consent to adoption taken at the time of the adoption finalization. These documents are necessary to close the adoption file and initiate the child's adoption assistance benefits. (11-16-95)T

882. RECORDS OF PLACEMENT.

Upon finalization of the adoption, the complete record from the local field office, regarding the child and family will be requested by the State Adoption Program Specialist for permanent storage in Central Office. Records of adoption involving Indian children shall be forwarded by the State Adoption Program Specialist to the Secretary of the Interior.
(11-16-95)T

883. POST-LEGAL ADOPTION SERVICES.

Upon finalization of the adoption, the Department can offer post-legal adoption services upon request, including but not limited to, case management services, referrals for counseling or other supportive services. (11-16-95)T

884. OPENING SEALED RECORDS OF ADOPTIONS.

Pursuant to Section 16-1511, Idaho Code, upon the motion of petitioners, or upon its own motion the probate court will order that the record of its proceedings in any adoption proceeding must be sealed. When such order has been made and entered the court must seal such record and thereafter the seal will not be broken except 1) upon the motion of petitioners or the person adopted; or 2) upon motion of an Indian individual who has reached the age of eighteen (18) and was the subject of an adoption, the court shall provide tribal affiliation, if any, of the individual's biological parents and other information necessary to protect any rights flowing from the individual's tribal relationship; or 3) upon request of the Secretary of the Interior or the Indian child's tribe, evidence of efforts to comply with the Indian Child Welfare Act shall be made available. Such record can be sealed again. (11-16-95)T

885. -- 889. (RESERVED).

890. QUALIFIED INDIVIDUAL REQUIREMENTS.

Qualified individuals are family services workers as defined in these rules, who have completed a minimum of twenty (20) hours of training in adoption related services within the last four (4) years. Individuals designated by the Indian child's tribe to perform these duties are not subject to these provisions. (11-16-95)T

891. QUALIFIED INDIVIDUALS' CLIENT RELATIONSHIP.

Qualified individuals shall not assume a legal relationship with any child for whom they have been contracted to perform services. (11-16-95)T

892. MINIMUM STANDARDS FOR SERVICE.

Standards for home studies, court reports, and supervisory services must, at a minimum, meet the standards for adoption services provided through the Department. (11-16-95)T

893. RECORDS OF THE QUALIFIED INDIVIDUAL.

Records of the home studies, court reports, and supervisory reports provided by the qualified individual must be made available to the regional Family and Children's Services program manager or designee one (1) week prior to the required court filing date. The regional designee will be responsible for monitoring of quality of the services provided. (11-16-95)T

894. FEES CHARGED BY THE DEPARTMENT.

Monitoring fees shall be paid directly to the Department through the Family and Children's Services' regional office and shall accompany the submission of the report. (11-16-95)T

895. DEPARTMENT RESPONSIBILITY TO QUALIFIED INDIVIDUAL.

The regional Family and Children's Services designee will review the reports provided within a timely manner to insure filing of documentation by required court date by the qualified individual. (11-16-95)T

896. -- 899. (RESERVED).

900. ADOPTION ASSISTANCE.

The purpose of the adoption assistance program is to encourage the legal adoption of children with special needs who would not be able to have the security of a permanent home without support payments. Applications are made through the Division of Family and Community Services, Adoptions Unit. Once an application for adoption assistance is submitted to the Division of Family and Community Service's Central Office, the Division shall respond with a determination of the child's eligibility within forty-five (45) days. (11-16-95)T

01. Determination of Need for Assistance. The Bureau of Children's Services shall determine whether a child is a child with special needs. A child must be eligible for Aid to Families with Dependent Children (AFDC), Title IV-E Foster Care or Supplemental Security Income (SSI), and meet the definition of a child with special needs according to section 473 (c) of P.L. 96-272 (The Adoption Assistance and Child Welfare Act of 1980). (11-16-95)T

02. Factors Considered. The definition of special needs includes the following factors: (11-16-95)T

- a. The child cannot or should not be returned to the home of the parents; and (11-16-95)T
- b. The child has a physical, mental, emotional or medical disability, or is at risk of developing such disability based on known information regarding the birth family and child's history, or (11-16-95)T
- c. The child's ethnic background, race, color, mixed parentage or age make it difficult to find an adoptive home; or (11-16-95)T
- d. The child is a member of a sibling group that must not be placed apart; or (11-16-95)T
- e. The child has established such close emotional ties with a foster family that replacement is likely to be as traumatic to the child as removal from a natural family; and (11-16-95)T
- f. Except in cases of foster parent adoption the child must have been listed with a state, regional or national adoption exchange. (11-16-95)T

901. ATTEMPT TO PLACE WITHOUT ADOPTION ASSISTANCE.

Because of those factors it is reasonable to conclude that the child cannot be placed for adoption without providing adoption assistance, and except where it would be against the best interests of the child, a reasonable, but unsuccessful, effort has been made to place the child without adoption assistance. (11-16-95)T

902. -- 909. (RESERVED).

910. TYPES AND AMOUNTS OF ASSISTANCE.

The needs of the child and the family, including any other children in the family, shall be considered in determining the amount and type of support to be provided. Assistance may include the following: (11-16-95)T

01. Nonrecurring Adoption Costs. Payment for certain one (1) time expenses necessary to finalize the adoption may be paid when a family adopts a special needs child. They are defined as "reasonable and necessary adoption fees, court costs, attorney fees and other expenses which are directly related to the legal adoption of a child with special needs and which are not incurred in violation of State or Federal law. They may include mileage and lodging involved in visiting the child before placement occurs. These expenses cannot be reimbursed if they are paid for the adoptive parents by other sources such as an employer. Documentation of expenses must be submitted. Costs are reimbursable up to two thousand dollars (\$2,000) per child and are entered on the Adoption Assistance Program Agreement. (11-16-95)T

02. Monthly Maintenance Payment. Financial assistance in the form of a monthly payment may be established to assist the adoptive family in meeting the additional expense of the child's special needs. The amount of the payment must be negotiated with the family by the adoption worker and shall not exceed the alternate care maintenance payment that would have been paid if the child had been in a foster family home in Idaho. 3 Payments shall continue until the child reaches eighteen (18) years, based upon an annual determination of continuing need. (11-16-95)T

03. Title XIX - Medicaid Coverage. Children eligible for IV-E adoption assistance or Idaho adoption subsidy program are also eligible for Medical coverage under Medicaid. Medicaid provides secondary coverage after the family's health insurance and other resources have been exhausted. Coverage may begin while the family meets the child's yearly deductible under the family's health care policy. Coverage may include routine medical costs or may be limited to costs related to specific medical problems of the child, and may be made until the child reaches the age of eighteen (18), based upon an annual determination of continuing need. (11-16-95)T

911. ADOPTION ASSISTANCE PROGRAM AGREEMENT.

A written agreement shall be negotiated and fully executed between the Department and adopting family prior to the finalization of adoption and implementation of benefits. (11-16-95)T

01. Agreement Specifications. The agreement shall specify the type and amount of assistance to be provided; the date for annual renewal and earlier renewal at the family's request; that renewal depends on availability of funds; and that payments shall begin after the final order of adoption is received by the Department. (11-16-95)T

02. Suspension or Termination of Adoption Assistance. Adoption assistance may be suspended or terminated if the adoptive family fails to complete the annual recertification process, the adoptive parents no longer have responsibility for the child, the child is no longer receiving any support from the parents, or the child has reached the age of eighteen (18) years. (11-16-95)T

03. Adoption Assistance Follows the Child. If the adoptive parents are located in a state other than Idaho, or move out of Idaho with the child, the adoption assistance payments initiated by Idaho will continue for the child. If the child is IV-E adoption assistance eligible, referral for Medicaid and social service benefits will be forwarded to the new state of residence through the Interstate Compact on Adoption and Medical Assistance. Children who are not eligible for IV-E adoption assistance but qualify for the Idaho adoption subsidy program will remain eligible for their monthly payments, however they will continue to receive Medicaid benefits from the state of Idaho only. (11-16-95)T

912. -- 919. (RESERVED).

920. REQUEST FOR RECONSIDERATION FOR ADOPTION ASSISTANCE.

After the finalization of an adoption, adoptive parents may contact the agency with information regarding circumstances relevant to a previous denial of benefits, or other extenuating circumstances as to why adoption benefits were not offered to the family at the time of legalization. If adoptive families believe they have been wrongly denied adoption assistance benefits, they have the right to request a fair hearing. It is the responsibility of the fair hearing officer to determine whether extenuating circumstance exist and whether the family was wrongly denied eligibility. The Division of Family and Community Services may not change its eligibility determination for a child eligible for IV-E adoption assistance benefits and provide adoption assistance based on extenuating circumstances without obtaining a favorable ruling from a fair hearing officer. (11-16-95)T

921. BURDEN OF PROOF - EXTENUATING CIRCUMSTANCES.

The family has the burden of proving extenuating circumstances at the fair hearing, although if the state agency is in agreement that the family had erroneously been denied benefits, the agency may provide such facts to the family or present corroborating facts on behalf of the family to the fair hearing officer. Once the hearing officer rules in favor of a family that extenuating circumstance exist and that the child is eligible for IV-E adoption assistance benefits, the agency must negotiate an agreement with the adoptive family. (11-16-95)T

922. -- 999. (RESERVED).