

Changes, Additions, and Deletions of the CUA Guidelines Next Release 2015

The following have been **changed** or **amended** in the Practice Guidelines:

- All references to ChildLine, State Police, FACTS, and FBI DPW “clearances” have been changed to call them “certifications” as amended by PA legislation.
- The Following Interim Guidelines have been inserted:
 - Filing the Single Case Plan with Family Court issued July 2015.
 - Closing Case Conferences issued July 2015.
 - Information to be shared with Kinship parents, Resource Parents, and Congregate Care Providers issued August 2015.
 - One additional element was added to this that speaks about sharing if the youth identifies as LGBTQ, with the resource parent after consultation with and the permission of the youth.
 - Revised Emergency Kinship Policy issued September 3, 2015.
 - Use of the Level of Care tool.
 - DHS CRU utilization for initial placements and CUA assist for planned placement.

What is below is new language. If it is a completely new section it is included in its entirety if it is an addition it is shaded and inserted in the original language.

Introduction, page 6 of the May Guidelines

Adherence to Departmental Policy

The CUA is bound by all current CUA Practice Guidelines, CUA Fiscal Guidelines, Philadelphia DHS Departmental and Administrative Policy Directives, Policy Transmittals, Guides, Interim Guidelines, applicable Performance and Service Standards, and any applicable Pennsylvania Department of Human Services (PA DHS) or Office of Children, Youth, and Families transmittals and bulletins or Federal regulations that may be issued.

In accordance with the City of Philadelphia Fair Practices Ordinance: Protections Against Unlawful Discrimination, Chapter 9-1100 of the Philadelphia Code, the Philadelphia Department of Human Services and therefore its contracted providers do not discriminate in its policies or its provision of services to clients or its recruitment or development of resource parents, kinship and foster, Permanent Legal Custodians, and adoptive parents on the basis of race, color, religion, gender, age, sexual orientation, gender identity, ancestry, national origin, disability, living or perceived as living with HIV/AIDS, marital status, or sources of income.

- It is the policy and practice of the Department of Human Services and therefore its providers not to discriminate in any of its policies or provision of services to clients. To ensure meaningful access to the Department’s services by Limited English Proficient (LEP) and deaf or hard of hearing individuals, DHS provides for free language assistance services, including Sign Language Interpretation (See the CUA Fiscal Guidelines for invoicing procedure). CUA staff

must make LEP, deaf and hard of hearing clients aware of the availability of free interpreter services and must document in the Electronic Case Management System (ECMS) the family's primary language, the family's need for interpreter services and all requests for interpreter services and translated documents. The use of friends, neighbors, and family members, especially children, as interpreters can only be used in the case of an emergency.

Section II, Safety, Guidelines for all Services, page 10 of the May Guidelines

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- Taking or obtaining an identifying photo of every child and youth annually.
 - For children and youth receiving in home services, the consent of the parent or caregiver is required. If the parent or caregiver refuses, the refusal must be documented in a Structured Progress Note in ECMS. CUA Case Management Team must continue to make efforts to obtain consent and this, too, must be documented.
 - For children and youth in placement, the consent of the parent or reunification resource is not required.
 - All photos must be labeled with the name of the child or youth; date, time, and location where the photo was taken; any witnesses present; and the name of the photographer.
 - All photos over the life of the case are to be maintained. If the family transfers between counties, the photos must go to the receiving county agency.

Section III, Permanency, Placement of Children or Youth when the CUA had been Providing In-home Child Welfare or Child Protection Services, page 17 of the May Guidelines.

Placement of Children or Youth Prior to CUA Involvement

DHS Investigation Worker Responsibilities (during regular business hours):

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- If no kin are identified, the DHS Investigation Worker completes a CUA Service Referral for placement and submits it for approval on the day the OPC is obtained. The Investigation Administrator submits it to the CRU who approves the referral as expeditiously as possible and sends it to appropriate CUA upon approval.
 - The DHS CRU is responsible for identifying the least restrictive placement. It is an expectation that kinship, and then subsequently resource care placements, are exhausted prior to placing any child or youth in a congregate care setting.

Section III, Permanency, Placement of Children or Youth when the CUA had been Providing In-home Child Welfare or Child Protection Services, page 18 of the May Guidelines.

DHS Investigation or Hotline Worker Responsibilities when placement is needed AFTER regular business hours for the DHS CRU (8:30 AM to Midnight):

Section III, Permanency, Placement of Children or Youth when the CUA had been Providing In-home Child Welfare or Child Protection Services, page 19 of the May Guidelines.

- In those instances where no kin are available, the DHS CRU identifies resource care placement or the least restrictive, most appropriate and family-like placement.
 - The CUA CM completes a CUA Placement referral in ECMS on the Investigation which when approved goes to the CRU.
 - The CRU contacts the CUA CM to complete the Level of Care (LOC) tool and uses that along with the CUA Placement referral to identify the most appropriate placement among the subcontractors with which the CUA works.
- The custodial parent or caregiver is notified verbally of the location of any child or youth placed at the time of placement and in writing within one business day by the DHS Investigation Worker unless there are documented safety issues or a Court Order that prevents this information from being released.

Section III, Permanency, Specific Guidelines for Emergency Kinship Placements, CUA Responsibilities. Page 27 of the May Guidelines

If children and youth are placed in non-kin resource homes and kin are identified at a later time, it is the responsibility of the CUA to efficiently explore the identified kin as a resource and initiating steps either by itself, if licensed by the 3700 Regulations, or its subcontractor to certify the home. ~~Under state regulation, in non-emergency situations, the kinship home must be fully certified before any children or youth can be moved there unless ordered by the Court.~~

- Before any children or youth can be moved into the home, the CUA CM must obtain all the required oral certifications (clearances) from the DHS Liaison Unit and a FACTS clearance from the DHS Practice Coach. Complete a full home inspection, and complete the Emergency Kinship Caregiver document having the kin sign and initial in the required places. Temporary approval then can be granted for up to 60 days.
- The CUA, if licensed by the 3700 Regulations to do so, or its subcontractor must then proceed with obtaining full approval.
- If the home is not certified or will not be certified by the 60th day the CUA CM must contact the Court Representatives in the Law Department as soon as possible to either get an agreement of all parties to move any children and youth or request a hearing. No child or youth can be moved without either an agreement or a Court hearing. The decision of the Court must be followed.

Section III, Permanency, Specific Guidelines for Adoption and PLC and the Use of SWAN, Additional CUA Responsibilities, page 33 of the May 2015 Guidelines.

- CUA CMs prepare for and attend Adoption Court when requested by the Law Department.
- Once finalization of the adoption has occurred:

- CUA CMs are not required to visit children and youth who have been adopted.
- CUAs CMs are not required to attend the final Dependency Hearing discharging DHS custody of children and youth who have been adopted.
- CUA CMs are not required to visit after the Court awards the PLC **and discharges the case.**

New Section added after Specific Guidelines for Shared Case Responsibility. Page 42 of the May Guidelines.

Specific Guidelines for Exercising the Reasonable and Prudent Parent Standard

The Reasonable and Prudent Parent Standard is the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of children and youth while encouraging their emotional and developmental growth, that a caregiver must use when determining whether to allow children and youth in an out-of-home placement and committed to Philadelphia DHS to participate in extracurricular, enrichment, cultural and social activities.

- Exercise of this standard applies to resource parents, both kinship and foster. It applies, as well, to congregate care facilities which must designate a person or persons responsible in the facility to exercise this standard.

Children and youth in an out-of-home placement must be allowed and afforded an opportunity to engage in, to the greatest extent possible, age-appropriate or developmentally appropriate activities and experiences. Children and youth with a disability or special needs in an out-of-home placement must have the same access to age-appropriate or developmentally appropriate activities and experiences as the child’s or youth’s nondisabled peers, even if reasonable accommodations are required.

Caregivers or designated persons in congregate care facilities have the authority to provide or withhold permission for children and youth in their care to participate in and experience age-appropriate or developmentally appropriate activities and experiences. The authority of a caregiver or designated person in a congregate care facility:

- Must be exercised using the Reasonable and Prudent Parent Standard and does not conflict with any applicable Court order or and provision in the Single Case Plan (SCP).
- May be exercised without the prior approval of Philadelphia DHS, the CUA, or the Court.
- Plans for any overnight stays or travel must be reported in advance to the CUA CM along with travel details and locations being visited.

When using the reasonable and prudent parent standard:

- A caregiver or designated persons in congregate care facilities must consider all of the following:
 - The child’s or youth’s age, maturity and developmental level to maintain the overall health and safety of the child or youth.
 - The potential risk factors to the child or youth or to others and the appropriateness of the extracurricular, enrichment, cultural, or social activity or experience.
 - The best interest of the child or youth, based on information known to the caregiver.

- The importance of encouraging the child’s or youth’s emotional and developmental growth.
- The importance of supporting the child or youth in developing skills to successfully transition to adulthood.
- The importance of providing the child or youth with the most family-like living experience possible.
- Any special needs or accommodations that the child or youth may need to safely participate in the activity or experience.
- The child’s or youth’s wishes, though not determinative, must also be considered.

A caregiver, designated persons in congregate care facilities, Philadelphia DHS, and the CUA or its subcontractors cannot be held liable for harm caused to a child or youth while engaged in an activity or experience approved by the caregiver or designated person in congregate care facilities if:

- The caregiver or designated persons in congregate care facilities have completed the required training relating to the reasonable and prudent parent standard.
- The caregiver or designated persons in congregate care facilities have made a good faith effort to use the reasonable and prudent parent standard in approving the activity or experience.
- The approval does not conflict with any applicable Court Order or any provision in the SCP.

Section IV, Family Team Decision Making Conferences, page 52 of the May Guidelines

Overarching Principles

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- **All identified parties are invited to attend, contribute to, and participate in decision making.**
 - When domestic violence is identified, separate conferences will be held, on different dates or times, for the adult victim and the adult who is acting abusively toward the other adult, to prevent contact.

Section IV, Family Team Decision Making Conferences, Permanency Conferences. Page 58 of the May Guidelines.

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It is at this conference that the goals, objectives, and action steps to enhance protective capacities as well as build family protective factors are developed to inform the Single Case Plan (SCP). For children and youth in placement, a concurrent goal must also be established. This conference must first occur within 20 calendar days of a Safety Conference then in three month intervals prior to Court Reviews, until safe case closure and Court discharge.

These conferences must include a discussion regarding the visitation plan for parents or other caregivers and siblings as well as a discussion around affording children and youth in placement the opportunity to engage in, to the greatest extent possible, age and developmentally appropriate activities and experiences including participation in extracurricular, enrichment, cultural, and social activities as defined by the Reasonable and Prudent Parent Standard (See Section III, Permanency, “Specific Guidelines for Exercising the Reasonable and Prudent Parent Standard”).

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- o Written notice that includes the date, time, and location must be sent a minimum of ten calendar days prior to the conference by the DHS TC. The DHS TC must make additional attempts regarding receipts for invitations when no direct contact has been documented.
 - All youth 12 years of age and over must be invited and are able to select up to two individuals of their choice who are not their resource parent or CUA CM to participate in their planning. Youth must be made aware of this possibility. The selected parties may be rejected if one or both are deemed to not be acting in the best interest of the youth after consultation with CUA CM who will consult with the Supervisor and, if necessary, the Law Department and Child Advocate.

Section IV, Family Team Decision Making Conferences (added after new section on closing conferences), page 63 of the May Guidelines. **New Section:**

Family Group Decision Making Meetings

In 2015, the First Judicial District of Pennsylvania, Court of Common Pleas, Family Division – Juvenile Branch has initiated a pilot program to incorporate the use of Family Group Decision Making (FGDM) for families whose cases were being heard in Family Court at the point of adjudication of dependency. Families will be identified and engaged by the FGDM Providers, It Takes a Village and A Second Chance, Inc., and offered an opportunity to participate in a FGDM meeting. Participation by families is voluntary. If they agree, the FGDM Provider will coordinate and facilitate a meeting within the FGDM model. Assigned CUA team staff should expect to be invited to participate in the meeting.

The FGDM Providers who identify and engage families to participate in the pilot must inform them verbally and in writing that FGDM is completely voluntary. The FGDM Providers must also communicate with the CUA case management staff who are present for the hearing. If FGDM Providers are not able to do so at that time, they must contact the assigned CUA staff within five business days. The FGDM Providers must provide assigned CUA staff with an overall description of the FGDM process and be available to answer any questions that the assigned CUA staff may have regarding Family Group Decision Making. Assigned CUA staff should encourage family participation in the FGDM process and point out the benefits of FGDM to families.

When a CUA-involved family agrees to participate in a pilot FGDM meeting, the FGDM Provider will notify the DHS Teaming Director's office. The DHS Teaming Director's assistant will also inform the assigned Teaming Coordinator and Practice Specialist that the next ongoing Family Team Conference will be replaced by a Family Group Decision Making meeting.

The FGDM Provider must communicate with and invite the CUA case management team, the assigned DHS Teaming staff, and other involved professionals to participate in the professionals' portion of the meeting. The FGDM Provider must coordinate the professionals' portion of the meeting with the assigned CUA case management team's schedule. The assigned CUA Case Manager or Supervisor must attend any FGDM meeting which they have agreed to attend; assigned DHS Teaming staff are encouraged to attend FGDM meetings to which they have been invited if they are able. If assigned CUA staff are unable to attend the professionals' portion of the meeting, the FGDM Provider should obtain their input and communicate it to the other professionals in attendance.

Family Group Decision Making meetings for CUA-involved families that are held as part of this pilot will substitute for the next ongoing Family Team Conference after the 20-day conference. Subsequent Family Team Conferences will occur consistent with the timeframes set out in the CUA Practice Guidelines.

- Any decisions, other than adding action steps, which affect the objectives in the Single Case Plan, must be documented by CUA staff as a revision to the Single Case Plan.
- If the FGDM meeting replaces a Family Team Conference at which the SCP is required by regulation and the CUA Practice Guidelines to be reviewed and revised, and the Single Case Plan is not reviewed, CUA staff must schedule a meeting for this purpose separate from the FGDM meeting.

If a scheduled FGDM meeting does not occur because the family does not attend the meeting to which they agreed, the FGDM Provider will reschedule the meeting to occur within ten calendar days. If the re-scheduled meeting fails to occur, the DHS Teaming Director will be notified immediately by the FGDM Provider so that the Philadelphia DHS Teaming staff can schedule a Family Team Conference within ten calendar days of the rescheduled meeting.

When the FGDM meeting occurs for a CUA-involved family, the FGDM Provider must share the FGDM plan with the assigned CUA case management team and the Philadelphia DHS Teaming Coordinator so that the information can be documented in ECMS and the Teaming And Management Interface (TAMI) tool.

The FGDM Provider must share the FGDM Plan with the CUA CM and the DHS Teaming Coordinator so that information can be uploaded into ECMS and into TAMI.

Section V, Single Case Plan Development, page 62 of the May Guidelines.

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Detailed objectives and action steps for both the primary and concurrent or alternate goal must be developed and, if applicable, reviewed and revised at the Family Support or Permanency Conference based on progress, or lack thereof. Newly identified concerns, including but not limited to, the identification of new Safety Threats, medical, behavioral health, educational, and environmental issues require objectives and actions steps to be discussed at the conference and documented in a revised plan.

The plan must also include actions the CUA will take to identify kin, if children and youth are placed in non-relative resource homes or congregate care settings particularly if the youth is 16 years of age or older with a goal of Another Planned Permanent Living Arrangement (APPLA). Additionally, the plan must detail the child's or youth's opportunities for participation in extracurricular, enrichment, cultural, and social activities and for youth 14 years of age or over opportunities to gain experience in mastering skills needed to transition to successful adulthood and managing freedom and responsibility.

For youth 16 years of age with a goal of APPLA, the plan must detail intensive, ongoing efforts for family placement, including efforts to locate biological family members using search technologies and social media. The plan must also detail whether a significant relationship exists for the youth, who that person is, what the relationship looks like, and that the person has at least verbally agreed to serve in such capacity. If a relationship has not yet been identified, the efforts to be made by the CUA toward supporting or establishing a significant relationship for the youth must be included in the plan.

The above paragraph was also added to the Specific Guideline for Goal Selection, APPLA.

Section V, Single Case Plan Development, page 62 of the May Guidelines.

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- The plan then must be mailed or emailed (if not personally given) to the parents, youth 14 years of age and over, the professional parties involved including the subcontractors within ten business days after receipt of signatures above. Those who receive the plan personally must sign a receipt if they are not signing the signature page at that time. Those receiving the plan by mail must include a cover letter as proof of timely distribution.
 - Parents and all other parties with objectives are to receive the signature page and **only** their objectives and the objectives related to their children, including child objectives, CUA objectives, subcontractor objectives, etc. Youth 14 years of age or older receive their objectives, their parents' objectives, and any objectives of others as they are related to the youth. Parent and Child Advocates receive the whole plan including the demographic page. To ensure confidentiality, no one else receives the demographic page.
 - The SCP must be reviewed to assure that in cases of domestic violence, an abusive partner will not have access to information that would be harmful. Examples of this information would include disclosures of abuse and a description of where an individual will be at any given time.

Section VI, Family Court and the Law Department, Court Hearings (added at the end), page 70 of the May Guidelines.

- At every Permanency Hearing for children and youth in placement, the CUA CM or Supervisor must be prepared to testify as to the efforts made since the last Permanency Hearing to identify, locate, and engage relatives and kin and the Court must make a ruling regarding those efforts.
- Additionally, the CUA CM or Supervisor must be prepared to testify as to the child's or youth's opportunities for participation in extracurricular, enrichment, cultural, and social activities and for youth 14 years of age or over opportunities, to gain experience in mastering skills needed to transition to successful adulthood and managing freedom and responsibility.
- For youth over the age of 16 with a goal of APPLA, CUAs are required to continue and record the intensive, ongoing efforts for family placement, including efforts to locate biological family members using search technologies and social media. At each permanency hearing the Court must make a ruling on:
 - Whether a significant relationship exists for the youth, who that person is, what the relationship looks like, and that the person has at least verbally agreed to serve in such capacity. If a relationship has not yet been identified, the efforts made by the CUA to support or establish a significant relationship for the youth must be reported.
 - Why APPLA is still the best permanency plan for the youth.
 - Efforts made toward finding a permanency goal for the youth.
 - Compelling reasons why it is not in the best interest of the youth to be returned home, adopted, placed with a permanent legal custodian, or with a fit and willing relative.
 - The regular and ongoing efforts made by the agency to engage the youth in age or developmentally appropriate activities.

Section VII, Clearances, Assessments and Evaluations, FAST and CANS, page 73 of the May Guidelines.

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For placement cases the FAST is completed by the CUA CM or Outcomes Specialist for all children and youth in placement and all caregivers listed on the Safety Assessment and on other children and youth who remain at home if they are receiving services. For cases with a Court goal of Adoption or PLC the FAST is not completed. The CANS is completed for every placed child or youth ages five to 18.

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Intervals:

- For new cases, the initial FAST, when applicable, must be completed prior to the CANS, if a CANS is required. The assessments must be completed within 60 days after the placement of a child or youth or within 60 days of receipt of the referral to the CUA for in-home services.

- If there are any significant factors that affecting the safety of children or youth a teaming must be requested and the Single Case Plan revised to address those concerns.
- Ongoing, the FAST and CANS, if applicable, are completed after the Safety and Risk Assessments within the 30 days prior to a Teaming Conference in which the Single Case Plan is created or revised. They must be approved within ten calendar days by the CUA Supervisor or before the Teaming Conference if scheduled sooner.
 - These assessments must be brought to the teaming.
- As part of the closing process, the FAST and CANS, if applicable must be completed after the Safety and Risk Assessment and Closing Teaming Conference if one is required.
- For cases with a Court goal of Adoption or PLC the FAST is not completed. However, the CANS must still be completed for each child and youth in placement ages five to 18 until case closure.

Section XII, Recreation and Development

Specific Guidelines for Placement Services, page 90 of the May Guidelines

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- Children and youth in care must be provided regular and ongoing opportunities to engage in age or developmentally appropriate activities.
 - Kinship and resource parents must use the reasonable and prudent parent standard when making decisions about children and youth in their care.
 - Congregate care facilities must designate an individual on site that can act as a reasonable and prudent parent.
 - The Court at each Permanency Hearing must specify the steps being taken to implement the reasonable and prudent parent standard and note on the record that the child or youth has regular, ongoing opportunities to engage in age and developmentally appropriate activities.

Section XIV, Confidentiality, page 92 of the May Guidelines.

All information gathered in the course of an investigation or assessment for service, and subsequent provision of services is confidential. Employees of the CUA may not access, disclose, or make use of information concerning any family except in the course of performing their duties. This includes both physical copies of information and information maintained electronically. (See also Section XVI, [Administrative Guidelines](#), "[Specific Guidelines for Technology](#).")

- If personal information is disclosed or otherwise obtained by others not authorized to have such information, the CUA must notify the clients in writing of the incident and the potential information that may have been inadvertently released and a contact person. If the information released includes persons' Social Security Numbers, the CUA must pay for and make efforts to help clients monitor their credit history for a minimum of one year after the incident.

- No CUA staff are to take physical case records off site. Any documents that they travel with must remain with them at all times.
- Any electronic equipment that CUA staff travel with must remain with them at all times and be password protected. CUAs that must be HIPAA compliant must have all electronic devices encrypted.
- At no time are they to take **any** document that reveals the name of the reporter of any child abuse report off site.

Section XV, Information Sharing and Documentation, page 93 of the May Guidelines

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CUA to Children, Youth, Caregivers, and Placement Resources

- At the time of placement, the CUA CM is responsible for full disclosure to parents, youth and the kinship or resource parents about the implications of placement. This disclosure must be documented in ECMS and includes:
 - A frank discussion with the child or youth regarding their permanency plan in a manner appropriate to their age and maturity. It is also expected that the behavioral, mental, and physical health of the child or youth as well as their best interests are taken into account when engaging in these discussions.
 - It is important that CUA CMs share as much information as possible with children and youth that is appropriate to their age regarding what is known about where they are going and the composition of the household or facility, etc. The trauma of placement cannot be underestimated or overlooked. Children and youth must be told what is happening to them and be reassured that the CUA CM will be there to help and support them.
 - The legal rights and responsibilities of the children and youth including their right to file a formal grievance and be allowed and afforded an opportunity to engage in, to the greatest extent possible, age-appropriate or developmentally appropriate activities and experiences. These must be given in writing to age and developmentally appropriate children and youth and discussed annually thereafter. These discussions must be documented in an SPN.

Glossary

Reasonable and Prudent Parent Standard: The standard, characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while encouraging the emotional and developmental growth of the child, that a caregiver must use when determining whether to allow a child in an out-of-home placement under the responsibility of the county agency to participate in extracurricular, enrichment, cultural and social activities.