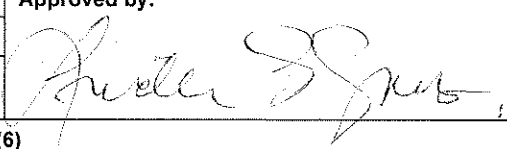


DCF	COMMONWEALTH OF MASSACHUSETTS ~ DEPARTMENT OF CHILDREN AND FAMILIES	
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FOSTER CARE REVIEW POLICY

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NOTE: Throughout this document, the terms "child" and "children" refer to consumers from birth through 13 years of age. The term "youth" refers to consumers 14 through 17 years of age. The term "young adult" refers to consumers from 18 through 22 years of age. The term "family" refers to all consumers open in a case.

I. POLICY

Federal and state laws require that the Department operate a system of foster care review dedicated to engaging key participants in a timely and periodic review of all cases involving children, youth and young adults in out-of-home care. The purpose of Foster Care Review is to assess the progress being made to address the reason(s) for the Department's involvement with the family, and to examine and make recommendations regarding efforts to safely achieve permanency for the child, youth or young adult.

Pursuant to (MGL c. 18B, § 6A), an independent Foster Care Review Unit (FCRU) has been established within the Department. This unit operates outside of the department's day-to day delivery of casework services, and is dedicated to quality oversight of case decisions. Foster Care Review complements the oversight role of the judiciary in individual cases, and contributes aggregate data and information that is needed to support the Department's continuous quality improvement efforts.

It is the policy of the Department that all cases involving children, youth and young adults in out-of-home placement be reviewed no less frequently than once every 6 months. The Foster Care Review Unit is responsible for conducting a Foster Care Review for a family when at least one child, youth or young adult in the family under the age of 22 is in placement. A child, youth or young adult is in placement when they are in Department custody through a court order, in Department care through a Voluntary Placement Agreement or Care and Responsibility Petition, and are living outside the home of their parent(s) or guardian(s).

The initial Foster Care Review is scheduled to occur by the 6th calendar month after the date the first child, youth or young adult in the family enters placement. The initial period under review (PUR) begins on the date the first child, youth or young adult enters placement until the initial Foster Care Review occurs. Subsequent Foster Care Reviews are scheduled every 6 months from the initial Foster Care Review date, as long as a child, youth or young adult up to age 22 remains in placement. The review period for subsequent Foster Care Reviews consists of the consecutive months since the last review.

The Foster Care Review is conducted by a 3 person panel whose members must not carry responsibility for case management, oversight or service delivery for the case under review. The panel consists of: a member of the FCRU (i.e., Case Reviewer) who convenes the meeting; a Second Party Reviewer, who is a manager or Supervisor from the Area Office that is not the manager or Supervisor assigned to the case under review; and a Volunteer Case Reviewer, a citizen who has been recruited and trained by the FCRU. Volunteer Case Reviewers are recruited to represent, to the maximum extent feasible, the various socio-economic, racial and ethnic groups of the community served by the Department.

To promote the inclusion of a variety of perspectives the following parties, when applicable, are included in the Foster Care Review and provided with sufficient notice of the review date (See Appendix A):

- parent(s)/guardian(s) (including a putative or unwed father) except any parent whose parental rights have been terminated or whose child has reached 18 years of age, unless their attendance is requested by the young adult;
- youth and young adults;
- placement resource(s);
- child(ren), youth and young adult's attorney(s);
- parents' attorney(s), unless their client's parental rights have been terminated;
- the Social Worker(s) and Supervisor(s) assigned to the family;
- the Department Attorney; and
- Family Resource, Adoption and Adolescent Outreach Social Worker(s), as assigned.

Each review considers the following issues, as applicable:

The necessity of the Department's involvement with the family and the appropriateness of the child, youth or young adult's placement. This includes a review of:

- a) the updated Family Assessment and Action Plan (FAAP), including the clinical formulation of the reason(s) for the Department's involvement with the family; and
- b) the child, youth or young adult's currently assessed needs for safety, permanency and well-being, including:
 - the safety of the child, youth or young adult in placement and of any open consumer child(ren) or youth living at home;
 - whether the child, youth or young adult is or should be placed with kin and/or siblings;
 - the child, youth or young adult's schedule for visits with parent(s)/guardian(s), sibling(s) and grandparent(s);
 - the provision of health care (medical, dental and mental/behavioral health) to the child, youth or young adult consistent with the "well-child" schedule and any follow-up recommended by the child, youth or young adult's medical provider;
 - the child, youth or young adult's educational needs and the stability of the educational setting;
 - the child, youth or young adult's regular opportunities to engage in age and developmentally appropriate activities; and
 - for youth who have reached age 17 years and 6 months, the youth's request to sustain Department connection at age 18 and beyond.

Participation in the written Family Assessment and Action Plan and the observable changes the family has made, during the period under review, to reduce or alleviate the danger or need for placement, or to achieve desired outcomes. This includes a review of:

- a) the Department's actions and efforts to address the reason(s) for the Department's involvement and to achieve safety, permanency and well-being for the child, youth or young adult, including contact with parent(s), child, youth or young adult and placement resource;
- b) each parent's/guardian's participation in tasks/services/supports identified in the Action Plan intended to reduce or alleviate the danger to, or the need for placement of the child or youth and whether desired outcomes were achieved, including the visitation schedule;
- c) where appropriate, the child, youth or young adult's participation in tasks/services/supports identified in the Action Plan and whether desired outcomes were achieved for their safety, permanency and well-being;
- d) progress made toward resolving the issues identified in the Family Assessment and Action Plan, updates to the Family Assessment and Action plan and/or the previous Foster Care Review;
- e) the placement resource's fulfillment of expectations necessary to meet the needs of the child, youth or young adult, including providing regular opportunities to engage in age or developmentally appropriate activities and
- f) the Department's actions and efforts to ensure the child, youth or young adult's placement is following the reasonable and prudent parent standard.

The extent of progress made toward achievement of the child, youth or young adult's permanency plan. This includes a review of any changes made to the child, youth or young adult's permanency plan and its current status.

The child, youth or young adult's permanency plan and the projected date by which the child, youth or young adult will achieve permanency either through:

- a) stabilization of family [i.e., with parent(s)/guardian(s)];
- b) reunification with parent(s)/guardian(s);
- c) adoption;

- d) guardianship by a person(s) other than the Department or its agent;
- e) care with kin; or
- f) another planned permanent living arrangement (only permitted for youth age 16 and older).

The Foster Care Review will consider making recommendations when needed for action planning during the next 6 months, including:

- a) tasks, services and supports necessary to achieve permanency for the child, youth or young adult; and
- b) the child, youth or young adult's schedule for visits with the parents/guardians, siblings not placed together, and grandparents.

The outcome of the Foster Care Review is a set of determinations, and may include related recommendations, that provide guidance for the next period of action planning, decision-making, and casework (up to 6 months).

Parents, foster parents, youth, young adults and the attorney for the child, youth or young adult may challenge a determination made by the Foster Care Review panel, if they are in disagreement (see FCR appeal procedures under Follow-Up Activities).

II. PROCEDURES

A. DEFINITIONS/KEY TERMS

Age or Developmentally Appropriate Activities:

- (i) activities or items that are generally accepted as suitable for children, youth and young adults of the same chronological age or level of maturity or that are determined to be developmentally-appropriate based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and
- (ii) in the case of a specific child, youth or young adult, activities or items that are suitable based on the developmental stages attained by the child, youth or young adult with respect to their cognitive, emotional, physical, and behavioral capacities

Care and Responsibility Petition: A petition filed by the Department under MGL c. 119, § 23(a)(1) to extend a voluntary placement agreement between the Department and a child or youth's parent. The Court reviews the agreement and determines whether it's in the best interest of the child or youth to remain in placement. The Court also conducts annual permanency hearings under MGL c. 119, § 29B if the child or youth remains in placement for 12 months or more.

Determinations: Formal decisions made by the Foster Care Review panel regarding what is working well, what is not and what needs to change in order to achieve the child, youth or young adult's permanency plan by a projected date. Determinations are binding on area offices and will guide the next period of action planning, decision-making and casework with the child(ren), youth or young adult and family.

The determinations made by the Foster Care Review panel include:

- Whether any concerns for the child, youth or young adult's safety were identified through the review process;
- Whether the child, youth or young adult's placement is necessary as of the review date;
- Whether the child, youth or young adult's current placement is appropriate;
- Whether the placement resource fulfilled placement expectations to meet the child, youth or young adult's needs;
- Whether the Department has taken steps to ensure the child, youth or young adult's placement resource followed the reasonable and prudent parent standard;
- Whether the Department has taken steps to ascertain whether the placement resource offered the child, youth or young adult regular ongoing opportunities to engage in age or developmentally

appropriate activities, working to help develop the child, youth or young adult's special talent/interest/gift;

- Whether the Department adequately addressed the needs of the family;
- The participation of each individual as follows for the period under review:
 - Did the parent/guardian, youth or young adult participate in the Action Plan?
 - Did the parent/caregiver demonstrate behavioral changes to reduce or alleviate danger or need for placement or to achieve desired outcomes?
 - Did the youth or young adult demonstrate observable changes to achieve desired outcomes for their safety, permanency and well-being?
- The extent of progress made toward achievement of the child, youth or young adult's permanency plan;
- The child, youth or young adult's most appropriate Permanency Plan determined by the FCR panel; and
- The projected date for achieving the child, youth or young adult's Permanency Plan.

Department Custody through a Court Order: Custody is granted by either the Juvenile Court through a Care and Protection petition or through a Child Requiring Assistance petition, or by the Probate and Family Court under MGL c. 119 § 23(a)(3).

Fair Hearing: An impartial hearing convened by the Fair Hearing Unit where facts and applicable regulations will be reviewed.

Grievance: Supplements the fair hearing by providing an opportunity to resolve disagreements concerning any matters which are not appealable through a fair hearing.

Placement Resource: The contracted provider of residential services or comprehensive foster care services, or a Department kinship, foster/pre-adoptive, or child-specific family resource.

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, youth or young adult while at the same time encouraging the emotional and developmental growth of the child, youth or youth, that a caregiver shall use when determining whether to allow a child, youth or young adult in foster care to participate in extracurricular, enrichment, cultural, and social activities.

Recommendations: Non-binding proposals offered by a member of the Foster Care Review panel or a participant of the review, to assist and support achieving safety, permanency and well-being for the child, youth or young adult.

Second Party Reviewer: A manager or Supervisor from the Area Office who is not the manager or Supervisor assigned to the case under review.

B. ROLES AND RESPONSIBILITIES

1. The **Case Reviewer** is responsible for:
 - pre-reviewing sufficient documentation in the electronic and physical case record;
 - providing the panel members with a copy of the Action Plan(s) in effect during the period under review and a copy of the last Foster Care Review report, when applicable;
 - chairing the Foster Care Review;
 - ensuring that all participants have the opportunity to have their views heard;
 - facilitating an alternative method of participation when needed for mandatory invitees (e.g., teleconference, videoconference);
 - ensuring the Youth Readiness Assessment Tool, when applicable, is reviewed by the panel;
 - sharing any materials or information received from invitees who are not able to participate in the Foster Care Review; and

- documenting the Foster Care Review.
2. The **FCRU Manager** is responsible for:
 - scheduling the Foster Care Review or rescheduling it as needed;
 - assigning an independent Foster Care Reviewer for each review scheduled;
 - working with the area office to develop a plan for a safe review environment;
 - approving documentation of the Foster Care Review;
 - reviewing **Foster Care Review Memos (FCR Memos)** and submitting Alert Notices as needed; and
 - sending out the Foster Care Review Report to all applicable parties.
 3. The assigned **Social Worker(s)** is responsible for:
 - identifying invitees and scheduling needs for the Foster Care Review;
 - updating the electronic and physical case records, as needed, and providing the Case Reviewer with access to the physical case record prior to the Foster Care Review;
 - preparing the family for the review process;
 - arranging transportation for the youth and young adult to attend;
 - providing a verbal summary of the family's contact with the Department;
 - bringing and summarizing the Action Plan(s) which has been in effect since the last Foster Care Review;
 - proposing a permanency plan and projected date by which permanency is to be achieved for each child, youth or young adult in placement; and
 - working with the family, youth and young adults to update the Action Plan for the next 6 months based on the determinations.
 4. The **Placement Resource** is responsible for:
 - participating in the Foster Care Review;
 - preparing youth and young adults for the review process;
 - assisting in the transportation for youth or young adult to attend;
 - completing and submitting a Youth Readiness Assessment, if applicable; and
 - submitting a written summary, including medical/dental care if unable to attend the Foster Care Review.
 5. The assigned Social Worker's **Supervisor(s)** is responsible for:
 - attending the Foster Care Review if the Social Worker is unable;
 - reviewing the Foster Care Review Report;
 - ensuring the determinations of the case review panel are implemented; and
 - ensuring the recommendations of the case review panel are considered.
 6. The **Area Director** is responsible for:
 - arranging accommodations for the Foster Care Review;
 - arranging for an interpreter when needed;
 - ensuring that a staff member knowledgeable about the case attend the Foster Care Review when an emergency prohibits the Social Worker and Supervisor from attending;
 - notifying a parent/guardian barred from in-person participation due to concerns of violence and advising them of an alternative method to provide input;
 - coordinating with the Regional Counsel to convene a Permanency Planning Conference (PPC) as needed;
 - referring cases to the Regional Director for a permanency plan determination when a disagreement exists; and
 - documenting the response to all FCR Memos and Alert Notices.
 7. The **Secondary Party Reviewer** is responsible for:
 - attending the Foster Care Review;
 - preparing for the Foster Care Review by reading the prior Foster Care Review report (when

- applicable) and reviewing the relevant Action Plan(s) prior to the Foster Care Review;
 - participating in the Foster Care Review in an objective and unbiased manner;
 - maintaining the confidentiality of all client-related information; and
 - participating in decision-making as an equal authority during the Foster Care Review.
8. The **Case Review Volunteer** is responsible for:
- attending the Foster Care Review;
 - preparing for the Foster Care Review by reading the prior Foster Care Review report (when applicable) and reviewing the relevant Action Plan(s) prior to the Foster Care Review;
 - participating in the Foster Care Review in an objective and unbiased manner;
 - maintaining the confidentiality of all client-related information; and
 - participating in decision-making as an equal authority during the Foster Care Review.
 - notifying the FCRU in advance of the Foster Care Review if they have personal knowledge of a client or family whose case they are scheduled to review.

C. PROCEDURES: SCHEDULING A FOSTER CARE REVIEW

Identify Invitees and Scheduling Needs

1. The assigned Social Workers, Adoption Worker, Family Resource Workers and DCF Attorney are notified, via the electronic case record system, at least 2 months prior to the month that a family is due for a Foster Care Review. By the 14th of the month in which they receive the notification, they update the electronic case record with the following information necessary for the FCRU to schedule the Foster Care Review:
 - the names, addresses, email and telephone numbers of people to be invited to the Foster Care Review (for a list of mandatory invitees, see Appendix A);
 - dates and times when the Social Worker(s) and Supervisor(s), parent(s)/guardian(s), youth and young adults, placement resource(s), Family Resource/Adoption and Adolescent Outreach Social Worker(s) cannot attend the Foster Care Review, including any court dates scheduled for the family;
 - the preferred site of the Foster Care Review if not the Area Office where the case is located (because the family lives in another office's catchment area, the parent/guardian is incarcerated, there is concern about safety identified, or the case is about to be transferred to another office) (see Case Transfer Policy);
 - the preferred language of the family involved in the Foster Care Review [NOTE: The Area Director/designee is responsible for arranging for an interpreter or other such accommodation, when needed.]; and
 - any domestic violence or safety issues which may be present for any individual who may participate in the Foster Care Review (see below: Address Safety Concerns).

Schedule and Assign Review

2. The FCRU Manager schedules Foster Care Reviews at times which ensure, to the maximum extent possible, the participation of all invited parties. The FCRU Manager utilizes information provided by the Area Office staff and/or information found in the electronic case record to schedule the Foster Care Review.
3. The FCRU Manager assigns an independent Case Reviewer to each of the scheduled Foster Care Reviews. In scheduling the Foster Care Review, priority is given to the availability of the parent(s)/guardian(s), youth and young adults, Social Worker(s) and Supervisor(s) assigned to the family, placement resource(s) and the Reviewer.
4. The FCRU Volunteer Coordinator(s) make concerted efforts to assign a volunteer to each review if possible, based on the availability of the volunteers.

**Arrange
Accommodations**

5. If there is a request for a Foster Care Review to take place at another Area Office, contracted placement provider's office or a correctional facility, the FCRU Manager contacts the facility to confirm that the facility can accommodate a Foster Care Review at the desired date and time.
6. The FCRU Manager completes the schedule at least 30 calendar days prior to the beginning of the review month to allow timely invitation to participants and to make the schedule available to the Area Office.
7. The Area Director/designee ensures that for each upcoming Foster Care Review:
 - a second party (i.e., a manager or a casework Supervisor who is not responsible for the family's case) is assigned;
 - a meeting room of an adequate size and privacy is reserved, including a room with telephone conference capacity when needed;
 - an interpreter is arranged, when needed;
 - any accommodation necessary for a participant who is disabled or for the safety of a participant is arranged (see below: Address Safety Concerns); and
 - an alternate method of participation is offered for mandatory invitees who are not able to attend in person.

**Reschedule/Cancel
Review**

8. The Social Worker, Supervisor or Area Director/designee immediately notifies the FCRU Manager if they identify a reason that a Foster Care Review needs to be rescheduled or if the Department no longer has care or custody of a child(ren), youth or young adult whose case is scheduled for a Foster Care Review.

If a Foster Care Review is already scheduled and the Department no longer has custody of any of the child(ren), youth or young adults in the family, the Foster Care Review will be cancelled and the FCRU Manager, unless otherwise arranged with the Area Office, will ensure the invitees are notified.
9. When a Foster Care Review needs to be rescheduled, the FCRU Manager determines when, and by whom, the Foster Care Review will be completed. In addition to rescheduling Foster Care Reviews because of a Case Reviewer's unavailability, the FCRU Manager also may reschedule a Foster Care Review at the request of the Social Worker, parent, youth, young adult or an attorney for the child, youth, young adult or parent(s). Rescheduling requests from all other invitees are made directly to the Social Worker.

The FCRU Manager will honor reasonable requests for rescheduling a review, if there is an open Review time in that office during the same month the Foster Care Review is due.
10. The Foster Care Review will be rescheduled when an interpreter is needed for the review and is not available, unless the case has already been rescheduled two other times within the current review period for this same reason.
11. When a review is rescheduled, the FCRU mails invitations or otherwise notifies all invitees, specifying the new date, time, and location of the Foster Care Review, unless otherwise arranged with the Social Worker, and notifies the Area Office of the change.
12. If an emergency prohibits the Social Worker and Supervisor from attending the Foster Care Review, the Area Director/designee will ensure that a staff member knowledgeable about the case attends the review. When the Area Director/designee is unable to identify a staff member knowledgeable about the case and the family is in attendance, the Case Reviewer consults with the FCRU Manager to determine if the Foster Care Review should occur without a Department representative or be rescheduled.

Address Safety Concerns

13. If the Area Office staff or Case Reviewer has any concerns about the safety of an invitee, an observer or parent's support person (e.g. domestic violence or other safety concerns), the Area Office staff or Case Reviewer must notify their manager. The manager ensures both the Area Office Manager and FCRU Manager are informed.
14. The FCRU Manager and the Area Office Manager will work cooperatively with the Area Office staff and the assigned Case Reviewer to develop and implement a safety plan prior to the Foster Care Review. This plan may include scheduling the Foster Care Review when the Area Office has a security detail.
15. If there is an active restraining order in place, the Foster Care Review will be split between each party subject to the restraining order, including the party's attorney and will be conducted separately.
16. When a parent/guardian has a documented history of violent or assaultive behavior that is not mitigated by treatment which results in behavioral change, approval to exclude the parent/guardian from in-person participation in the Foster Care Review shall be obtained from the Area Director/designee, in consultation with the FCRU Manager. The Area Director/designee shall notify the parent/guardian of the reason(s) for exclusion and advise the parent/guardian of alternate methods to participate in the Foster Care Review.

D. PROCEDURES: CONDUCTING A FOSTER CARE REVIEW

Prepare for the Review

1. The Social Worker ensures that the electronic and physical case records are up to date and include a signed Action Plan.
2. Prior to the date of the Foster Care Review, the Case Reviewer reads the electronic and physical case record in order to understand:
 - the Family Profile and Functioning;
 - the case history;
 - the parental capacities;
 - the case status;
 - the current legal involvement;
 - each child, youth or young adult's placement history; and
 - the family's current needs, services, and supports.

At a minimum, the Case Reviewer reads:

- reports of child abuse and/or neglect (or "Intakes and Responses") in order to have a full understanding of the protective concerns in the family;
 - all Family Assessment and Action Plans, dictation, permanency reviews, evaluations, and treatment plans since the last Foster Care Review; and
 - the last Foster Care Review report when applicable.
3. The Case Reviewer is responsible for ensuring that photocopies of the case record relevant to the Foster Care Review are made and shared with the Second Party and Volunteer. This includes but is not limited to the Action Plan(s) in effect during the period under review and prior FCR reports.
 4. The Case Reviewer consults with the Social Worker prior to convening the Foster Care Review regarding any special accommodations that are needed.
 5. The Case Reviewer informs the Social Worker and any other invitee with whom there is contact prior to the scheduled Foster Care Review, that the information they provide may be shared at the Foster Care Review with all participants.

Document Submission

6. If a parent, youth or young adult wants to submit documents for consideration at the Foster Care Review, they should submit the documents to the assigned Social Worker at least 10 calendar days prior to the Foster Care Review. The Social Worker will upload the documents into the family's electronic case record.
7. If the placement resource is unable to attend, they must submit a narrative summary and the Youth Readiness Assessment Tool, when applicable, to the Social Worker 10 calendar days prior to the date of the Foster Care Review. The Social Worker is responsible for bringing the documents to the Foster Care Review.
8. Mandatory invitees unable to attend in person or through alternate methods of participation, may submit a narrative summary. They must submit the summary via mail to the Area Office where the review is scheduled, addressed to "Attention: FCRU" at least 10 calendar days prior to the Foster Care Review date. The Case Reviewer will upload the narrative summary(s) into the Foster Care Review section of the electronic case record.

Conduct the Review

9. The Case Reviewer initiates the Foster Care Review with an introductory statement. This statement includes:
 - the purpose of the Foster Care Review, which will include a discussion of how well the child, youth or young adult's needs for safety, permanency and well-being are being met;
 - the identification of the determinations which will be made during the review; and
 - an explanation of the right to appeal or grieve Foster Care Review determinations.

The Case Reviewer also provides additional information, as needed, regarding the role of the panelists and the need for confidentiality.
10. The Case Reviewer distributes an attendance sheet and all attendees sign to verify their presence at the Foster Care Review.
11. Parent(s)/guardian(s), child(ren), youth or young adult(s) are engaged in the review discussion and given the opportunity to present a summary regarding their family's involvement with the Department. All review participants are encouraged to discuss the Action Plan and progress that has been achieved as well as any concerns/worries.
12. The Social Worker presents a brief summary of the following:
 - family/case history;
 - the current Family Assessment and Action Plan including clinical formulation, areas of focus and the actions (tasks/services/supports) each party was responsible for;
 - the strengths of the family;
 - the observable progress made or not made during the period under review to reduce or alleviate the danger or risk to the child(ren), youth and young adults and need for placement;
 - the progress made towards achieving each child, youth or young adult's permanency plan;
 - the results of any intervening review (e.g., Permanency Planning Conference, Permanency Hearings, Area Clinical Reviews);
 - any significant family developments since the last Foster Care Review, and any other relevant information; and
 - the proposed permanency plan and achievement date.
13. Recommendations to facilitate permanency planning are solicited from all participants.

Requirements for Youth and Young Adults

14. At the Foster Care Review of a youth or young adult, the panel reviews the Youth Readiness Assessment Tool (when applicable) and any updates to the Action Plan that address the needs identified to prepare the youth or young adult for living successfully as an adult. (See Permanency Planning Policy, Section I – Permanency Planning for Youth in Department Placements.)

Requirements Prior to Youth's 18th Birthday

15. At the Foster Care Review that occurs within 6 months prior to the youth's 18th birthday, the panel considers and may approve the youth's request to receive young adult services from the Department. If there is any disagreement from either the panel or the Department with the youth's request, or if after the Foster Care Review the youth or Department change their agreement regarding the decision to receive young adult services beyond age 18, it is the responsibility of an Area Office manager to convene a Young Adult Review Panel for review and decision within 20 working days. (See Permanency Planning Policy, Section I – Permanency Planning for Youth in Department Placements, Sustaining Department Connection with Young Adults.)

Requirements for Young Adults Receiving Services

16. When a young adult receives young adult services from the Department by signing a Voluntary Placement Agreement (VPA), a Foster Care Review is held every 6 months to assess whether the young adult's needs for safety, permanency and well-being are being met and to review progress toward living successfully as an adult. When the young adult and Social Worker determine that the young adult will be discharged from Department care and the case will be closed, the Foster Care Review addresses the following requirements:

- the young adult's Action Plan addresses actions needed prior to discharge and case closing;
- the young adult has been or will be notified, in writing, at least 30 calendar days prior to the date when discharge and case closing will occur;
- the young adult will receive the documents they need prior to the case closing; and
- the electronic case record includes a description of the resources that will be available to the young adult prior to case closing, as required by policy.

(See Permanency Planning Policy, Section I – Permanency Planning for Youth in Department Placements, Sustaining Department Connection with Young Adults.)

E. PROCEDURES: DECISION MAKING

Determinations

1. At the completion of the Foster Care Review, the panel makes determinations and may make recommendations. While recommendations are not binding, determinations made by the FCR panel are binding on the Area Office. The following determinations are made at the completion of the FCR:

- Whether any concerns for the child, youth or young adult's safety were identified through the review process;
- Whether the child, youth or young adult's placement is necessary as of the review date;
- Whether the child, youth or young adult's current placement is appropriate;
- Whether the placement resource fulfilled placement expectations to meet the child, youth or young adult's needs;
- Whether the Department has taken steps to ensure the child, youth or young adult's placement resource followed the reasonable and prudent parent standard;

- Whether the Department has taken steps to ascertain whether the placement resource provider offered the child, youth or young adult regular ongoing opportunities to engage in age or developmentally appropriate activities, working to help develop this child, youth or young adult's special talent/interest/gift;
 - Whether the Department adequately addressed the needs of the family;
 - The participation of each individual as follows for the period under review:
 - Did the parent/guardian, youth and/or young adult participate in the Action Plan?
 - Did the parent/caregiver demonstrate behavioral changes to reduce or alleviate danger or need for placement or to achieve desired outcomes?
 - Did the youth or young adult demonstrate observable changes to achieve desired outcomes for his/her safety, permanency and well-being?
 - The extent of progress made toward achievement of the child, youth or young's permanency plan;
 - The child, youth or young adult's most appropriate Permanency Plan determined by the FCR panel; and
 - The projected date for achieving the child, youth or young adult's Permanency Plan.
2. The Case Reviewer provides each panelist with the opportunity to defer decision-making until after the meeting has ended if they have additional questions that impact a determination and require further discussion. The Case Reviewer clarifies the areas in question and the plan to seek additional information.
- Address Disagreement**
3. When a Foster Care Review is conducted by 3 panel members and there is disagreement, a majority opinion of 2 prevails. When a Foster Care Review is conducted by 2 panel members who are unable to agree, the Case Reviewer makes the determination(s) and records the determination(s) in the Foster Care Review section of the electronic case record. The opinion of Foster Care Review panel member who disagrees with the determinations is documented under the "minority opinion" section.
 4. When a majority opinion cannot be reached by 3 panel members regarding the child, youth or young adult's most appropriate Permanency Plan, the Permanency Plan proposed by the Social Worker for the forthcoming 6 months prevails until a Permanency Planning Conference is convened.
 5. If the assigned Social Worker or Supervisor disagrees with any of the Foster Care Review panel's determinations, the Social Worker or Supervisor informs the Foster Care Review panel during the review and an attempt is made to resolve the disagreement.

F. PROCEDURES: FOLLOW-UP ACTIVITIES

Documentation

1. Following the Foster Care Review, the Case Reviewer is responsible for:
 - summarizing all determinations and recommendations;
 - identifying each panelist's agreement/disagreement with each of the determinations; and
 - documenting this information in the electronic case record within 10 working days of the review date.
2. The Social Worker is responsible for working with the family, youth and young adult to update the Action Plan for the next 6 months based on the determinations.

Approval

3. The FCR Manager reviews and approves the documentation of the Foster Care Review in the electronic case record within 30 working days of the

review date.

4. The FCRU Manager notifies the assigned Social Worker when the report is completed and sends or mails copies of the Foster Care Review Report within 7 working days of approval to the following applicable parties:
 - parent(s)/guardian(s);
 - adult guardian for an incapacitated person;
 - youth or young adult;
 - child, youth or young adult's attorney;
 - parent's attorney;
 - the placement resource; and
 - the guardian ad litem, if assigned.

Permanency Planning Conference

5. If the determination is made that a child, youth or young adult's permanency plan be changed or when a majority opinion cannot be reached by a 3 member panel, the Area Director/designee coordinates with the Regional Counsel to convene a Permanency Planning Conference within **20 working days** after the Area Office is informed of the Foster Care Review determination. The child, youth or young adult's permanency plan does **not** change until the Permanency Planning Conference is held and the change is approved.
6. In situations where the permanency plan determination made at the Permanency Planning Conference disagrees with the Foster Care Review determination, the case is referred to the Regional Director within 10 working days of the Permanency Planning Conference. The Regional Director determines the permanency plan within 10 working days of the referral and documents the decision in the electronic case record. (See Permanency Planning Policy for responsibility to notify the family when a permanency plan has changed)

Appeal

7. Parents, foster/pre-adoptive parents, the child, youth or young adult's attorney and any youth or young adult may appeal the Foster Care Review determination to change a child, youth or young adult's permanency plan by requesting a Fair Hearing within 30 calendar days after receiving the written Foster Care Review Report. All other FCRU determinations can be appealed by the party they are applicable to through the grievance process. (See Fair Hearing and Grievance Policy) There is no appeal of FCRU recommendations.

Alert Notices

8. **If concerns for a child, youth or young adult's safety are identified during a Foster Care Review, the Case Reviewer notifies the FCRU Manager of the concern at the conclusion of the review.** The FCRU Manager sends an **Alert Notice** immediately to the Area Director/designee responsible for the case. The Area Director/designee responsible for the case is required to document a response to the Alert Notice within 1 working day.
9. For all other concerns identified during a Foster Care Review, the Case Reviewer completes a **Foster Care Review Memo (FCR Memo)** that describes the concerns within 1 working day. Issues appropriate for an FCR Memo include, but are not limited to:
 - clinical issues regarding placement which need immediate review;
 - visitation issues, including insufficient visits to the child(ren), youth or young adult by the Social Worker;
 - concerns regarding medical needs;
 - 51A filed by the Case Reviewer;
 - significant delay/barrier to achieving permanency for the child(ren), youth or young adult;
 - issues related to Interstate Compact;

- no legal custody of a child or youth in placement;
- no active Voluntary Placement Agreement for a young adult in placement and
- no approved licensed home study of a family resource.

The FCR Memo is sent to the Area Director/designee responsible for the case and any other agency manager who could assist in the resolution of the issue identified. The FCR Memo is also reviewed by a FCRU Manager to determine if an Alert Notice is needed.

The Area Director/designee responsible for the case must document a response to the FCR Memo within 30 calendar days and indicate the action taken to resolve the issue identified.

10. For situations where concerns were identified at the last Foster Care Review by the Case Reviewer and no action was taken, the FCRU Director/designee sends an Alert Notice to the Area Director or Regional Counsel within 10 calendar days after the Foster Care Review. The Area Director or Regional Counsel must document a response to the Alert Notice within 30 calendar days and indicate the action taken to resolve the concern identified and what barriers, if any, are present that prevent resolution of the concern(s).

APPENDIX A

Invitees to a Foster Care Review

In accordance with Department Regulations 110 CMR 6.01 through 6.02, the following parties are invited to the Foster Care Review:

- the Social Worker(s) and Supervisor(s) assigned to the family;
- parent(s)/guardian(s) (including a putative or unwed father) except any parent whose parental rights have been terminated or whose child has reached 18 years of age, unless their attendance is requested by the young adult;
- youth and young adults;
- placement resource(s);
- child(ren), youth and young adult's attorney(s);
- parent's attorney(s), unless their client's parental rights have been terminated;
- Department Attorney; and
- Family Resource, Adoption and Adolescent Outreach Social Worker(s), as assigned.

Other parties, identified by the parent(s), youth, young adult or Area Office responsible for the case through the Social Worker may also be invited. Consideration should be given to the adults selected by the youth or young adult to consult with and advise them regarding the development of their action plan. (see, Family Assessment and Action Planning Policy and Permanency Planning Policy).

Parent(s)/guardian(s) may bring a support person to the Foster Care Review. The Area Director/designee, of the Area Office responsible for the family's case, approves the presence of any observer at the Foster Care Review and may not allow the presence of a support person when concerns of safety exist.

APPENDIX B

Content of a Foster Care Review

Each review considers the following issues, as applicable:

The necessity of the Department's involvement with the family and the appropriateness of the child, youth or young adult's placement. This includes a review of:

- a) the updated Family Assessment and Action Plan (FAAP), including the clinical formulation of the reason(s) for the Department's involvement with the family; and
- b) the child, youth or young adult's currently assessed needs for safety, permanency and well-being, including:
 - the safety of the child, youth or young adult in placement and of any open consumer child(ren) or youth living at home;
 - whether the child, youth or young adult is or should be placed with kin and/or siblings;
 - the child, youth or young adult's schedule for visits with parent(s)/guardian(s), sibling(s) and grandparent(s);
 - the provision of health care (medical, dental and mental/behavioral health) to the child, youth or young adult consistent with the "well-child" schedule and any follow-up recommended by the child, youth or young adult's medical provider;
 - the child, youth or young adult's educational needs and the stability of the educational setting;
 - the child, youth or young adult's regular opportunities to engage in age and developmentally appropriate activities; and
 - for youth who have reached age 17 years and 6 months, the youth's request to sustain Department connection at age 18 and beyond.

Participation in the written Family Assessment and Action Plan and the observable changes the family has made, during the period under review, to reduce or alleviate the danger or need for placement, or to achieve desired outcomes. This includes a review of:

- a) the Department's actions and efforts to address the reason(s) for the Department's involvement and to achieve safety, permanency and well-being for the child, youth or young adult, including contact with parent(s), child, youth or young adult and placement resource;
- b) each parent's/guardian's participation in tasks/services/supports identified in the Action Plan intended to reduce or alleviate the danger to, or the need for placement of the child or youth and whether desired outcomes were achieved, including the visitation schedule;
- c) where appropriate, the child, youth or young adult's participation in tasks/services/supports identified in the Action Plan and whether desired outcomes were achieved for their safety, permanency and well-being;
- d) progress made toward resolving the issues identified in the Family Assessment and Action Plan, updates to the Family Assessment and Action plan and/or the previous Foster Care Review;
- e) the placement resource's fulfillment of expectations necessary to meet the needs of the child, youth or young adult, including providing regular opportunities to engage in age or developmentally appropriate activities and
- f) the Department's actions and efforts to ensure the child, youth or young adult's placement is following the reasonable and prudent parent standard.

The extent of progress made toward achievement of the child, youth or young adult's permanency plan. This includes a review of any changes made to the child, youth or young adult's permanency plan and its current status.

The child, youth or young adult's permanency plan and the projected date by which the child, youth or young adult will achieve permanency either through:

- a) stabilization of family [i.e., with parent(s)/guardian(s)];
- b) reunification with parent(s)/guardian(s);
- c) adoption;
- d) guardianship by a person(s) other than the Department or its agent;
- e) care with kin; or
- f) another planned permanent living arrangement (only permitted for youth age 16 and older).

The Foster Care Review will consider making recommendations when needed for action planning during the next 6 months, including:

- a) tasks, services and supports necessary to achieve permanency for the child, youth or young adult; and
- b) the child, youth or young adult's schedule for visits with the parents/guardians, siblings not placed together, and grandparents.