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***Questions to Ask from the Bench: A***  
**Judicial Guide to Implementing Fostering**  
**Connections in Georgia**

(Based on the Judicial Guide to Implementing the Fostering Connections to Success and Increasing Adoptions Act of 2008, published by the American Bar Association Center on Children and the Law, the National Center for State Courts and the National Council of Juvenile and Family Court Judges)

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## Introduction

The Fostering Connections to Success and Increasing Adoptions Act (“Fostering Connections”) was enacted by Congress in 2008 to promote permanent families for children and youth in foster care. To this end, the law encourages maintaining family connections, supporting youth transitioning from foster care, and ensuring the health and educational well-being for children and youth in foster care.

Judicial oversight is critical for full implementation and realization of the law’s purpose and benefits. Judges should actively inquire about compliance with Fostering Connections mandates at every hearing and at each stage of the case. If judges fulfill this oversight rule by regularly asking questions, they create an expectation of compliance for all parties and, as a result, practice continues to improve.

Many of the provisions of Fostering Connections took effect on October 7, 2008, the date of enactment, and were required to be implemented immediately. A delay was permitted for those provisions that required amending state law for implementation. Provisions requiring immediate implementation included:

- Identification and notice to relatives
- Sibling placement
- Transition plans for youth
- Educational stability and attendance
- Health oversight and coordination plan, and
- Adoption incentive program expansion

The majority of these provisions were codified in Georgia law with the passage of House Bill 1085 in the 2010 session of the Georgia General Assembly. House Bill 1085 amended O.C.G.A. §15-11-58 to incorporate the requirements for sibling placement, transition planning for older youth, and educational stability. Remaining aspects of the Fostering Connections Act were better suited to implementation through changes in DFCS policy, practice, and administrative processes.

This guide presents an overview of each section of Fostering Connections, describes how the law has been implemented in Georgia, and provides questions for Georgia’s juvenile court judges to ask from the bench to help ensure compliance with the law and best practice.

## **Connecting and Supporting Relative Caregivers** ***Kinship Guardianship Program***

### Overview

Fostering Connections gives states the **option** to use federal Title IV-E funds for kinship guardianship assistance payments for Title IV-E eligible children cared for by relative foster parents committed to caring for these children permanently when they leave foster care. The use of federal funding to subsidize guardianships will offset and help free funds previously used for state guardianship programs and will help children placed with relative foster parents achieve permanency.

### Georgia Implementation

As of the date of this publication, Georgia has not elected this option, primarily because state funds are inadequate to satisfy the match requirement. However, Georgia law and agency policy contain the requisite features of a kinship guardianship program that satisfies the purpose of Fostering Connections to maintain and support family connections. Permanent guardianship is a dispositional option for children involved in deprivation cases pursuant to O.C.G.A. §15-11-30.1(a)(2)(A), and financial assistance is available to relatives who become permanent guardians under circumstances contemplated by Sections 1004 and 1016 of the DFCS Foster Care Services Manual.

### Georgia Law

To be eligible for a permanent guardianship under Georgia law, a child must first have been adjudicated deprived. Additionally, the court must find that reasonable efforts to reunify the child with his parents would be detrimental to the child or find that the parents have consented to the permanent guardianship. Finally, adoption must be ruled out based on a judicial finding that it is not in the best interest of the child.<sup>1</sup>

To be eligible to become a permanent guardian, the proposed guardian must be found able to provide a safe and permanent home for the child. The court must further find that the individual chosen is the most appropriate person to be the child's permanent guardian and that the permanent guardianship arrangement is in the best interest of the child.

### DFCS Policy: Subsidized Guardianships

Subsidized guardianship payments may be available to a relative caregiver<sup>2</sup> after a child has been in foster care for a minimum of 12 months. The relative caregiver must be a

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<sup>1</sup> Note that permanent guardianships under Georgia law are not limited to relatives. Pursuant to O.C.G.A. §15-11-30.1(a)(2)(A)(ii), if the individual chosen as the child's permanent guardian is not a relative, the dispositional option of "placement with a fit and willing relative" must also be ruled out pursuant to a judicial finding that it is not in the best interest of the child. Non-relative guardianships are not the focus of Fostering Connections and therefore, treatment of guardianships in this implementation guide will be limited to relative guardianships.

<sup>2</sup> Defined by policy to include relatedness by blood, marriage, or adoption.

formally-approved foster parent and must complete and receive a favorable recommendation on a Relative Care Assessment (RCA) and a Comprehensive Child and Family Assessment (CCFA). The application for assistance must be accompanied by proof of the juvenile court award of guardianship. In addition, the child is not eligible if his financial supports (child support, SSI) exceed \$400 per month.

The subsidized guardianship rate is calculated at 80% of the foster care board rate based on the child's age. Eligibility is renewed annually, and payments continue until the child reaches age 18 or until high school graduation, up to age 19, unless a disruption event occurs such as termination of the guardianship, or the child runs away, marries, returns to his parent, is incarcerated, dies, or returns to foster care.

An enhanced subsidy may be available for relative guardians who have an annual income of less than \$150,000. In addition, as with the standard subsidy, the child's financial supports (child support, SSI) cannot exceed \$400 per month to be eligible.

## Permanent Guardianships: *Questions to Ask from the Bench*

- Why is guardianship the most appropriate permanency option for the child?
  - What steps have been taken to determine that reunification with the parent would be detrimental to the child?
    - Did the parent(s) consent to the guardianship?
    - What efforts have been made to discuss guardianship with the child's parents?
  - What steps have been taken to determine that adoption is not an appropriate permanency option for the child?
    - What efforts have been made to discuss adoption with this relative caregiver and what are the reasons why adoption was not chosen as the permanency plan?
  - Why is permanent guardianship in the best interest of the child?
    - Why is a permanent guardianship *with this person* in the best interest of the child?
  - Can the proposed guardian provide a safe and permanent home for the child?
    - In what ways has the guardian demonstrated a commitment and ability to care for the child permanently?
    - What is the relationship between the guardian and the child's parents?
  - Will siblings be placed together in this guardianship?
    - If not (because joint placement is contrary to the safety or well-being of a child), what is the plan to keep them connected?
- Do the child and the guardian meet the eligibility requirements for a subsidized guardianship?
  - What efforts have been made to discuss the availability of a subsidy with the guardian?
  - Has the child been in foster care for at least 12 months?
  - Has the relative foster parent successfully completed a RCA and a CCFA?
- What is the visitation plan, if applicable?
  - Should the visits be supervised?
  - What is the location and frequency of the visits?
  - Who should participate in visits (e.g., siblings, other relatives, etc.)?
- Who is the successor or standby guardian?
- Are there any other necessary provisions or conditions that should be specified in the court order?
  - Is there a child support order in place?
  - Do the parents, the guardian, and the child understand their respective rights and responsibilities?
  - Is there a clear process for considering modification of guardianship orders when necessary, and are the parties aware of the process?

## **Connecting and Supporting Relative Caregivers** ***Identification of and Notice to Relatives (Diligent Search)***

### Overview

Within 30 days after the child is removed from his parents' custody, Fostering Connections requires state agencies to exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of a child (including any other adult relative suggested by the parents).

The notice must:

1. Specify that the child was removed from the custody of the parent(s);
2. Explain the options the relative has to participate in the care and/or placement of the child, and any options that may be lost by failing to respond to the notice;
3. Describe the requirements to become foster parents;
4. Outline available services and supports;
5. Describe the state's kinship guardianship assistance program, if one exists.<sup>3</sup>

This notice requirement is subject to exceptions due to family or domestic violence.

Though not explicitly required by Fostering Connections, best practice and federal implementation guidance encourages the notice to be in writing, recommends early engagement of relatives for children at risk of removal, and suggests the use of multiple methods of notice to relatives.

Fostering Connections permits the use of the Federal Parent Locator Service to obtain state and federal child support data to help child welfare agencies carry out their responsibilities.

The requirement that states provide notice that a child is entering or has entered foster care supersedes and preempts any federal, state, or local confidentiality law. However, only the information necessary to comply with this federal requirement can be shared. The relative should simply be notified of the removal or impending removal and provided the required information. There is no requirement to share the circumstances leading to the removal in the initial notice.

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<sup>3</sup> Although Georgia has not yet elected the kinship guardianship assistance program option provided for by Fostering Connections, the state does operate a subsidized guardianship program for relatives as described in the preceding section. To fulfill the family connection purposes of the federal law, best practice would suggest that DFCS describe the state relative guardianship assistance program to all identified relatives.

## Georgia Implementation

The diligent search provisions of Fostering Connection are incorporated into state law in O.C.G.A. §15-11-55(a)(2)(B). DFCS has adopted conforming policy in its Foster Care Services Manual, Section 1002.3.1.

### Georgia Law

Consistent with federal law, state law requires DFCS to “exercise due diligence to identify a parent or relative of the child” within 30 days of removal. Georgia law is more expansive than Fostering Connections, requiring also that DFCS seek out “other persons who have demonstrated an ongoing commitment to the child.” All adult relatives who are identified by the agency are to be provided with notice:

1. Specifying that the child has been or is being removed from parental custody;
2. Explaining the options the relative has to participate in the care and placement of the child and any options that may be lost by failing to respond to the notice;
3. Describing the process for becoming an approved foster family home and the additional services and supports available for children placed in approved foster homes; and
4. Describing any financial assistance for which the relative may be eligible.

Pursuant to state law, the results of the search and notification must be documented in writing and filed with the court before the first review. Moreover, the court is directed to order the parent or other legal guardian of the child to provide the names and addresses of all adult relatives and other persons who might be considered possible placements for the child, and this information must be supplemented on an ongoing basis, at each judicial review or citizen panel review.

As required by Fostering Connections, the notice provisions in state law are inapplicable in situations of family or domestic violence.

### DFCS Policy

Section 1002.3.1 of the Foster Care Services Manual specifies that a “reasonably diligent search” must be conducted to identify individuals -- including parents, relatives, and other persons who have demonstrated an ongoing commitment to the child – who may be considered a resource for placement or custody of the child. Information gathering should begin during the investigation stage and will intensify once the child is removed. Child Protective Services investigators and Placement caseworkers are encouraged to conduct the search on the “front-end” to increase the likelihood of making a sound placement decision and to expedite permanency.

Though degrees of relationship are not specified by law, DFCS policy defines “relative” to include those related by blood or marriage, on both the maternal and paternal side, and lists as examples: great-grandparents, grandparents, uncles, aunts, adult cousins and adult siblings. The biological father who is not the legal father of the child and his relatives are also to be included in the search and notification process.

To obtain the information, caseworkers are instructed by policy to interview the child and child’s family, review the CCFA, check all DFCS data systems, and consult with collateral contacts such as the CASA, the child’s attorney or guardian *ad litem*, the child’s teachers or day care providers. Any identified relatives are to be contacted directly, via face-to-face exchange, by telephone or by mail.

DFCS policy further requires that the search results be documented and filed with the court. Current versions of policy incorrectly state that the search should be completed and a report filed with the court no later than 60, and up to 90 days, from the date of the child’s removal. Agency policy also fails to impose an ongoing duty to proactively search for relatives and update the court report accordingly. However, a county letter issued June 12, 2009 clarifies the changes to DFCS diligent search practices required as a result of the Fostering Connections Act. Social Services County Letter No. 2009-03 explains that DFCS must “exercise due diligence” to identify parents, relatives or individuals who have demonstrated an ongoing commitment to the child and further, that the diligent search must be conducted within 30 days after a child is removed from the home. The content of the notice is also specified in accordance with the federal law, and a standard form was created and distributed to the field. Additionally, an ongoing duty to supplement the information is imposed.



## Diligent Search for Relatives: *Questions to Ask from the Bench*

- Which relatives have been identified? Have they all been notified? If not, why not?
  - What efforts have been made to identify, locate, and engage a non-custodial parent?
- How has the agency exercised “due diligence” to identify and notify all relatives (ask at the first hearing and all subsequent hearings, when appropriate)?
  - Has the agency used a combination of good casework and technological resources?
  - Have both paternal and maternal relatives been identified and notified?
  - Has the agency asked the child to identify who is important in his or her life?
    - Has this led to the identification and notification of other adults with an ongoing commitment to the child?
- Have the results of the agency’s search been filed in writing with the court before the first review?
- Ask the parents and the child, in a developmentally appropriate manner, to identify relatives and possible placement and family resources. Judges should speak directly to parents on the record about:
  - The parents’ understanding of the possible benefits to the child if the child is placed or has continued contact with people he knows;
  - The parents’ understanding of the necessity to place the child with people he doesn’t know (i.e., formal foster care) if the agency cannot locate a suitable relative placement.
- Which relatives have come forward as resources for the child? How would they like to be involved (e.g., visitation, placement resource, respite care provider)?
- What efforts have been made to ensure the relative understand the various placement options available?
  - What efforts have been made to ensure they understand the options that may be lost by failing to respond to the notice?
  - What efforts have been made to ensure the relative caregivers and the family (parents and child) understand the role of the relative in the process?
  - How were family members made aware of ways that they may stay connected with the child and engaged in the child’s case even if they are not a viable placement option?
  - What efforts have been made to ensure that relatives understand the support and services available to them under the various placement options?
- Is the agency making plans to approve the relatives seeking placement as formal foster parents?
- Has the child been asked what his placement preference is?
- Are there family or domestic violence issues that warrant making an exception to the identification and notice requirements?
- Will the agency continue to proactively identify and provide notice to family members beyond the 30-day requirement? How will results be made known to the court?

## **Connecting and Supporting Relative Caregivers**

### ***Allowing Waivers for Non-Safety Licensing Standards for Relatives***

#### Overview

Fostering Connections *allows* states to waive non-safety licensing standards for relatives on a case-by-case basis in order to eliminate barriers to placing children safely with relatives in licensed/approved foster homes. These standards may include requirements such as mandatory square footage and minimum numbers of bedrooms or bathrooms per person.

#### Georgia Implementation

No explicit changes have been made to state law to effectuate this provision of Fostering Connections. However, these matters of policy may be considered for the appropriateness of a waiver on an individual case basis.

**Waivers of Non-Safety Licensing Standards for Relatives: *Questions to Ask from the Bench***

- Have relatives come forward and/or been identified as placement resources for this child? Have they been approved as foster parents?
- What barriers, if any, are there to approving a relative placement for this child?
  - Are these barriers safety-related?
- Have waivers been considered in this case to enable safe and prompt placement with a relative? If not, why not?
  - What is the procedure for decision-making regarding waivers?
- Does the relative need assistance in advocating for placement?

## **Improving Outcomes for Children and Youth in Foster Care** ***State Option for Extending Foster Care to Age 21***

### Overview

Under Fostering Connections, states have the **option** to provide federal Title IV-E support for eligible youth and young adults in foster care and those who exit to adoption or guardianship at age 16 or older up to age 21, provided the youth is:

1. Completing high school or its equivalent;
2. Enrolled in post-secondary or vocational training;
3. Participating in a program to promote or remove barriers to employment;
4. Employed 80 hours/month; or
5. Incapable of doing any of the activities described above due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.

### Georgia Implementation

Georgia has not yet elected the Fostering Connections option to extend foster care to youth beyond the age of 18, primarily due to state budget constraints.

### Georgia Law

Fostering Connections promotes youth engagement in the planning and decision-making process, building on the requirements of the federal Child and Family Services Improvement Act of 2006 (Pub. L. 109-288) which requires that children in foster care be consulted with respect to the proposed permanency plan. That requirement was previously codified in Georgia law as O.C.G.A. §15-11-58(o)(4) in 2007.

### DFCS Policy: Independent Living Program

Though fundamentally different from the extension of foster care available under Fostering Connections, DFCS does provide a generous package of supports through its Independent Living Program (ILP), which is supported by state funds and federal funds allocated through the John Chafee Foster Care Independence Act.

The purpose of the ILP is to:

1. Identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention);
2. Help children who are likely to remain in foster care until 18 years of age receive

- the education, training, and services necessary to obtain employment;
3. Help children who are likely to remain in foster care until 18 years of age prepare for and enter post-secondary training and education institutions;
  4. Provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interactions with dedicated adults;
  5. Provide financial, housing, counseling, employment, education and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood; and
  6. Make available vouchers for education and training, including postsecondary training and education, to youths who have aged out of foster care.

### Eligibility

According to DFCS Foster Care Services Manual, Section 1012, Independent Living Services (ILS) will be provided to any eligible youth between the ages of 14-17 who is in the temporary or permanent custody of the state. Additionally, DFCS will provide ILS to eligible youth who were adopted from foster care at age 14 and older and post-secondary education support services to youth who were adopted at age 16 and older. Independent Living Services include but are not limited to: education and housing supports; job training; health services; and life skills training.

To be eligible for ILP, a youth must have been in foster care at least 6 months (which can be noncontiguous) and be:

1. Age 14 or older and in the temporary or permanent custody of DFCS or committed to the custody of DJJ; or
2. Age 14 to 21 and previously in the temporary custody of DFCS or dually-adjudicated.

### Planning for Independence

DFCS must ensure the development of a Written Transitional Living Plan (WTLP) for all youth eligible to receive services through the ILP. The initial WTLP must be developed within 30 days of a youth in care turning age 14, or a youth age 14 or older entering care and becoming eligible. It will be updated as additional needs are identified, goals are achieved, or recommendations are ordered by the court. At a minimum, the WTLP must be updated every six months and 90 days prior to the youth's 18<sup>th</sup> birthday. DFCS will utilize a youth-centered family team meeting to develop and update the WTLP and will only expend ILP funds for individualized services outlined in the WTLP.

### Extended Support for Youth age 18 to 21

In addition to Independent Living Services while in foster care, a youth who is exiting foster care at age 18 may continue to receive Extended Youth Support Services (EYSS); EYSS is the package of services and supports received by youth who “sign themselves back into care.” DFCS must advise all youth ages 16 and over in foster care, verbally and in writing, of their ability to request EYSS after their 18<sup>th</sup> birthday. Interested youth may make the request upon turning age 18 or within 6 months of emancipating from foster care. Through EYSS, youth ages 18 to 21, who were in foster care at least six months, may continue to receive financial and case management support to accomplish specific educational or work related goals.

### Medicaid through Age 21

All youth who emancipate from foster care at age 18 are eligible for Medicaid through the age of 21. DFCS must notify all youth in foster care who are age 17 and older of their eligibility.

### State Post-Secondary Education Grant Program

In addition to the programmatic and financial supports available to youth through the Independent Living Program administered by DFCS, Georgia law recognizes a state-funded grant program for postsecondary education costs and living expenses. O.C.G.A. §20-3-660 provides for grants to cover “tuition, ancillary student fees, and the cost-of-living expenses for any undergraduate program of any Georgia public postsecondary institution, including all four-year and two-year colleges, universities and institutions of the Georgia Community and Technical College System” for Georgia foster and adopted youth who are otherwise eligible. Eligibility requirements include full- or part-time enrollment and satisfactory academic progress. Additionally, the student must be currently in foster care and participating in an independent living program or adopted before age 14 and eligible for adoption assistance. Pursuant to the statute, DFCS must advertise the availability of the program and ensure that youth, foster parents, and family services counselors are informed of application procedures.

### Improving Outcomes: *Questions to Ask from the Bench*

- Is the youth present? If not, why not? How and when was the youth notified of the hearing?
- How has the youth (age 14+) been made aware of the Independent Living Program? Is he actively participating? If not, why not?
- Did the youth actively participate in the development of his WTLP?
- Is the WTLP appropriate to help the youth transition successfully?
  - Does the youth agree with the agency's proposed permanency plan?
- Are the services identified in the WTLP being provided? If not, why not?
- How has the youth (age 17) been made aware of the opportunity to “sign himself back into care” and receive support through the EYSS program?
  - What steps have been taken to ensure that the youth understands the consequences if he chooses to exit care and not enroll in EYSS?
  - Is the youth aware of the process for “re-entering care” within 6 months if he changes his mind?
- Is the youth aware of his ability to access health care through Medicaid? Does he know how to apply?
- What is the youth's plan after he turns 18?
- Is the youth aware of the post-secondary grant program created by Georgia law and has he been provided with an application?

## **Improving Outcomes for Children and Youth in Foster Care *Transition Plan for Youth Aging-Out of Foster Care***

### Overview

Fostering Connections requires a personal transition plan for youth be in place within 90 days prior to their 18<sup>th</sup> birthday. This transition plan *does not replace* the Written Transitional Living Plan (WTLP) required as a component of the Independent Living Program. Further, this transition plan is *not the same as* the permanency plan, which focuses on the permanency goal and efforts being made to achieve permanency. The transition plan is a more detailed plan about the youth's future goals and objectives. It must be as detailed as the youth chooses and include specific plans for housing, health insurance, education, local opportunities for mentoring, continuing support services, health care power of attorney or proxy, work force supports, and employment services. If the youth has special health, behavioral health or intellectual needs, the child welfare agency should assist the youth in engaging needed adult-service systems to ensure that appropriate linkages are made in terms of provision of services and benefits. An agency caseworker, and, as appropriate, other representatives of the youth including but not limited to, the youths' attorney, CASA, and/or mentor must provide the youth with assistance and support in developing the transition plan.

Although not specifically required by Fostering Connections, best practice recommends that the court hold a hearing with the youth present after completion of the transition plan or at least 90 days before the youth's exit from care to:

- Assure that the youth participated fully in the development of the transition plan; and
- Ensure that the services and supports identified in the transition plan are available and adequate to assure the youth's successful transition to adulthood.

### Georgia Implementation

The transition planning requirements of Fostering Connections have been included in state law at O.C.G.A. §15-11-58(c)(9) and adopted into DFCS' Independent Living Program policy, found in the Foster Care Services Manual, Section 1012.

### Georgia Law

O.C.G.A. §15-11-58(c)(9) explicitly requires DFCS case managers and staff and, as appropriate, other representatives of the child, to provide the child with assistance and support in developing a personalized transition plan. That plan, which is to be as detailed as the youth elects, must include options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work



force supports and employment services. It must be developed in the 90-day period immediately prior to the date on which the child reaches age 18.

DFCS Policy

DFCS policy seems to treat the transition plan required by Fostering Connections as being the same as the Written Transitional Living Plan previously described. Agency policy includes a requirement to update the WTLP 90 days prior to the youth's 18<sup>th</sup> birthday, with a footnote citing to the transition planning requirements of Fostering Connections.

## Transition Plan for Youth Aging-Out: *Questions to Ask from the Bench*

- When did the independent living planning and transition planning begin?
  - When was the plan last updated?
- How was the youth involved in the development of and any updates to the plan? Was he consulted and did he meaningfully participate?
  - Is there anything that needs to be added or changed in the plan to assist the youth to transition successfully?
- Who else participated in the development of the transition plan?
- Has the youth received comprehensive sexual education, counseling and health care?
- What behavioral health, mental health, developmental health, reproductive health services, drug/alcohol or medical services are in place for the youth if continued services are needed?
  - Is the youth taking any prescription medication? If so, what is the plan for adhering to treatment and accessing ongoing medical care?
- If the youth is not competent to make his own health care and other legal decisions as an adult due to an intellectual or other disability, is a legal decision-maker formally in place?
  - Does a GAL or attorney need to be appointed?
- Is the youth able to obtain, understand and act on health information and make appropriate decisions?
  - Does the youth know who his current doctors and dentist are?
  - Does the youth know whether he can continue with these providers after exiting foster care? If not, does he have a plan for accessing health care? Does he have regular medical and dental providers or a medical home?
  - Has the youth been provided with a copy of his medical records?
  - What is the source of the youth's current and future health insurance?
  - Is the youth eligible for Medicaid through 21? If yes, does he know how to apply?
  - Does the youth understand the importance of having a health care power of attorney or health care proxy to make health care decisions on his behalf if he is unable to do so?
    - Who at DFCS has talked with the youth about this?
    - Who has the youth identified as his health care proxy?
- What is the youth's current educational status?
  - What is the youth's plan for post-secondary education or training?
  - What supports are in place to assist the youth with continued educational success?
  - What assistance has the youth received to prepare for and apply to post-secondary education or training, including assistance with financial aid applications?

- ❑ Has the youth accessed Independent Living Services and Education and Training Vouchers (ETVs)?
  - ❑ Is the youth eligible for other scholarships or financial assistance (e.g. Hope)?
- Where will the youth live when he leaves foster care?
  - ❑ Where is he living now? Will he return/remain there after his case ends?
  - ❑ Does he know how to negotiate a lease? Does he have a rent deposit and reasonable credit score?
  - ❑ How will he secure appropriate housing and avoid becoming homeless?
- Who are the youth's permanent adult connections? Who will he call in case of emergency?
- What is the youth's plan for remaining connected with siblings and other relatives?
- What is the source of current and future income? If the youth is working, where is he working?
- Does the youth have the legal documents that he needs, such as his birth certificate, social security card, driver's license or state ID, and Special Immigrant Juvenile Status, if appropriate?
- Does the youth have an understanding of the basic community?
- What aftercare services will be provided by DFCS?

## **Improving Outcomes for Children and Youth in Foster Care** ***Educational Stability***

### Overview

Building on the educational stability requirements of the McKinney-Vento Act, Fostering Connections requires that both proximity (to the child's home) and appropriateness of the educational setting be considered when making all placement decisions. Fostering Connections also requires child welfare agencies to coordinate with local education agencies to ensure that children remain in their home school at the time of placement unless remaining in the school is not in their best interest. If the child must change schools, the state must ensure immediate enrollment in a new school with all of the educational records of the child provided to that new school.

Fostering Connections also allows for some federal reimbursement for Title IV-E eligible school-age children for the cost of reasonable transportation so the child can remain in the school in which he is enrolled at the time of placement. Federal reimbursement for school transportation, as well as transportation for parents, foster parents, or children to school meetings or extracurricular events, is available to states as an administrative cost.

Finally, states are now required under Fostering Connections to ensure all Title IV-E eligible children are full-time students or have completed secondary school.

### Georgia Implementation

The education stability requirements of Fostering Connections have been included in state law at O.C.G.A. §15-11-58(c)(8) and adopted into Section 1011.7 of the DFCS Foster Care Services Manual.

### Georgia Law

O.C.G.A. §15-11-58(c)(8) requires reunification case plans to include “provisions ensuring the educational stability of the child while in foster care, including:

(A) An assurance that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

(B) An assurance that the state agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

(C) If remaining in such school is not in the best interests of the child, an assurance by the Division of Family and Children Services that such division and the local educational agencies have cooperated to assure the immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to such new school.”

Notably, by restricting the application of the educational stability provisions to reunification cases, state law deviates from Fostering Connections. The requirements of the federal law apply to all Title IV-E eligible children in foster care, regardless of permanency plan.

#### DFCS Policy

DFCS policy section 1011.7 is interspersed with directives to maintain children in their own schools whenever it is in their best interest *and feasible* (emphasis added). When making placement decisions, caseworkers are instructed to consider whether a change in school is necessary and the proximity of the placement to the child’s school. School changes are permitted when the child’s safety is an issue or the change is otherwise in the child’s best interest. If a change in school is necessary, the DFCS caseworker is encouraged to “explore ways to make the transition as smooth as possible both academically and socially.”

DFCS policy operationalizes the Fostering Connections mandate for “immediate” enrollment through a requirement to enroll the child in the new school within *two days* of his placement. DFCS must provide medical documentation and available educational records from the child’s case record to facilitate enrollment.

### Educational Stability: *Questions to Ask from the Bench*

- Is the child enrolled in and regularly attending school?
  - If not, order a party to immediately enroll the child.
- Is the school the child is attending appropriate to meet the child’s educational needs?
  - If not, appoint someone to immediately advocate for assessments or appropriate services for the child.
- When a change in placement is occurring, has the proximity to the child’s current school been considered when identifying the new placement?
  - Was it determined to not be in the child’s best interest to stay? If not, why not?
    - Who made the determination that remaining in the same school was not in the child’s best interest? What were the reasons? Are all parties in agreement? Was the youth’s opinion considered?
  - Are there efforts being made to either keep the child in the same school or return him to that school?
  - What are the barriers to maintaining the child in the same school (or returning the child to his home school), if any?
- Has transportation been arranged and provided? If the child is placed outside of the school district’s boundaries, is DFCS taking ultimate responsibility to ensure transportation is provided (either alone or in collaboration with the school)?
- Was the child immediately enrolled in the new school if not in his best interest to stay in the home school?
  - Have the child’s records been transferred?
  - If not enrolled immediately or records not transferred, order an individual to take immediate action.
  - Who has spoken to the school about the trauma the child may be experiencing due to separation from his family?
- Does anything else need to be ordered to ensure school stability for this child?
- Has the parent consented to the release of the child’s education records to DFCS and other advocates in the case?
  - Does the court need to issue an order to allow the school to release records to necessary individuals including the child’s attorney or GAL and DFCS?
- Is there an identified person to take the lead to ensure school stability and all necessary education services and supports (including ensuring credit calculations and graduation requirements are addressed)? If not, identify someone.
- Who is the child’s education decision-maker for general and/or special education?
  - If no one, does one need to be identified or appointed?
  - Are all IEPs and 405 plans current?

## **Improving Outcomes for Children and Youth in Foster Care** ***Health Coordination and Oversight***

### Overview

Fostering Connections requires states to develop a state plan for the ongoing oversight and coordination of health care services for all children in foster care. The health plan must be developed in coordination and collaboration with the state Medicaid agency and in consultation with pediatricians and other experts in health care and child welfare. The plan must ensure a coordinated strategy to identify and respond to the physical, mental, reproductive health and dental needs of all children in foster care.

Specifically, the plan must:

1. Provide a schedule for initial and follow-up health screenings;
2. Describe how identified health needs will be monitored and treated;
3. Describe how medical information will be updated and appropriately shared with providers;
4. Detail the steps that are or will be taken to ensure continuity of health care services, including the possibility of establishing a medical home for every child in care;
5. Include what will be done to ensure ongoing oversight of prescription medications, including psychotropic drugs, and
6. Describe how the state actively consults with and involves appropriate professionals in the assessment and provision of appropriate medical care for children in foster care.

### Georgia Implementation

The health care planning and coordination requirements of Fostering Connections are directed at the state agency level rather than at the individual case level. Accordingly, implementation of these provisions is occurring primarily through changes in administrative processes, such as enhanced data sharing between DFCS and the Department of Community Health.

### Georgia Law

No relevant changes have been made to Georgia law to implement the healthcare provisions of Fostering Connections.

### DFCS Policy

No specific changes to agency policy have been made with reference to Fostering Connections, but policies related to children's health care needs generally can be found at Sections 1011.2 (Medical Needs), 1011.4 (Dental Needs) and 1011.5 (Psychological and Mental Health Needs) of the Foster Care Services Manual.

## Health Coordination and Oversight: *Questions to Ask from the Bench*

- Although the health plan is not required by Fostering Connections to be done on an individual basis for each child, the court should inquire how the child's health care needs are being coordinated.
  - Who is the point of contact for questions and problem-solving?
  - If necessary, a judge can request a meeting to coordinate the provision of health services or order the provision of specific services related to a child's physical, dental, reproductive health or mental health.
- What steps have been taken to ensure continuity of health care services, including establishment of a medical home for the child?
  - What are the barriers to establishing a medical home?
  - Does the child have a dental home?
  - Does the child receive routine dental care services?
- Has the child received all necessary health screens and assessments? If so, when?
- Has the child received a comprehensive physical assessment? If so, when?
- Has the child received developmental, mental health, and substance use screenings? If so, when?
- What issues or problems were identified in these screenings and assessments, if any? How will these issues or problems be addressed?
- Is the child receiving all evidence-informed preventive health services and screenings (based on the age of the child), including oral and vision care, reproductive health, and vaccinations?
- Are the child's immunizations up to date?
- Does the child have a health passport?
  - Is all medical information regularly updated and shared with appropriate providers?
  - If the child is exiting care, has DFCS provided him with a copy of his medical records?
- Have there been regular assessments of prescription medication, including psychotropic drugs?
- How often does the child see a doctor and what is the overall quality of the health care the child is receiving?
- Is the child receiving age-appropriate reproductive health information and services?
- Has DFCS complied with the health care plan? If not, what action will be taken to correct the compliance problem and what is the timeframe to reaching compliance?



## **Improving Outcomes for Children and Youth in Foster Care**

### ***Sibling Placement***

#### Overview

Fostering Connections helps promote permanent family connections for children by requiring states to make reasonable efforts to place siblings in the same foster, kinship, or adoptive homes, unless contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the state must document why and make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless the interaction would be contrary to a sibling's safety or well-being.

#### Georgia Implementation

The sibling placement provisions of Fostering Connections were incorporated into Georgia law at O.C.G.A. §15-11-58(c) and through changes in DFCS policy at sections 1009.7 and 1009.8 of the Foster Care Services Manual.

#### Georgia Law

O.C.G.A. §15-11-58(c)(7)(A) and (B) require that reasonable efforts be made on behalf of a child in foster care to place siblings in the same foster care, kinship, guardianship, or adoptive placement unless DFCS documents that such a joint placement would be contrary to the safety or well-being of any of the siblings. In the case of siblings who are not jointly placed, DFCS must make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings unless such contact would be contrary to the safety or well-being of any of the siblings.

#### DFCS Policy

The requirement of DFCS policy is for efforts to be made, *whenever possible* (emphasis added), to place siblings together in care to preserve their connections to family. Agency policy further requires that, if siblings must be placed separately, frequent and regular contact between the children needs to be maintained. The case plan should be documented as to the reason why the children had to be placed separately. Reasons given for illustration include “due to the lack of available resources, pattern of disrupted placements, individual needs of the child that could only be met in separate placements, etc.”

Elsewhere in the policy, as a matter of practice guidance, DFCS caseworkers are instructed that placing siblings apart “should take place very rarely, and only if placement together would be contrary to the developmental, treatment and safety needs of a given child. Facilitating sibling participation in special experiences “like birthdays, graduations, and other significant family events” is encouraged, as are other forms of contact such as telephone calls and letters. All contact between siblings is to be documented in the case plan.

## Sibling Placement: *Questions to Ask from the Bench*

- Does the child have siblings?
- Does DFCS know the identity and location of all siblings?
- Are the siblings placed together?
  - If not, why are they separated?
  - Are the reasons for separation documented?
  - What is DFCS' plan for finding a permanent placement that would allow the siblings to be placed together?
  - Have the circumstances changed that would allow for placement with siblings?
- Has DFCS or the court consulted with the child and determined the child's wishes with regard to sibling placement and visitation?
- What "reasonable efforts" were made to keep the siblings together?
  - Reasonable efforts may include referrals to a family team meeting or targeted foster parent recruitment to locate sibling-friendly placements.
  - Have opportunities for non-safety waivers for any relative foster parents been explored?
  - What discussions have taken place between DFCS and the foster parents about the benefits of placing siblings together?
- If the siblings are not placed together, what is the plan for frequent visitation or other ongoing interaction between the siblings?
  - How often are the siblings seeing each other? (minimum of one time per month)
  - Is there a plan for siblings to see each other for holidays, birthdays, school vacations and over the summer?
  - Has DFCS complied with the visitation plan? If not, why not, and how will it be corrected?
  - Can the siblings talk with each other by phone? Can they email each other?
  - What other opportunities can be provided to keep the siblings closely connected?
  - Are sibling visits dependent on parental visits? If yes, what are the barriers to facilitating separate sibling visits?