

CSSD Policy

CSSD Policy			
Subject:	<b>Processing Child and Family Services Agency ( Foster Care) Cases</b>	Number:	<b>2010-1</b>
Approval Date:		Pages:	
Approved by:	<b>Benidia A. Rice, Director</b>	Revision	<b>FINAL</b>

- I. **PURPOSE:** To timely process foster care cases that have been referred by Child and Family Services Agency (“CFSA”) by establishing paternity, establishing support (financial and medical) orders, enforcing support orders and modifying orders.
  
- II. **AGENCY IMPACT:** This policy impacts various units of CSSD, with particular attention to Intake 1 and 2, Audit and Program Management Units and the Legal Services and Policy, Outreach and Training Sections.
  
- III. **REFERENCES:** 42 U.S.C. Code §§ 453, 454, 471; 45 C.F.R. § 235; 45 C.F.R. 302; 45 C.F.R. § OCSE Action Transmittal 93-03; OCSE Action Transmittal 99-09; OCSE Action Transmittal 99-04; 303; D.C. Code §§ 16-2301 – 2325 (ed. 2001 & Supp. 2008), Subchapter I-Proceeding Regarding Delinquency, Neglect, or Need of Supervision; D.C. Code §§ 16-2381-99 (Supp. 2008), Subchapter V-Permanent Guardianship; D.C. Code §§16-2341-48 (ed. 2001 & Supp. 2008), Subchapter II. Parentage Proceedings; D.C. Code §46-301.01 et seq., Interstate Family Support (ed. 2001); D.C. Code § 46-101, Age of Majority (ed. 2001); D.C. Code § 46-201 *et seq.*, Child Support Enforcement (ed. 2001); D.C. Code § 16-907, Parent and child relationship defined (ed. 2001); D.C. Code § 16-909, Proof of child’s relationship to mother and father (ed. 2001 & 2006); D.C. Code § 16-909.01, Establishment of paternity by voluntary acknowledgement and based on genetic test results; D.C. Code § 16-909.02 Full faith and credit to paternity determinations by other states; D.C. Code § 16-909.03, D.C. Code § 16-916.01, Child Support Guideline (ed. 2001 & Supp. 2006); Superior Court Rules of the Family Division (General Rules, Domestic Relations Proceedings and Rules Governing Neglect and Abuse Proceedings); PIQ-07-03,”IV-D AGENCY DISCLOSURES OF CHILD SUPPORT ENFORCEMENT INFORMATION TO STATE IV-B & IV-E CHILD WELFARE AGENCIES RELATED MATTERS”, May 10, 2007.
  
- IV. **DEFINITIONS:**
  - A. RESPONDENT- In Neglect, Guardianship or Adoption proceedings, the child, who is the subject of the proceeding, is referred to as the “respondent”. In Paternity and Support proceedings, the respondent is referred to as a “dependent.”
  
  - B. CHILD AND FAMILY SERVICES AGENCY (CFSA)- The Child and Family Services Agency is the Title IV-E agency for the District of Columbia. CFSA is

the District of Columbia public agency that protects child victims, and children at risk, of abuse or neglect.

C. **FACES.NET** - FACES is the District of Columbia's Statewide Automated Child Welfare System (SACWIS). With FACES.NET, CISA is able to provide cutting-edge technology to the staff of CFSA, thus ensuring the utmost quality of protective service and care for the children and families of the District of Columbia.

D. **LEGAL STATUS**- Legal status is created by a Family Court order, which vest in a custodian the responsibilities for the custody of a minor which includes: a) physical custody and the determination of where and with whom the minor shall live; b) the right and duty to protect, train, and discipline the minor; and c) the responsibility to provide the minor with food shelter, education and ordinary medical care. In neglect proceedings there are pre-adjudication and post-adjudication legal statuses.

The two pre-adjudication legal statuses:

- 1) *Conditional Release* – the minor is permitted to return home under the supervision of the Family Court. The parent must comply with services and other conditions in order to maintain the child in his or her care.
- 2) *Shelter Care* – the legal custody of the minor child vest in CFSA. The child may be placed in a licensed foster home, group home, residential, medical or psychiatric facility or an independent living facility.

The three post-adjudication legal statuses:

- 1) *Protective Supervision* – the minor is permitted to return home under the supervision, subject to return to the Division (Family Court) during the period of protective supervision;
- 2) *3<sup>rd</sup> Party Placement/Kinship Care* –the minor is permitted to reside with a relative or another individual who are deemed qualified by the Division (Family Court) to receive and care for the minor. Although the Family Court has the authority to place a child in 3<sup>rd</sup> party placement or kinship care status, it is the position of the Child Protection Sections to dissuade the court from doing so because this legal status does not
- 3) *Commitment* – the legal custody of the minor child vest in CFSA. When a respondent is committed to CFSA, he or she may be placed in a licensed foster home, independent living facility, medical or psychiatric facility or pre-adoptive licensed foster home. When a respondent is committed to CFSA, the respondent receives funding under Title IV-E of the Social Security Act for services including but not limited to:

placement, clothing, medical insurance, tutoring and counseling services. CFSA may refer these cases for respondents who are eligible for Title IV-E funds for child support so that it can be reimbursed for the Title IV-E funds provided to the respondent while in care.

D. **PERMANENCY GOALS-** Permanency goals are established after a respondent has been adjudicated (a legal determination) abused and/or neglected within the meaning of the D.C. Code and at the first disposition hearing. The disposition hearing is held after an adjudication of abuse and/or neglect. The purpose of this hearing is to determine the long-term disposition of the respondent. There are 5 permanency goals:

- 1) *reunification;*
- 2) *legal custody;*
- 3) *permanent guardianship;*
- 4) *adoption; and*
- 5) *alternative planned permanent living arrangement.*

When a respondent has been adjudicated neglected, the Family Court and parties will assign one of the permanency goals indicated above and take into consideration the safety of the respondent, progress made to alleviate or mitigate the causes necessitating placement in foster care and the necessity for and appropriateness of the placement.

CFSA may refer cases to CSSD for child support services when the respondent is committed to CFSA and the permanency goal is: legal custody, permanent guardianship or alternative planned permanent living arrangement because the respondent is not currently or will not return to the care of the person who the respondent was removed from, such as the custodial parent and non-custodial parent. In these cases, CFSA may seek support from the custodial and/or non-custodial parent.

V. **INQUIRIES:** Direct all inquiries to the Policy, Outreach and Training Section, (202) 724-2131; or the Intake Units 1 and 2, (202) 724-5594 and (202) 724-5192; or Audit and Program Unit, (202) 724-2431; or the Legal Services Section, (202) 724-6529.

VI. **POLICY:** Upon receipt of a written referral for child support services from CFSA CSSD will conduct a search on FACES.Net to determine the legal status of the child. CSSD staff will also conduct a search on DCCSES to determine whether the child(ren) is known to the child support system. In cases where the respondent is not known to the child support system, the Support Enforcement Specialist will create a new paternity and/or support case that will name CFSA as the custodial parent. The Audit and Program Management Unit (“APM”) will create the appropriate monetary obligations so that CFSA can be reimbursed for its Title IV-E funding.

In cases where a support order exists and the child(ren) are committed to CFSA, CSSD will follow the procedures below to create a new support case, naming CFSA as the custodial parent from the existing support case. If there are any arrears on the existing case(s), those arrears will remain on the existing case. The Audit and Program Management Unit (“APM”) will create the appropriate monetary obligations so that CFSA can be reimbursed for its Title IV-E funding.

During the life of the support case, CSSD staff may need to add a dependent and/or non-custodial parent to the support case in instances where another child is removed from the family and placed into CFSA custody. The CSSD staff person will follow the procedures herein to add or delete the name of a dependent or non-custodial parent on a support case.

CSSD staff in the Legal Services Section will litigate support and/or paternity cases in the Neglect proceedings in the same manner as in the Paternity and Support proceedings.

CSSD staff in the Audit, Program and Management, Wage Withholding and State Disbursement Units will also process cases where CFSA is the custodial parent in the same manner as in other paternity and support cases.

In cases where CSSD learns that the respondent is no longer committed to CFSA and has either returned to the parent or is placed with a 3<sup>rd</sup> party, CSSD will send a Continuing Services Packet to the new custodian within 5 business days. Within the packet, the new custodian will be notified about the existing support order and informed that CSSD will continue provide IV-D services.