

DEPARTMENT OF HUMAN RESOURCES  
SOCIAL SERVICES ADMINISTRATION  
311 WEST SARATOGA STREET  
BALTIMORE, MARYLAND 21201

DATE: September 30, 2003

CIRCULAR LETTER # 04-05

TO: Directors, Local Departments of Social Services  
Assistant Directors, Local Departments of Social Services  
Child Welfare Supervisors, Local Departments of Social Services

FROM: Dr. Rosemarie DiMauro Satyshur, Executive Director  
Social Services Administration

RE: Time Limited Voluntary Placement Agreements

PROGRAMS AFFECTED: In-Home Services  
Out-of-Home Placement Services

ORIGINATING OFFICE: Family and Children's Services

BACKGROUND: Supercedes Circular Letter #82-21

ACTION REQUIRED OF: All Child Welfare Services Staff

REQUIRED ACTION: The Local Department of Social Services will implement certain procedures when responding to requests for voluntary placements

ACTION DUE DATE: October 1, 2003

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## Purpose

This circular letter is to provide clarity about the entry of children into Foster Care through the voluntary placement process. Maryland's Out-of-Home Placement Services now offers two types of Voluntary Placements. They are: Children with Disabilities – Voluntary Placement and Time-Limited Voluntary Placement. Maryland continues to offer a voluntary placement to those parents/legal guardians who need a short-term placement. This Circular Letter will provide information on the Time-Limited Voluntary Placement process. Circular Letter 04-10 will provide details on how to provide voluntary placement services to children with disabilities.

## Background

Voluntary Placement means a child has entered Foster Care under a binding written agreement. Currently, in COMAR 07.02.11.06. Voluntary Placement is used by a parent or legal guardian who needs temporary care for a child because of short-term hospitalization, incarceration or some other type of brief circumstances. This type of voluntary placement will now be known as Time-Limited Voluntary Placement, which is entered into under a binding written agreement that grants the local department custody of the child. This type of placement is used when a child will be reunited with his or her family within 180 days. The Time-Limited Voluntary Placement can be valid for up to 180 days, at which time the child must either be returned to the custody of the parent/legal guardian or the local department files a CINA petition.

### **TIME-LIMITED VOLUNTARY PLACEMENT**

#### I. Conditions That Must Be Met For A Time-Limited Voluntary Placement

The local department may accept a request for a Time-Limited Voluntary Placement from a parent(s)/legal guardian under the following conditions:

- A. The local department must make reasonable efforts with the parent(s)/legal guardian to prevent an out-of-home placement;
- B. The parent/legal guardian will meet all responsibilities as set forth in Regulation .07.02.11.07;
- C. Both parents, the parent with sole legal custody, the sole caretaker parent of the child, or the legal guardian signs a binding written agreement;
- D. The parent(s) with legal custody/legal guardian who are parties to the signed agreement gives the local department the authority to consent to medical care, as set forth in Regulation .07.02.11.08;
- E. The parent(s)/legal guardian agree to pay child support in accordance with Regulation .07.02.11.26;
- F. The placement will be in support of a service plan to the parent(s)/legal guardian that will lead to reunification within six (6) months.

## II. Local Departmental Procedures

Local Departments of Social Services will implement the following procedures when a request for a voluntary placement is received for a Time-Limited Voluntary Placement.

- A. A parent/legal guardian must first request a voluntary placement through the local department of social services.
- B. The local department shall offer an appointment for an assessment meeting to be held within 5 working days of the request and will provide the parent/legal guardian with an Introduction Letter DHR/SSA 782 (Attachment 1) that includes the appointment date and time for the assessment and a checklist of necessary materials and information to be submitted to the local department for the assessment.
- C. During the assessment meeting, the local department representative will discuss and obtain the following information from the parent(s)/legal guardian:
  1. Placement history;
  2. Reason for the voluntary placement request;
  3. Identification of family strengths and limitations;
  4. Reasonable efforts to prevent placement;
  5. Legal documents (divorce decrees, custody agreements, child support orders, etc.);
  6. Child's birth certificate;
  7. Child's Social Security card;
  8. Medical information;
  9. Signed release of information for medical and mental health records;
  10. Educational information;
  11. Signed release of information for education;
  12. Information on paternal and maternal relatives;
  13. Family medical and mental health history; and
  14. The role of the agency.
- D. The local department shall complete a SAFE-C and RISK Assessment as part of the determination of the appropriateness of a voluntary placement.
- E. The local department will render a determination regarding eligibility within 5 working days of the assessment meeting based on a review of the information gathered. If the child is not appropriate for placement, the local department will mail a Family Service Intended Action Letter DHR/SSA 1068 (Attachment 2) to the parent(s)/legal guardian.
- F. If the child is appropriate for a voluntary placement, the following actions should take place.
  1. For a Time-Limited Voluntary Placement request, the local department will draft a binding written agreement that grants temporary custody of the child to

- the local department and states the rights and obligations of the parent(s)/ legal guardian and the agency.
2. The signed written agreement is then distributed by the local department to the parties to the agreement.
  3. The local department shall give the parent(s)/legal guardian oral or written notice that the voluntary placement agreement can be revoked by the parent in writing. When a written revocation is received, the local department shall:
    - (a.) Promptly return the child to the parent(s)/legal guardian; or
    - (b.) Immediately petition the court for emergency shelter care for the child.
  4. The local department shall inform the parent(s)/legal guardian of the obligation of the local department to petition the court for custody of the child when it is determined that the child's best interest requires out-of-home placement for longer than 180 days. The local department shall petition the court for custody:
    - (a.) When it is determined that the child will require an out-of-home placement longer than 180 days; or
    - (b.) Whenever the local department determines that it is in the child's best interest.

### III. Time-Limited Voluntary Placement Agreement

The DHR/SSA 830-E, revised 12/03 (Attachment 3) shall be used to initiate a Time-Limited Voluntary Placement agreement. When using this form, both parents, the parent with sole legal custody, the sole caretaker parent of the child, or the legal guardian and the local department representative shall sign the binding agreement. The date that the agreement is signed by all parties is the entry date into out-of-home services. The voluntary placement agreement delineates the responsibilities of the local department and the parent(s)/legal guardian while the child is in an out-of-home placement. It also gives the local department temporary custody of the child. Further, the agreement sets a time limit for the duration of the placement. This voluntary placement agreement requires reunification as the goal to be accomplished within 180 days. If reunification is not accomplished or it appears that the child cannot return home prior to the 180<sup>th</sup> day, the local department will file a CINA petition asking for the child to remain in an out-of-home placement.

### IV. Services and Documentation

The signing of a binding written Voluntary Placement Agreement is the entry date (case open date) into Out-of-Home Placement Services. It is at this time that the local department shall use In-Home Services Program Evaluation DHR/SSA 1062 09/03 (Attachment 4) for the assessment meeting. If it is determined that the child is appropriate for a voluntary placement, the local department may enter into a

Family Service Plan DHR/SSA 1064 (Attachment 5), Initial Service Agreement DHR/SSA 1021 (Attachment 6) in conjunction with the Time-Limited Voluntary Placement Agreement DHR/SSA830E. When a child actually enters an out-of-home placement, the technical and case plan requirements for Foster Care begin (i.e. 5 day initial medical, education, etc.). This means the casework services and the case plan must meet all of the Federal and State requirements for Out-of-Home Placement Services. Every child that is placed under a time-limited voluntary placement agreement must have a written case plan which is a part of the case record and a service agreement that is both part of the case record and made available to the parent(s)/legal guardian of the child. Also, the voluntary placement agreement shall be attached to the case plan. These legal mandates are to ensure that the child receives proper care and the family receives the services needed to achieve reunification or a permanency plan that is appropriate for the child. The case plan will document the child's progress, services, safety, medical and educational needs, as well as, the parent's support and involvement.

#### V. Court Intervention

Time-Limited Voluntary Placement - under this type of placement there are two instances in which a local department shall seek court intervention.

- A. When the local department determines that the child's best interest requires out-of-home placement for longer than 180 days, or whenever the local department determines that it is in the child's best interest, the local department shall petition the court for custody.
- B. When a written revocation from the parent/legal guardian is received by the local department but the local department determines that the child should remain in an out-of-home placement because of safety issues, emotional factors, or the potential risk of harm to the child, the local department shall petition the court for emergency shelter care of the child.

#### **CIS/FACTS CODES**

The CIS project category codes for requests for a Time-Limited Voluntary Placement shall be opened as a **05N1** – Intake and the clinical assessment shall determine the appropriate service category. If the child enters foster care, FACTS codes for the first child entry reason shall be **II** (Parental Incapacity) and legal status shall be **02** (Voluntary, Temporary Release of Custody)

- 1. Child is appropriate for voluntary placement but the placement is not available – CIS code of **05C1V** (Services are provided pending placement and the voluntary placement agreement is signed);
- 2. Child is appropriate, voluntary placement agreement is signed, and the placement is available – CIS/FACTS code of **06C1V** – on FACTS, the child's project code will be in the **06P series** using **VT** (voluntary treatment) as the first entry reason and the legal status shall be **02**;

3. Child does not require voluntary out-of-home placement, but supportive services are provided – CIS code of **05C1**.

The local department shall use the following tracking form (Attachment 7) to capture the reason for closing certain project categories:

- a. Parent withdrew request
- b. Department denied request
- c. Child entered placement
- d. Other agency services
- e. Other DSS services
- f. Court closed
- g. Services Completed

### **CLOSING PROCEDURES**

The local department shall close Time-Limited Voluntary Placements for the following reasons:

- a. Upon receipt of a written revocation, the child is returned to the parent(s) or legal guardian. The 06C1V and the 06P series is closed using one of the above closing reasons.
- b. The child's time in placement has ended and he or she has returned to the care of the parent(s) or legal guardian. The 06C1V as well as the 06P series is closed using one of the above closing reasons.
- c. The local department has filed a CINA petition because the child will require an out-of-home placement longer than 180 days or whenever it is in the child's best interest.

Initial contact for a voluntary placement should be made directly to the local department of social services in the jurisdiction in which the parent(s)/legal guardian resides.