

OCFP Office of Child and Family Policy	Department of Children and Family Services	
	Index No: 2003.03	Issuance Date: December 26, 2003
	Origin of Request: Field Office	
	Distribution: Executive Staff, Child Protection Managers and Supervisors (E, P, X)	
	Key Words: CFS 151-B, Notice of Change of Placement; adequate written notice, child protection investigation; child protective service worker; clinical placement review; concurrent investigation; foster child; foster parent; protective plan; service appeal	
Approved by:		

Interpretation

Applicable To: Written Notice (CFS 151-B, Notice of Change of Placement) to Foster Parents, Child's Family and Child of Change of Placement When Protective Plan Requires a Foster Child's Temporary Removal from the Home.

Policy Citations: Procedures 301.60 b) 3), Change of Placement from One Out-of-home Placement to Another

When the Department or agency makes the critical decision to move the child, it will inform the foster parent, relative caregiver, child's family, and child (through the child's representative), that the child will be moved to another placement.

- A) Unless there are concerns for the child's safety in accordance with subsection (3)(B), the Department or agency will notify the involved parties at least 14 days prior to the proposed move....

In the event the Department or agency has reason to believe the safety of the child cannot be assured in the current placement, the child will be removed immediately. Assessment of the safety of the child will be determined in accordance with the Child Endangerment Risk Assessment Protocol, Procedures 300, Appendix G or Procedures 315, Appendix A. Upon removal, the staff person will hand the caregiver a copy of the **CFS 151-B**. Copies of the form must also be sent

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to the child's family and the child (through the child's Guardian ad litem).

Procedures 301.65, Disputed Changes of Placement [Clinical Placement Review]

- a) If the child, family, foster parent or relative caregiver disagrees with the decision to change the child's placement, he or she may request a Clinical Placement Review of the decision within three working days of the receipt of the **CFS151-B**. ...
The **CFS 151-B** can be used by the caregiver to fax the request for a clinical placement review to the Department. The form has a section in which the caregiver can state the request for the review.
- b) Upon receipt of the request for a Clinical Placement Review, the Department, through the use of designated clinical staff, shall convene a Clinical Placement Review within 5 working days of the receipt of the request to review the placement decision. The purpose of the Clinical Placement Review is to review the current placement, the reason for the disruption or change of placement, the child's needs, and the appropriateness and stability of the proposed placement.

Rule 337.30 c), The Service Appeal Process [Clinical Placement Review]

When the issue is the removal or change of placement of a child, the service appeal process for the Department of Children and Family Services consists of a fair hearing after a clinical placement review of the placement decision pursuant to subsection (c) of this Section.... Mediation and emergency review is not available to any party when the issue is removal or change of placement of a child.

...

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Clinical Placement Review

- 1) When the issue is the removal of a child or change of placement, the party objecting to the removal or change of placement must request and complete a clinical placement review before filing a request for a service appeal. The request for a clinical placement review must be made within 3 working days after receiving the notice of change of placement.
- 2) During the clinical placement review there will be a review of the current placement, the reason for the disruption or change of placement, the child's needs, and appropriateness and stability of the proposed placement.
- 3) If an appeal is taken from the final decision of a clinical placement review, the child shall be placed in accordance with that decision during the pendency of the appeal.

Rule 337.70 b) 1) D), What May be Appealed [by foster parent]

... a change in the child's substitute care placement, provided that the child has been placed in the home for at least 60 days. This does not include placement with the biological or adoptive parents, or siblings, placements for purposes of adoption as ordered by the court, return to an individual or individuals with whom the child resided prior to entering substitute care or removals of a child at the request of the foster parents.

Rule 337.90 a) 2), Required Notice ["adequate written notice" to foster parent when foster child removed due to imminent risk]

Where the Department assessed a child to be in imminent risk of harm, the Department may omit "timely written notice", but shall send adequate written notice no later than the date of the action that shall include a statement explaining why timely notice was not provided.

Procedures 383, Concurrent Investigations; Section IV, Child Protective Service Worker (CPSW) Roles and Responsibilities

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1. Protective Plan

When a Protective Plan is necessary, the CPSW:

- may develop and implement the Protective Plan prior to the initial contact with the assigned licensing representative; and
- shall give a copy of the Protective Plan to the licensing representative within 3 days.

Questions: Procedures 383 (Concurrent Investigations) authorize a child protective services worker (CPSW) to develop and implement a protective plan which may include temporarily removing a foster child from a licensed foster home during a formal investigation.

1. **Do Procedures 301.60 require a CPSW to give the foster parent, child’s family and child a CFS 151-B, Notice of Change of Placement, when a foster child is temporarily removed from the foster home during a child protection investigation?**

2. **Rule 337 and Procedures 301.60 require “adequate written notice” to a foster parent, child’s family and child (through the guardian ad litem) no later than the date of removal when a foster child is determined to be in imminent risk of harm and is temporarily removed from the foster home. Procedures 301.60 require the CPSW to hand the foster parent a CFS 151-B at the time of removal and send copies of the CFS 151-B to the child’s family and child, but do not specify a timeframe in which the copies must be sent. Procedures 383 do not contain any of this language in regard to implementing a protective plan that requires temporary removal of a foster child from the foster home. Does the absence of instructive language in Procedures 383 change or negate the requirements in Procedures 301.60 and Rule 337 for providing the foster parent, child’s family and child with “adequate written notice” of the change of placement via the CFS 151-B?**

Discussion: Pursuant to Procedures 301.60, a change of placement from one out of home placement to another requires written notice to the foster parent, the child’s family, and the child

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(through the guardian ad litem). Unless there are concerns for the child's safety, a 14 day notice is required. However, when the Department has reason to believe the safety of the child cannot be assured in the current placement the child must be moved immediately.

When the Department makes the critical decision to move a child, the person removing the child will inform the foster parent, relative caretaker, child's family and child (through the guardian ad litem) that the child will be moved to another placement. The person removing the child must hand the caregiver a copy of the **CFS 151-B, Notice of Change of Placement** at the time of removal. Copies of the **CFS 151-B** must be sent to the child's family and child (through the child's guardian ad litem).

Rule 337.90 a)2) provides that the Department may omit "timely written notice" when the Department assesses a child to be in imminent risk of harm. However, the Department must send "adequate written notice" no later than the date of the action that shall include a statement explaining why "timely notice" was not provided.

Pursuant to Rule 337.30, any change of placement from one foster home to another, even a temporary one pursuant to a protective plan, raises an appealable issue and a clinical placement review.

Pursuant to Procedures 383, a Child Protective Service Worker may develop and implement a protective plan during concurrent child protection and licensing complaint investigations of a licensed foster home in order to assure a foster child's safety during the investigations. The protective plan may require "no contact" or "supervised contact" between the child and the persons listed as the alleged perpetrators in the child protection investigation. When an alleged perpetrator is a licensed foster parent, a protective plan requiring "no contact" may require the foster child's temporary removal from the foster home.

Response: 1. Yes. Pursuant to Rule 337 and Procedures 301.60, a Child Protective Service Worker (CPSW) who removes a child from a foster home must hand the foster parent a CFS 151-B, Notice of Change of Placement, at the time of removal, and

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must send copies of the CFS 151-B to the child's family and the child (through the guardian ad litem) no later than the date of removal.

2. **No. The absence of language in Procedures 383 does not change or negate the requirements in Procedures 301.60 and Rule 337 for the CPSW to provide "adequate written notice" to the foster parent, child's family and child (through the guardian ad litem) when temporarily removing a foster child pursuant to a protective plan. Procedures 383, Procedures 301 and Rule 337 are not inconsistent with each other in this regard, and, construed together, require the CPSW to hand the foster parent a CFS 151-B at the time of removal and send copies of the CFS 151-B to the child's family and child (through the guardian ad litem) no later than the date of removal.**