

<b>OCFP</b> <b>Office</b> <b>of Child and</b> <b>Family</b> <b>Policy</b>	<b>Department of Children and Family Services</b>	
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	<b>Approved by:</b>	

### INTERPRETATION

**Applicable To:** Department and POS staff who select placements for children in foster or adoptive homes

**Policy Citation:** Procedure 301.60, Placement Selection Criteria

Many questions were raised during the recent statewide training on Procedure 310.60, Placement Selection Criteria and the new forms, CFS 2017, Child/Caregiver Matching Tool and CFS 2018, Interethnic Placement Act (IEPA) Assessment.

This interpretation will provide answers to your questions from training. Because of the volume of questions received, we will address the most frequently asked policy questions in this first interpretation document. Additional interpretations will be published as other questions arise during implementation.

Revision of the CFS 2017 will be considered at a later date. We have received many suggestions regarding the format and content of the CFS 2017, and are making notes for use in revising the form. Revisions will be made after the form has been in use for several months, to provide time to identify any additional issues associated with implementation of this form.

**Question 1. Can family development staff fill in the caregiver portion of the CFS 2017 during licensing and update information at license renewal?**

Family development staff should be encouraged to use this form to gather information during the initial licensing or license renewal process. However, it may not be enough to gather this information each 3 or 4 years. Foster parent preferences may vary depending on the needs of the children currently in their home, or even from placement to placement. Foster parent support specialists and family development staff may want to review this form with foster parents more frequently to stay abreast of their present abilities and willingness to provide for children coming into care.

The Springfield Field Office will be field testing a model to coordinate resource information in the Best Practice implementation. Ruth Anne Scott (217-782-4000) and Tina Franklin (217-524-1983) can be contacted for more information,

or to share suggestions on implementation strategies. They can also be reached on Outlook.

**Question 2. Much of the information in the CFS 2017 is duplicated in other existing forms. Can the Department do something to consolidate forms and reduce duplication?**

Yes. The Office of Child and Family Policy is comparing the Matching Tool with other required forms to determine whether one multi-use form can be developed.

In time, the expansion of SACWIS data bases and templates will eliminate much of the burden caused by having multiple forms. In addition, the Office of Child and Family Policy submits new forms to the Best Practice Committee for review and to coordinate with recommendations for practice improvements.

**Question 3. Can children, birth parents or foster parents file a service appeal if they disagree with the choice of boxes checked off by the worker in the CFS 2017, or the worker's assessment of an IEPA issue in the CFS 2018?**

No. The service appeal process does not permit appeals from tools such as the CFS 2017 and CFS 2018 that are used as steps in the process of assessing and documenting a possible placement. However, foster parents may appeal a change of placement, and children and parents may appeal any service decisions that are documented on the CFS 151, Notice of Decision, and the CFS 497, Client Service Plan.

The CFS 2017 and/or CFS 2018 contain evidence of the information taken into account by the worker in making the placement decision. However, the actual issue on appeal would be the "placement decision" (to remove a child from a caregiver, or to place a child with a particular caregiver), not the specific information filled in on these two forms.

**Question 4. An adoption worker uses the CFS 2017 to assess 4 potential adoptive homes, one of which is the current caregiver, for a child who is free for adoption. When the worker selects the adoptive placement, can any of the caregivers considered by the worker appeal?**

The current caregivers can appeal the decision to remove a child and not to permit them to adopt the child. A potential caregiver who is considered for placement, but is not the current caregiver of the child, has no right to file a service appeal.

**Question 5: The birth parent asks the worker to place the child in a same race foster home. The worker disagrees that race should be a factor in placement selection and completes a CFS 2018. The worker assesses 2 prospective caregivers using the CFS 2017. The worker selects a transracial placement for the child, but race is not used as a factor in placement selection. Can the birth parent file a service appeal?**

The birth parent can file a service appeal if he or she believes the placement is not in the best interests of the child. The DCFS Administrative Hearings Unit will examine the evidence of the decision-making process, including the two CFS 2017's and CFS 2018, to determine whether the worker considered the individual needs of the child and the caregiver's willingness and ability to meet those needs.

**Question 6: Must I use the CFS 2017 when assessing a current foster home placement for potential as an adoptive placement for the child?**

Yes, the CFS 2017 should be used to assess a current foster home placement for potential as an adoptive placement.

The Child/Caregiver Matching Tool is intended to help the worker select the best possible placement for the child by ensuring that the child's individual needs can be met by the caregiver and to document the factors that were used in selecting the placement. Although a foster home conversion to adoptive home does not result in a change in the child's physical placement, there are significant differences in the purpose of the placement and the expectations of the caregiver. The placement must be assessed as a permanent home for the child, and the caregiver must be able to continue to meet the child's needs without caseworker assistance.

**Question 7: Must I use the CFS 2017 when a child is placed in:**

- A. a "bridge home"?**
- B. a respite care home?**
- C. a Youth Services home (MRAI)?**
- D. residential care?**

Procedure 310.60(b)(3) states that for purposes of determining the appropriateness of a change in placement from one substitute care provider to another, neither the Emergency Reception Center nor a psychiatric hospital is considered a substitute care provider. While this does not address all of examples given above, it gets at the intent of the policy, which is that the matching tool is to be used for longer term foster or relative care and not in residential care. However, we need to ensure that children's needs are also being met in temporary or emergency settings. Sometimes these settings can extend well beyond the time period originally intended.

The CFS 2017 is not required for children placed in the Emergency Reception Center, psychiatric hospitals, or residential facilities. Initially, it is not required for "bridge homes", "respite care", or Youth Service homes. However, if the child's stay will extend beyond a week in bridge homes, respite care, or any other temporary placement, the CFS 2017 shall be completed. If a ward's stay in a Youth Service home extends beyond the period of limited custody, the CFS 2017 shall be completed. Procedures will be revised to clarify these issues.

**Question 8: Must I use a CFS 2017 for each foster home that is a possible match for a child, or only for the caregivers that have high or substantial potential for a match? Will it ever be permissible to have only one CFS 2017 completed when a placement decision is made? For example:**

- 1. What if only one of the available homes showed substantial potential?**
- 2. What if only one home was available that could take 2 (or 3, etc.) siblings?**

The purpose of the matching tool is to help find the best possible placement for the child by evaluating whether the child's individual needs can be met by the potential caregiver, and to document why the placement was chosen. If you have

a pool of 20 potential foster homes, it would be counter-productive to complete the matching tool for each of them and would probably delay the child's placement.

It is permissible to limit the use of the matching tool to only those caregivers that have a high or substantial potential for a match, provided race, culture, or national origin are not being used to limit the selection. If the worker believes that other potential caregivers may be even more suitable, nothing prohibits the worker from assessing those other caregivers using the matching tool.

Many times, there is only one resource available. It is sufficient to complete the matching tool in that instance to document that caregiver is able to meet the child's needs.

**Question 9: How does a follow-up worker distinguish the parts of the matching tool that were completed by the child protection investigator at initial placement from the parts completed by follow up worker after case assignment and assessment?**

When making emergency placements, the investigator cannot be expected to do an in-depth assessment to identify all of the child's needs and find resources to meet those needs. The investigator is only required to complete any information that is available at the time he or she makes the placement.

After a comprehensive assessment, the follow-up worker should use the matching tool to assure that the caregiver can meet the child's needs. The worker should verify entries made by the child protection investigator using information gathered in the assessment process. In addition, the child's needs may change over time and the worker may need to adjust the child's portion of the matching tool.

Ultimately, the follow-up worker must assure that the CFS 2017 accurately reflects the child's needs and caregiver's ability to meet those needs. Since the caseworker is responsible to assure a complete assessment of the child and placement, there is no reason to distinguish the sections of the matching tool that were initially completed by the child protection investigator.

**Question 10: When a CFS 2018, IEPA Assessment Form, is completed, it is valid for one year. The CFS 2018 may be updated during the next 2 years. Does this mean I must complete a new form in its entirety every three years?**

The CFS 2018 must be completed any time race, culture or ethnicity are raised as factors in a particular child's initial placement or change in placement. If it becomes necessary to reassess the child's placement or to change the placement within a year, the CFS 2018 does not have to be updated. If the placement is changed or re-evaluated within 2 – 3 years, the CFS 2018 should be updated. A new CFS 2018 and clinical assessment are required if more than 3 years has elapsed since the CFS 2018 was completed.

It is not necessary to update the CFS 2018 if the placement is meeting the child's needs with respect to permanency, safety, and well being, and there is no need to consider another placement.

**Question 11: What are the recommended / required timeframes for conducting a clinical staffing when race, ethnicity, or culture is raised as an issue per CFS 2018?**

1. **Are staffings expected to occur prior to placement?**
2. **Must staffings occur on weekends or after-hours when placements must be changed then?**

Complete and thorough assessments are not always possible in emergencies or after-hours. Emergency placements are intended primarily to assure the child's safety. Longer-term placements and those placements that have the potential to meet the child's permanency needs must address all of the child's needs.

Generally, staffings on IEPA issues are expected to take place prior to placement, except in the case of emergency and after-hour placements. If the placement is expected to be a longer-term placement (until return home can be achieved) or a permanent placement, the staffing may be conducted as soon as possible during regular business hours. In the case of temporary and residential placements, an IEPA determination is not required. Policy will be revised to reflect this interpretation.

**Question12: Can workers address racial, ethnicity and cultural issues affecting a child's needs without violating IEPA?**

IEPA prohibits State and private child welfare agencies that receive federal funds from discriminating against a child, or a current or prospective foster or adoptive parent, on the basis of race, ethnicity or national origin when making placement selections. In passing IEPA, the Congress sought to remove caseworkers' individual beliefs and prejudices about what children of one race or culture need and what families of a different race or culture can provide from the placement selection process.

Other State and federal civil rights laws prohibit caseworkers, providers, foster parents, teachers or others from discriminating against children on the basis of their race, color, ethnicity or national origin. These laws require that services be offered to all children who need them and that decision-making be consistent, regardless of a child's race, color, ethnicity or national origin.

A caseworker may talk with a caregiver or child about any issue affecting the child's growth and development. Workers and foster parents should address and resolve racial and cultural identity issues in the child's life as they arise. Some examples are:

- Learning about the child's hair or skin care needs.
- Encouraging a child to attend cultural or ethnic functions in the community or to read books to learn more about his or her heritage, or the heritage of a parent or other relative.
- Providing advice to children and/or foster parents on dealing with discriminatory behavior by others toward the child, foster parent or others in the home.

It's impossible to predict all the issues that could arise. Examples can run anywhere from comments about the interracial make-up of the caregiver's household, to child specific issues such as dating and friendships.

**Question 13: How will foster parents learn more about the new Procedures 301.60 and the new forms?**

While specific training sessions for foster parents are not planned at this time, there are many avenues for conveying information about the new procedures and forms to DCFS and POS foster parents. The DCFS publication, *Fostering Illinois*, reaches a wide audience and can convey general information about the intent and application of the new procedures. Workshops on the procedures and forms can be offered at foster parent conferences, and information added to the Pride curriculum.

**Question 14: A Cook County POS training of trainers took place on November 15, 1999. What effective date will apply to Cook POS agencies implementing the new procedures and forms?**

While the effective date of the procedures is October 29, 1999, Department policy, as well as good social work practice, has always required that thorough assessments be conducted to assure that placements meet the needs of children. The new CFS 2017 is a tool to help the worker look at the factors that are important in making placement decisions and document that these factors were considered.

Any audit or review that measures an agency's compliance with Department policy or federal law should first and foremost be concerned with whether casework decisions are in the best interests of the child. The implementation of the new form must be analyzed in the total context, including what can reasonably be expected of an agency at a given point in time, provided the primary purpose of the policy or law has been achieved.

The effective date of the procedures is still October 29, 1999. However, the Department will not penalize any agency for which an audit or review indicates non-compliance with technical requirements, such as delay in implementation of the new form until workers have received training, provided the placements selected for children are in their best interests, and assure their safety and well being.

**Question 15: What happens when a subsequently prepared CFS 2017 shows the placement is not meeting the child's needs, even though at the time of the initial placement the initial CFS 2017 presented a match? The foster parent may not want the child moved and may threaten to file a service appeal if the worker decides to change placements.**

Paragraphs (A) and (B) of Procedures 301.60(b)(3), Change of Placement From One Out-of-Home Placement to Another, specifically address what a worker should do if the current placement is not meeting the child's needs. The worker must use the CFS 2017 to document the child's needs and the caregiver's ability (or in this case inability) to meet the child's needs. In addition, the worker must write a casenote documenting the reasons for the change of placement.

The potential of a service appeal should never deter staff from making decisions that are in the child's best interests. If there is reason to believe that the current placement is not in the best interests of the child, a CFS 2017 should be completed, indicating what needs are not being met by the caregiver. The worker should select a new placement, using the CFS 2017 to match the child and caregiver. If the current caregiver appeals, the reasons for the move will be presented at the administrative hearing. The CFS 2017 documenting the unmet needs of the child should be used as evidence to support the worker's decision to move the child.

**Question 16: Must a clinical staffing be completed if a birth parent requests that the child be placed in a same-race home and the placement already selected for the child using the CFS 2017 just happens to be a same-race placement?**

Parents who request that their child be placed in a home that reflects their race, culture, or national origin should be told that such requests cannot be honored if to do so would delay the child's placement or discriminate against the child or an otherwise suitable caregiver willing to care for the child on the basis of their race, ethnicity or national origin. The parent's request must be documented on the CFS 2018, IEPA Assessment Form.

The worker should select a placement for the child, using the CFS 2017 to identify the child's needs and the prospective caregivers' ability to meet those needs. In this example, the worker is not required to seek prior approval or request a staffing before making a same-race placement, if the worker follows the procedures and selects a placement without regard to the child or caregiver's race, culture or national origin.

**Question 17: The Physical Health section of the CFS 2017 asks whether the child is HIV Positive. Written reference to HIV or AIDS is usually kept in a sealed envelope in the case record because it is so highly confidential.**

The DCFS Office of Legal Services has recommended that the form be revised to delete the reference to HIV Positive and insert "chronic illness." Until the form is revised, workers should leave this line blank, or if this line has already been completed, white out the line.

**Question 18: Must a worker complete the CFS 2017 if the placement is court ordered?**

Yes, the worker must still complete the CFS 2017 even when a placement is court-ordered. If a court-ordered placement cannot or will not meet the child's individual needs, the worker should ask the DCFS Regional Counsel for assistance.

**Question 19: What if the worker is making a placement after hours and the child refuses to go to a foster home of a different race. Staffings are generally unavailable after-hours.**

The primary consideration in an after-hours placement is the child's safety. The worker should explain to the child that the immediate goal is to assure his or her safety, and that his or her placement preference will be considered as soon as possible. The worker should complete the CFS 2018 and follow the procedures in Section 301.60 to arrange for a clinical staffing.

**Question 20: Why aren't parents included in the clinical staffings on IEPA issues? Isn't this a violation of COA accreditation standards? Can it be "a village" when birth parents are left out?**

IEPA does not permit the Department to use race, culture, or national origin in placement selection decisions, even when a birth parent expresses a preference for a caregiver of the same-race, culture, or national origin. The worker needs to document the parent's concerns on the CFS 2018 and present them during the clinical assessment, if one is required.

**Question 21: Many adolescent children and youth verbalize that race and/or culture in placement selection is an issue for them.**

An older child's or youth's expressed preference should be documented on a CFS 2018 and considered when assessing whether race, culture, or national origin should be a factor in selection of a placement for that child or youth. An individualized, clinical staffing must be conducted, and the decision must be fully documented as required by Section 301.60(b)(4).

**Question 22: Is it a violation of IEPA to ask foster parents whether they have preferences about the race, culture, or national origin of children they are willing to parent? If it is not a violation, why isn't the child's race, culture or national origin mentioned on the matching tool?**

Foster parents may express a preference about the race, culture, ethnicity or national origin of the children they are willing or able to care for in their homes, just as they can refuse to accept medically complex children, teenagers or sibling groups. Based on a foster parent's expressed preference, a caseworker may decide not to consider the foster parent as a prospective caregiver for certain children. This is not a violation of IEPA.

The family development worker should explore a foster parent's willingness to parent transracially. Culturally sensitive training is widely available and should be offered to prepare foster parents to address racial and cultural issues that will arise as the children grow and develop.

IEPA prohibits a caseworker from discriminating against children and caregivers on the basis of their race, ethnicity or national origin. The CFS 2017 does not ask for the child's race, culture or national origin because IEPA prohibits their use as factors in placement selection unless an individualized assessment has been conducted and the agency determines that these factors must be taken into account in placement selection for that child. To assure compliance with IEPA, the Department requires a worker to complete the CFS 2018, IEPA Assessment Form, and, if required by Procedure 310.60(b)(4), request a clinical assessment, if the worker, supervisor, child, birth parent or another person with a close relationship to the child asserts that race, culture or national origin should be a factor in placement selection for the child.