

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Distribution: X and Z

POLICY GUIDE 2001.17 - Correction

COMPLIANCE MONITORING OF SIBLING VISITATION REQUIREMENTS

DATE: January 14, 2001
TO: Rules and Procedure Book Holders and Direct Service Staff
FROM: Jess McDonald
SUBJECT: Compliance Monitoring of Sibling Visitation Policy
EFFECTIVE DATE: December 1, 2001

I. Purpose

Please replace the first two pages of Policy Guide 2001.17 with these corrected pages. The correction, which appears at the bottom of page two, changes the threshold for compliance to six visits in a six-month period, not six visits per year.

Child welfare best practice and long standing Department policy have underscored the need to provide for regular contact between siblings who cannot be placed together – to maintain family relationships and mitigate against the separation and loss experienced by children who are removed from their homes. During fiscal year 2002, the Department will initiate penalties on Department regions and Purchase of Service agencies that are found to be out of significant compliance with the visitation requirements of the Aristotle P. Consent Decree. All assigned caseworkers and their supervisors are expected to ensure that sibling visitation occurs.

II. Primary Users

The primary users of these procedures are placement and follow-up staff of the Department and Purchase of Service agencies.

III. Key Words

Aristotle P, compliance monitoring, sanctions, sibling visitation, visiting plan.

IV. Background

In compliance with the Aristotle P. Consent Decree, placement staff of the Department and purchase of service agencies must make all reasonable efforts to place siblings together. When siblings cannot be placed together as allowed under the conditions stated in **Rule 301.70**, sibling visitation must occur in compliance with **Rules 301.220** and **301.230**.



V. Monitoring Tools

The Department has established statewide systems to monitor compliance with all Sibling Placement and Visitation Rules on a case by case basis. The purchase of service agency or Department Region will face sanctions as defined below when it is determined by one or more of these systems that Sibling Visitation is non-compliant with the requirements of **Rule 301.220**.

a. Statewide ACR Feedback Reports

As part of the routine case review, ACR reviewers will generate feedback reports identifying sibling visitation non-compliance. ACR staff will continue to data enter the feedback issue on the ACR database, and provide reports to DCFS-QA staff who will initiate contact with the responsible supervisor to resolve the visitation issue.

During Fiscal Year 2002, ACR reviewers will produce a feedback report for all cases, and will note if sibling visits have occurred less than six times during the previous six months and there is no documentation that sibling visits have been ruled out per the stipulations of the Aristotle P. Consent Decree listed below:

- court has ordered that sibling visits occur less frequently or not at all;
- the child has stated that he or she does not want to visit with his or her siblings, and has been counseled about the importance of maintaining family ties;
- one sibling may physically, mentally, or emotionally harm another during the visit, and supervision would be inadequate to eliminate the risk of such harm; or
- the child is placed in a residential facility more than 150 miles away from his/her siblings.

In order to verify that visits are occurring in accordance with the visiting plan the worker will be required to submit case notes and/or other documentation during the review regarding the dates the visits took place and observations/reports about the content of the visits. Appropriate documentation may include: **DCFS Visiting Record (CFS-502)**, **Sibling Visitation Form (CFS-315)**, and/or **Case Entry Notes (CFS-492)**.

The threshold for compliance will be increased in future fiscal years. The FY02 threshold is six visits during a six-month period.

b) Cook County Help Unit Staffing Reports

Cases brought to the Help Unit's attention by judges or other court personnel suggest significant negligence in visitation. Cases referred for/with identified sibling visitation issues will be subject to sanctions, and will be noted via the Help Unit's monthly tracking report.

c) Cook County Sibling Placement Protocol Documentation (Policy Guide 2001.18).

As required by Policy Guide 2000.16 sibling groups that are not placed together within thirty days of assignment are subject to a sanction if the assigned agency does not provide documentation of a diligent search and/or clinical reasons that prevent consolidated placement. The policy requests that a copy of a sibling visitation plan be included with documentation of the split placement. Failure to submit a current sibling visitation plan and/or documentation of the split placement will be subject to contract sanctions.

VI. Agency/Region Notification of Non-Compliance

On a monthly basis, the DCFS-Performance Contract team will receive reports from the DCFS-Division of Quality Assurance, ACR, and the Cook County Help Unit identifying cases which are out of visitation compliance with the Aristotle P. Consent Decree as noted above. For each case, all assigned DCFS Regional Administrators and/or POS Executive Directors will receive written notice of the non-compliance and sanction. The DCFS region and/or POS agency will be given thirty days from the date of the letter to request a review of the sanction. If, after thirty days, no request for review is submitted, the sanction will be carried out during the following month. If a request for review is submitted, no sanction will be issued until a decision on the request for review is made by DCFS.

VII. Agency/Region Request for Review Process

Agency Executive Directors and DCFS Regional Administrators will, on a monthly basis, receive a letter identifying those cases for which the agency will receive sanctions. The agency/region may request a review of the proposed sanction in writing only if one of the following criteria is met:

- a)** During the previous six months, sibling visits were not appropriate due to one of the following reasons:
- court has ordered that sibling visits occur less frequently or not at all;
 - the child has stated that he or she does not want to visit with his or her siblings, and has been counseled about the importance of maintaining family ties;
 - one sibling may physically, mentally, or emotionally harm another during the visit, and supervision would be inadequate to eliminate the risk of such harm;
or

- the child is placed in a residential facility more than 150 miles away from his/her siblings.
- b) The agency/region can provide documentation that *good faith attempts were made to schedule* sibling visits, but visits did not occur despite the worker's *due diligence*. A DCFS Visiting Record (**CFS-502**), Sibling Visitation Form (**CFS-315**), and/or Case Entry Notes (**CFS-492**) signed by a supervisor should be utilized in documenting these efforts.

Any request for review will be reviewed by the DCFS Office of the Executive Deputy Director within ten days of receipt. The DCFS Regional Administrator and/or POS Executive Director will be notified of the review decision in writing within twenty days of submission of the request for review.

VIII. Potential Sanctions

When necessary, sanctions will be imposed on all agencies responsible for case management of at least one child case within a sibling cluster. Sanctions will be issued only once during any six month ACR cycle for a child. If the case is not found to be in compliance at the next routinely scheduled ACR, a second sanction may be issued and the case will be considered for transfer.

a) Traditional/Relative/Specialized/Treatment Foster Care

Financial penalties will be levied every six months for non-compliant child cases. Agencies will be penalized one quarter of the agency's annual administrative rate for each child they serve. Cases will not be re-penalized unless a second report is issued for non-compliance during a subsequent six-month period.

Example:

Agency ABC is serving two siblings in Cook Traditional; Agency X is serving their sibling (one child in Specialized Foster Care in a different home). The case has been identified as non-compliant with the Aristotle P. Consent Decree because the three children are in separate placements and no visitation has occurred during the previous six-months. During the regularly scheduled ACR, a feedback report was completed with sibling visitation as a chronic issue.

Agency ABC will be charged a quarter of their annual administrative rate for each of the children they serve:

Agency monthly admin per child	\$569.33	BAT rate
Annualized per child admin rate	\$6,831.96	(\$569.33 x 12 months)
Quarter of annual admin payment	\$1,707.99	(\$6831.96 / 4)
Number of children served by Agency ABC	2	
Total Agency ABC penalty	\$3,415.98	(\$1,707.99x 2 children)

Agency X will be charged a quarter of their annual administrative rate for the child they serve:

	Agency monthly admin per child	\$762.50	(\$25 x 30.5 days)
	Annualized per child admin rate	\$9,150.00	(\$762.50 x 12 months)
	Quarter of annual admin payment	\$2,287.50	(\$9,150.00 / 4)
	Number of children served by Agency X	1	
b)	Total Agency X penalty	\$2,287.50	(\$2,287.50 x 1 child)

DCFS Managed Foster Care Cases

Foster care cases with feedback reports from the above monitoring sources and involving DCFS regional case management will be transferred to a compliant DCFS team or POS agency and appropriate disciplinary action may be initiated. Non-compliant child cases managed by a DCFS team will be consolidated to the sibling's POS agency. If the entire sibling group is managed by the Department, the entire family case will be transferred to a compliant team or POS agency. Case transfer will be initiated on a monthly basis by Department staff.

c) DCFS Managed non-Foster Care cases

For child cases managed by DCFS teams per policy (i.e. ILO, Detention, Group Home placements), and in which sibling visitation is non-compliant, the assigned worker and supervisor may be subject to disciplinary action. These cases will be identified through the same monitoring tools and reported on a monthly basis.

IX. Compliance

The Department Regions and Purchase of Service agencies will be given a four-month time period during which they are expected to bring their caseload into compliance. Although the monitoring process detailed in this procedure will begin November 1, 2001, non-compliant cases will not be sanctioned until February 2002.

The Department will closely monitor compliance with this and all other sibling protocols. Non-compliance with the Aristotle P. Consent Decree may result in Agency Performance corrective action up to and including intake hold.

X. Questions

If you have any questions regarding this policy, please contact Melissa Ludington at 312-814-6800.

XI. Filing Instructions

Place this Policy Guide with Rule Section 301.220, Sibling Visitation.