

110 CMR 6.00: SERVICE PLANS AND CASE REVIEWS

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6.01: Service Plan - Description and Purpose

- (1) A service plan is a written document which describes in detail the behavioral changes needed, the tasks to be undertaken and the services to be provided to either:
  - (a) strengthen a family unit; or
  - (b) reunify a family unit for a child who has been removed from his or her home; or
  - (c) provide an alternative permanent home for a child who has been removed from his or her home.
- (2) The service plan shall provide a basis for assessing the progress of family members in meeting the goal of the service plan.

6.02: Service Plan - Requirement

Every family receiving services from the Department shall have a service plan. The service plan should include both parents, including the non-resident parent when possible. If either parent is not included in the service plan an explanation should be included in the case record.

6.03: Service Plan - Elements (Generally)

Each service plan shall contain the following elements:

- (1) A statement indicating whether the goal of the service plan is to:
  - (a) strengthen the family unit; or
  - (b) reunify the family unit; or
  - (c) provide an alternative permanent home for a child who has been removed from his or her home.
- (2) A statement of the strengths of the family, the areas needing improvement and behavioral change(s) family members need to make to achieve the goal of the service plan and close the case.
- (3) A statement of each the task the family member must complete to achieve the goal of the service plan and the time by which or the frequency at which the task is to be completed.
- (4) A statement of the task(s) the Department and other parties must complete and the time by which or the frequency at which the task is to be completed.
- (5) A listing of the services to be provided to family members and the time by which or the frequency at which the service is to be provided.

6.04: Service Plan - Elements (Children in Substitute Care)

A service plan for a family with a child in substitute care shall contain the elements listed above and each of the following additional elements about the child:

- (1) The type of placement (foster care, intensive foster care, congregate care, *etc.*).
- (2) The history of any previous placements.
- (3) The reason for the child's current placement.
- (4) Efforts made by the Department and the family to prevent the need for placement.
- (5) The visiting schedule between the family and the child, or, if no visits are to be scheduled, the reason why visits are not in the best interest of the child.
- (6) The visiting schedule between siblings who are not placed together, or if no visits are to be scheduled, the reason why visits are not in the child's best interest.
- (7) The identification of the permanent plan for the child. The permanent plan may be either:
  - (a) Permanency through stabilization;
  - (b) Permanency through reunification;
  - (c) Permanency through adoption;
  - (d) Permanency through guardianship;
  - (e) Permanency through living with Kin; or
  - (f) Alternative Permanency Planned Living Arrangement.
- (8) The projected date by which the child may return home or be placed in another permanent living situation.
- (9) A description of the child's specific health, dental and educational needs while in placement.

6.05: Service Plan - Time for Completion; Case Opening

- (1) A service plan shall be completed within the following time periods:
  - (a) for all cases within ten working days after a comprehensive assessment is completed, but in no event later than 55 working days after the opening of the case.
  - (b) for a placement made on an emergency basis to ensure the immediate safety of a child, where there is no service plan, a service plan shall be completed within 30 working days after the placement.
- (2) Except in an emergency, every family shall have a service plan prior to placing a child in substitute care.
- (3) For purposes of developing a service plan the opening of the case occurs upon one of the following:
  - (a) the decision to support a 51A report after an investigation; or
  - (b) the decision to open a case for services after an initial assessment; or
  - (c) the receipt of an application for voluntary services; or
  - (d) a court order giving custody to the Department.

6.06: Service Plan - Agreement by Family

- (1) A service plan shall be, to the maximum extent possible, jointly developed by the Department and the family receiving services from the Department. If the parties are in agreement about the service plan it shall be signed by all parties and a copy shall be provided to the family.
- (2) If the parties are not in agreement about the service plan the Department shall prepare the service plan and a copy shall be provided to the family. The Department shall also inform the family that the family may seek a review of the service plan by using the Department's grievance procedure.

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(3) If the parties are in agreement about some but not all of the service plan, the family member has the option of noting and initialing the sections he/she does agree with, or adding services he/she would like the Department to offer, and signing the service plan with reservations.

6.07: Service Plan - Review of Existing Plan

A service plan shall at a minimum be reviewed during each case review or every six months.

6.08: Service Plan - Writing a New Plan

A new service plan must be written when there has been a change in the goal of the plan. An existing service plan may be updated and renewed if the goal of the plan is unchanged. However, no service plan may be renewed a second time.

6.09: Case Review - Types of Case Reviews

There are two types of case reviews:

(1) Foster Care Review. A Foster Care Review (FCR) is a review, conducted by a panel under the auspices of the Department's independent Foster Care Review Unit (FCRU) established under M.G.L. c. 18B, § 6A, of the service plan and status of any family with a child

(a) who is either:

1. committed by a court to the custody of the Department or an agent of the Department; or
2. in the custody of the Department via an adoption surrender, executed in conformance with M.G.L. c. 210, § 2; or
3. in the voluntary care of the Department pursuant to a Voluntary Placement Agreement; and

(b) who is not living at home six months from the time such child came into the care or custody of the Department or the custody of an agent of the Department.

(2) Permanency Hearing Review. A Permanency Hearing is a review conducted in the court which granted custody of a child to the Department. The review is conducted under the provisions of M.G.L. c. 119, § 29B.

6.10: Case Review - Foster Care Review (FCR)

(1) Requirement. The Department shall conduct a FCR within six months after a child is placed out of the home and every six months thereafter for a child who remains out of the home.

(2) Content. A FCR shall include consideration of the following issues:

(a) the necessity and appropriateness of the services to the family; and

(b) a review of the purpose of the service plan; and

(c) a review of the past six months' activities, including:

1. the Department's fulfillment of the tasks identified in the service plan;
2. the parent's fulfillment of the tasks identified in the service plan, including the visitation schedule;
3. the provider's fulfillment of the tasks identified in the service plan;
4. where appropriate, the child's fulfillment of the tasks identified in the service plan; and
5. progress made toward resolving the problems identified in the assessment or previous case review; and

(d) a review of the safety of the child and the necessity and appropriateness of the child's continued placement; and

(e) a review of the extent of progress made toward alleviating or mitigating the causes necessitating the child's placement; and

(f) a review of the goal and the projected date by which the child will achieve permanency either through

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1. stabilization with his or her parents or guardian;
  2. reunification and safely maintaining with his or her parents or guardian;
  3. adoption;
  4. guardianship by a person other than the Department or its agent;
  5. permanently living with Kin; or
  6. another permanent planned living arrangement; and
- (g) a review of the proposed direction of service planning for the next six months, including:
1. the steps necessary to achieve permanency for the child; and
  2. the visitation schedule for the parents and the means by which the schedule will be implemented; and
- (h) a review of the child's medical and dental checkups, consistent with the well-child schedule.
- (3) Structure and Format. A FCR shall be conducted by a three member panel consisting of:
- (a) a member of the FCRU, who shall convene and chair the panel; and
  - (b) a person who may or may not be a Department employee, provided that such person may not be the social worker or the supervisor of the case under review; and
  - (c) a volunteer, provided
    1. the volunteer shall represent to the maximum extent feasible the various socio-economic, racial and ethnic groups served by the panel; and
    2. the volunteer has, prior to participation, attended FCRU orientation and follow up training sessions; and
    3. the volunteer is not an employee of the Department (but may be a Department foster parent); and
    4. the volunteer is not an employee of, board member of, or volunteer associated with, an agency contracted to provide services to the child or family whose case is under review; and
    5. the volunteer does not know and is not known by the family; and
    6. the volunteer has signed an agreement to be a foster care review panel volunteer with the Department and acknowledged the circumstances which could lead to termination or non-renewal of the agreement.
  - (d) The format of the case review may vary depending on the family's needs and circumstances, and the number of participants in the case review. However, the following guidelines shall apply to each FCR review:
    1. The review shall be a structured discussion; and
    2. All participants shall be encouraged to participate and afforded the opportunity to express their views.
- (4) Participants. A FCR shall at a minimum invite the following people, who shall be notified in writing to attend the case review prior to its scheduled date:
- (a) parents of the child in placement, unless parental rights have been terminated or surrendered, under M.G.L. c. 210, §§ 2 or 3, or under M.G.L. c. 119, § 26, or unless a parent has a documented history of violent or assaultive behavior that is not mitigated by treatment and changes in behavior by the parent (in which case approval to exclude the parent from in-person participation in the case review shall be obtained from the FCRU member, and the parent shall be notified by the social worker of the reasons for such exclusion and shall be advised of alternative methods of providing input into the review.) The parents may invite other persons to provide support. While this may include an attorney, an attorney is not required.
  - (b) a putative or unwed father unless his parental rights have been surrendered or terminated, if:
    1. he is named on any legal papers (*i.e.* petitions, birth certificate, or other judicial decree); or
    2. he has formally acknowledged paternity; or
    3. he has been named as the father by the mother.
  - (c) the child, if 14 years of age or older, unless the child is a danger to him or herself or other participants or exhibits behavior that would make it impossible for the review to be conducted.

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- (d) the social worker assigned to the family and the children.
- (e) the supervisor of the social worker assigned to the family and the children, provided such supervisor may but is not required to attend.
- (f) foster parents.
- (g) substitute care provider, if a child is receiving substitute care services from an agency under contract with the Department.
- (h) the child's attorney or *Guardian Ad Litem*, if any.
- (i) staff of other public or private agencies and other individuals important to the child or family.

Any of the above persons who are invited, but unable to attend the case review shall be permitted to submit written comments in *lieu* of attendance.

- (5) Responsibilities of Social Workers. As part of a FCR a social worker shall:
- (a) verify periodic lists furnished him/her of all families in his or her caseload who are to be scheduled for case review; and
  - (b) notify the FCRU of the names and current addresses of the individuals who are to be invited to the review; and
  - (c) notify the FCRU if the family's primary language is other than English and advise the FCRU of resources available for an interpreter; and
  - (d) ensure that a current service plan is available for the case review; and
  - (e) discuss the pending case review with parents, foster parents, and the child prior to the review, to insure that all parties understand its format and purpose; and
  - (f) discuss any change in the service plan with the client, parents, supervisor, foster parents and providers prior to the case review, if such a change will be proposed at the case review; and
  - (g) notify FCRU staff of any casework issues which may require particularly sensitive handling during the review, or of any recent significant events which have occurred which might affect the case review; and
  - (h) attend the case review and provide clarification and information about the service plan; and
  - (i) notify his or her supervisor if he or she disagrees with the determinations of the case review panel; and
  - (j) write the service plan for the next six month period in a manner consistent with the determinations of the case review panel, unless such determinations are appealed.
- (6) Responsibilities of Supervisors. For a FCR, a supervisor shall:
- (a) in instances in which the social worker cannot attend the case review due to an emergency or illness, either attend the case review or provide for alternative staff representation; and
  - (b) ensure that the determinations of the case review panel are implemented unless:
    - 1. there is an appeal and reversal of those determinations by the Regional Director, as set forth below; or
    - 2. changes in case circumstances necessitate changes in the service plan, provided that the Area Director approves such changes.
  - (c) notify the Area Director if the determinations of the case review panel will be appealed.
- (7) Responsibilities of Area Directors. The Area Director or his or her designee shall:
- (a) in instances in which the social worker cannot attend the case review due to an emergency, illness, or scheduled vacation, provide for alternative staff representation; and
  - (b) ensure that all clients have up to date service plans; and
  - (c) review the monthly preliminary list of families due for review and make such adjustments as are necessary to case review scheduling; and
  - (d) ensure that the determinations of the case review panel are implemented unless:
    - 1. there is a reversal of those determinations pursuant to 110 CMR of the Department; or
    - 2. changes in case circumstances necessitate changes in the service plan, provided that the Area Director approves such changes.

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- (8) Responsibilities of FCRU Staff. FCRU staff shall:
- (a) schedule the date, time and place of the review and select the volunteer panel member; and
  - (b) invite all necessary parties to attend the review; and
  - (c) review the family's case record, including any prior service plan; and
  - (d) if necessary, seek out additional information from appropriate staff which will facilitate an effective review; and
  - (e) chair the case review; and
  - (f) prepare a written summary of the case review panel's determinations and recommendations.
- (9) Responsibilities of Panel Members. Case review panel members shall:
- (a) have equal authority during the case review; and
  - (b) prepare for the case review according to procedures established by the FCRU; and
  - (c) maintain the confidentiality of all client related information; and
  - (d) attend the case review as scheduled; and
  - (e) actively participate in the case review, in an objective and unbiased manner; and
  - (f) notify the FCRU if they have personal knowledge of the client or family whose case is to be reviewed.
- (10) Determinations Made by the Panel. The panel members shall discuss and determine:
- (a) the necessity and appropriateness of the child's continued placement in substitute care; and
  - (b) the extent of the parties' compliance with the written service plan and the actions which must be undertaken within specified time limits by all parties to achieve identified service goals; and
  - (c) the extent of progress which has been made toward alleviating or mitigating the causes necessitating the child's placement in substitute care; and
  - (d) the goal and the projected date by which the child may achieve permanency either through
    1. stabilization with his or her parents or guardian;
    2. reunification and safely maintaining with his or her parents or guardian;
    3. adoption;
    4. guardianship by a person other than the Department or its agent;
    5. permanently living with Kin; or
    6. another permanent planned living arrangement; and
  - (e) The FCRU panel member shall record the panel's determinations and recommendations on a form prescribed by the Department. Copies of the form shall be mailed by the FCRU to the:
    1. Area Director;
    2. social worker;
    3. parents;
    4. child aged 14 or older;
    5. substitute care provider;
    6. child's attorney and/or GAL, if applicable..The social worker shall put a copy of the form into the family's case record.
- (11) Panel Disagreement with Service Plan. If the determinations of the panel conflict with the service plan as written, the determination of the panel shall be binding upon the Department and shall be incorporated into a revised or new service plan unless the panel's determinations are successfully appealed as set in 110 CMR 6.12(12).
- (12) Appeal of FCR Determination.
- (a) Parents, foster parents, the child's attorney, and children over the age of 14 may appeal the Foster Care Review determination to change the service plan goal by requesting a Fair Hearing within 30 days after receiving the Foster Care Review Report. All other FCR determinations may be appealed through the grievance process.
  - (b) If the department social worker or supervisor disagree with any of the FCR determinations,, the area staff and FCR staff will attempt to resolve the disagreement in accordance with the Foster Care Review Policy.

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(13) Goal Change. Whenever the Foster Care Review panel determines, under 110 CMR 6.10(10)(d), that the goal for the child should be changed, the department must schedule the case for a permanency planning conference. The goal does not change until a permanency planning conference is held. If the permanency planning conference goal determination differs with the foster care review goal determination, the case will be referred to the Regional Director who will determine the goal.

6.11: Permanency Hearing

A Permanency Hearing is a review conducted by a court of competent jurisdiction under M.G.L. c. 119, § 29B, of a child under 18 years of age in substitute care. The Department shall participate in a permanency hearing to determine a child's permanency plan within 12 months of an initial order of commitment, or grant of custody to the Department, and every 12 months thereafter as long as the child remains in substitute care. If a child has entered substitute care through a voluntary placement agreement as set forth in 110 CMR 4.10 through 4.14, the permanency hearing will be held within 12 months of the child entering placement or within 60 days of the Department obtaining court custody, whichever is later. For children who remain in the Department's custody after they are placed home, a permanency hearing will be conducted if at the time the review is scheduled the child has been home for less than six months.

The process utilized for a permanency hearing review shall be in accordance with Trial Court Rule VI Uniform Rules for Permanency Hearings. The Department shall file with the court which committed the child to the Department's custody a permanency plan report 30 days prior to the permanency hearing date, and shall send a copy of the plan to the attorneys of record, or to a party who is unrepresented. If a parent has signed an adoption surrender, or if a parent's parental rights have been terminated by a court of law, the parent or counsel will not be sent a copy of the permanency plan.

The Department shall notify the child's current foster/pre-adoptive parent of the date of the permanency hearing. The current foster/pre-adoptive parent has the right to be heard at the permanency hearing.

At the permanency hearing the court shall determine the permanent plan for the child. In making such determination the court shall consult with the child, in an age-appropriate manner, the proposed permanency plan for the child. Such consultation may be through a report by the Department Social Worker, the Child's attorney or a guardian ad litem whose has discussed with the child the proposed permanent plan. A child age 16 and over may attend the permanency hearing review. The Department shall use reasonable efforts to achieve the permanency plan determined by the court. The Department may concurrently use reasonable efforts to achieve an alternative permanent plan if the permanent plan determined by the court is reunification with the family and the goal established through the Department's permanency planning conference is other than reunification.

REGULATORY AUTHORITY

110 CMR 6.00: M.G.L. c. 18B, § 6A and c. 119, § 29B.

NON-TEXT PAGE