



MENTAL RETARDATION BULLETIN

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF PUBLIC WELFARE

DATE OF ISSUE

November 22, 1991

EFFECTIVE DATE

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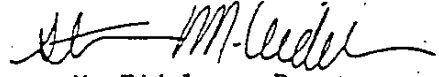
NUMBER

4000-91-01

SUBJECT

Services for Children in Foster Family Care
Who Are Placed Out-of County

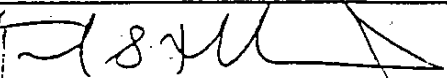
BY


Steven M. Eidelman, Deputy
Secretary for Mental Retardation

BY


George B. Taylor, Deputy Secretary for
Children, Youth & Families

BY


Ford S. Thompson, Jr., Acting
Deputy Secretary for Mental Health

SCOPE:

County Mental Health/Mental Retardation Administrators
Base Service Unit Directors
County Children and Youth Administrators
County Commissioners, Chairpersons

PURPOSE:

The purpose of this bulletin is to establish principles and requirements for delivering coordinated interagency services for children eligible for mental health/mental retardation services. Children who are placed with preadoptive or foster care parents who reside outside of the county which maintains legal custody will be considered the beneficiaries. Compliance with this Bulletin is required and it will be monitored by the Offices of Mental Health, Mental Retardation, and Children, Youth and Families.

BACKGROUND:

The Mental Health and Mental Retardation Act of 1966 entitles children placed in substitute care to the same access to mental health/mental retardation services as children living with their parents. Children who live with foster or preadoptive parents in a location outside the county that has legal custody sometimes find it more difficult to access needed mental health or mental retardation services than do children who live in that county with their birth parents. A child living in a preadoptive or foster care home outside the custodial county should have the same opportunity to obtain appropriate mental health or mental retardation services as all other children requiring those services.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:
REGIONAL MENTAL RETARDATION PROGRAM MANAGER, OR AREA MENTAL HEALTH DIRECTOR,
OR REGIONAL CHILDREN & YOUTH DIRECTOR

Moreover, eligible infants and toddlers ages birth through two, inclusive, who are placed in foster or preadoptive placements outside their custodial county are entitled to Early Intervention services as mandated by Act 212 on the same basis as resident children in that county.

POLICY:

SERVICES FOR CHILDREN IN FOSTER FAMILY CARE

§4000.111. Services.

(a) Children who were receiving mental health/mental retardation services in the custodial county shall continue to receive essentially comparable services in the receiving county to the extent that the services exist or can be made available with funds from the custodial county.

(b) Children in substitute care shall have the same access to Mental Health/Mental Retardation services as children living in that county with their birth parents.

(c) Children require coordinated service planning by the Offices of Mental Health, Mental Retardation and Children, Youth and Families when joint planning is necessary for the child's benefit.

(d) Children placed out-of-county remain the legal and financial responsibility of the custodial county MH/MR office with respect to MH/MR services other than Early Intervention services. Children ages birth through two, inclusive, eligible for Early Intervention services placed out-of-county are the legal and financial responsibility of the receiving county MH/MR office with respect to such services.

(e) Infants and toddlers should only as a last resort, be placed out of county.

§4000.112. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

Custodial Children, Youth and Families Agency - The Children and Youth agency with legal custody of the child.

Custodial County Mental Health/Mental Retardation Office - The Mental Health/Mental Retardation office in the county which has legal custody of the child.

Receiving County Children, Youth and Families Agency - The Children and Youth agency in the county of physical residence of a child living with foster or preadoptive parents when legal custody of the child is with a different county.

Receiving County Mental Health/Mental Retardation Office - The Mental Health/Mental Retardation Office in the county of physical residence of a

child living with foster or preadoptive parents when legal custody of the child is with a different county.

Early Intervention Services - Services designed to meet the developmental needs of each eligible child and the needs of the family related to enhancing the child's development and eligible infants and toddlers age birth through two years as mandated by Act 212.

Children and Youth Intercounty Coordinator - The individual within a custodial county Children and Youth agency assigned to oversee the provision of MH/MR services to children placed in foster or preadoptive placement outside their custodial county.

MH/MR Intercounty Coordinator - The individual in the custodial or receiving county MH/MR offices assigned to oversee the provision of MH/MR services to children placed in foster or preadoptive placements outside their custodial county.

§4000.113. County Responsibility.

(a) The custodial Children and Youth agency is responsible for making a good faith effort to ensure that there is pre- and post-placement planning for the mental health and mental retardation needs of children placed in other counties, and that these children receive any needed MH/MR services in a timely manner. Each C & Y agency shall designate an individual whose job it is to carry out these functions (hereinafter C & Y Intercounty Coordinator). This function should be assigned to a single individual in the custodial county C & Y agency for all out-of-county children to allow that person to develop the necessary expertise and contacts. Whenever a child who is known to need MH/MR services is to be placed out-of-county, the child shall be referred to the C & Y Intercounty Coordinator.

(b) Each MH/MR office will designate a lead person to monitor the provision of MH/MR services to children placed outside their custodial county (hereinafter MH/MR Intercounty Coordinator).

§4000.114. Process of Implementation.

(a) Prior to placing a child with MH/MR needs in another county, the C & Y Intercounty Coordinator will contact the MH/MR Intercounty Coordinators in the custodial and receiving counties, and the C & Y private provider if any, to notify them of: the proposed date of the child's placement; whether the child is known to the MH/MR system; a description of the child's MH/MR service needs; and what services, if any, the child is currently receiving.

(b) The C & Y Intercounty Coordinator will notify the MH/MR Intercounty Coordinators in the custodial and the receiving county programs of each child who was receiving MH/MR services prior to being placed out-of-county. These children are entitled to receive comparable services in the receiving county within four weeks of placement. The C & Y Intercounty Coordinator's obligations will include: arranging for the services with the receiving county's MH/MR Intercounty Coordinator, and arranging for funding from the custodial county. The C & Y Intercounty Coordinator will also be

responsible for following up with the custodial and receiving county MH/MR Intercounty Coordinators to assess whether the child has received comparable services within four weeks of placement.

(c) Should the C & Y Intercounty Coordinator be unable to secure comparable services and funding therefore within four weeks of placement, the C & Y Intercounty Coordinator shall immediately notify the Secretary or his/her designee(s). The Secretary shall have 20 working days to secure compliance with this Bulletin, which shall include the Secretary taking all steps available to him/her under state law. Nothing in this paragraph shall pre-empt plaintiff class members' rights to seek relief under the Local Agency Law, 2 Ps. C.S. 551 et seq. A foster parent, a C & Y private provider, or a child advocate can also trigger this resolution mechanism by notifying the Secretary.

(d) The C & Y Intercounty Coordinator is responsible for determining whether children who were not receiving MH/MR services prior to placement are treated as if they are residents by the receiving county's MH/MR office. The C & Y Intercounty Coordinator is responsible for arranging for the immediate assessment of the child by the appropriate county MH/MR office to determine eligibility for services (if not previously established). The C & Y Intercounty Coordinator shall also monitor the child to determine that a case manager is appointed, and that services are initiated, as if the child were living in the county with his/her birth family. The date of application is the date the child applied for MH/MR services in the custodial or the receiving county, whichever is earlier. If the C & Y Intercounty Coordinator is unable promptly to obtain the services described in this paragraph for a child, he/she shall immediately refer the case to the Secretary or his/her designee(s) who shall resolve the problem as described in paragraph (c) above.

(e) The C & Y Intercounty Coordinator is responsible for reporting to the Secretary or his/her designee(s) any failure on the part of the receiving MH/MR office to provide or arrange for services on the same basis as resident children, and any failure on the part of the custodial MH/MR office to make payment for such services in a reasonable manner. Such problems are to be resolved by the Secretary and his/her designee(s) as set out in Paragraph (c). As in Paragraph (c), the resolution mechanism can also be triggered by a foster parent, a C & Y private provider, or a child advocate.

§4000.115. Process for Ongoing Responsibilities.

(a) The custodial county C & Y agency shall assure that all children receive the full extent of regulatory protections as described in 55 Pa. Code CH. 3130, titled Administration of County Children and Youth Social Services Programs. Placement Planning (§ 3130.67) and Placement Reviews (§ 3130.71) will occur as defined in CH. 3130.

(b) The Department of Public Welfare, Office of Children, Youth and Families, shall monitor compliance with these regulations and with this Bulletin during their ongoing agency inspection process.