

7.3 CHILD IN NEED OF SERVICES (CHINS)-CSA PARENTAL AGREEMENT

When a child that is not in foster care has been determined to be Child in Need of Services (CHINS) (see CHINS Policy, 5.2.54) and requires a treatment placement outside of the home, a formal agreement is needed with the parent or legal guardian to make such a placement. Statute allows for such placement when the child "has been placed through an agreement between the local board or the public agency designated by the Community Policy and Management Team (CPMT) and the parents or guardians where legal custody remains with the parents or guardians" (§63.2-905).

This provision was created to permit parents to obtain services, particularly residential treatment services, for their children with severe emotional behavioral problems without having to relinquish custody to a local Department of Social Services.

CSA Parental Agreements are signed contracts made between an agency designated by the CPMT, **other than the local Department of Social Services**, and a parent or guardian who retains legal custody. CSA Parental Agreements are utilized when a child is placed outside of the home for behavioral health treatment and a local public agency is providing case management services. A CSA Parental Agreement ensures that the parent or guardian's intent for services includes reunification to the family's care following treatment.

Below are characteristics of a CSA Parental Agreement:

- The purpose of the agreement is to provide mental health treatment for a child with emotional/behavioral disorders when all other avenues or resources have been exhausted;
- A signed formal agreement outlining expectations and regulations;
- Only out-of-home treatment placements are clinically recommended for youth's level of need (residential, group home or Treatment Foster Care (TFC));
- The child is under the age of 18 at the time of placement;
- The intention of the agreement is voluntary and court involvement is not required;
- Either party may terminate the agreement with notice as stated in the agreement;
- It is **not** used in cases if the family has a history or current investigation of abuse or neglect;
- All CSA requirements such as screening for Medicaid eligibility, FAPT review, and administration of the uniform assessment instrument and utilization management/utilization review must be met;
- The parent retains legal custody;
- The parent is required to be involved in planning and treatment; and
- The plan is to return the child to a safe and appropriate home as soon as appropriate.

Although the agreement is between an agency designated by the CPMT and the parent(s), the CPMT must also approve and sign the agreement as CSA is the funding source. A local public agency may not enter into a CSA Parental Agreement without the approval of the local CPMT. The following Arlington County CPMT members, or their designee, sign the parental agreement on behalf of the CPMT for youth case managed by their departments:

- Community Services Board (CSB) Representative
- Director of Juvenile Court Services for court placements
- Arlington Public Schools

Funding authorization approval cannot be communicated to a vendor until the Arlington County CSA office receives the completed parental agreement signed by both parties. Additional information on parental agreements can be found on the OCS website in the section titled "Frequently Asked Questions: CSA Parental Agreement."

Additional Requirements

If the placement is the result of a court order, the agreement document will specify that the placement is not a result of parental voluntary placement. The Case Manager is required to complete the FAPT process when a service or placement is court-ordered.

Parental agreements are specific to each placement. When youth have multiple placements, a new parental agreement must be signed each time. A child's TOTAL length of stay in all continuous out-of-home placements added together cannot exceed 365 days, unless otherwise approved by a quorum of the CPMT. If a child is coming to FAPT through the CHINS mandate for placement and has already been placed out of the home for more than 30 days, the Utilization Review Coordinator provides a utilization review for the child at the next CPMT meeting. At this time, CPMT may determine additional items are needed to address the continued request for an out-of-home placement. If a family is seeking a second CSA Parental Agreement within 6 months of returning to home (except for short-term [90 days or less] placements due to primary Substance Use Disorder), a full CPMT review is required to approve an additional out of home placement before a parental agreement can go into effect. In extenuating circumstances where a quorum is not able to be established, a full CPMT review must occur within 20 calendar days of placement.

The child's guardian along with the identified permanent support caregiver cannot leave the locality for an extended period due to the requirement to participate in services with their child. If there is an extenuating circumstance that requires the caregiver to be unable to actively participate in services for more than 2 weeks, full CPMT must approve ahead of the caregiver's absence. If there is no CPMT determination, the full CPMT will determine next steps around funding of services and status of the CSA Parental Agreement.

At the 6-month mark of all CSA Parental Agreements, a treatment team meeting must be held that outlines progress towards treatment goals and closure of the agreement. The Utilization Review Coordinator must attend this meeting. If the identified permanent support caregiver has continued barriers towards reunification that will likely influence placement past the next 6 months that exist within their family (e.g., housing, instability, ambivalence), a Family Partnership Meeting must be held to enhance, explore or expand family options including alternative family placements.

By the 3-month mark, a staffing must be held for the Case Manager to present a plan for all youth with long term Intellectual and Development Disability concerns so that a plan for transfer to Intellectual and Developmental Disability Services can be developed.

Extension of Parental Agreements

The CPMT may extend the CSA Parental Agreement up to 6-months at a time, not to exceed 18-months total length of stay. The extension of the 12-month CSA Parental Agreement term is to address the safety and well-being of the child and family if serious or dangerous behaviors continue to persist and cases will be reviewed every three months to assess continued need.

Eligibility:

The extension of the CSA Parental Agreement is available for children who are:

- Under the age of 18 who have exceeded the 12-month CSA Parental Agreement term.
- Need additional support out of the home to address safety and well-being of the child and/or family; particularly the permanent support caregiver.
- Need additional treatment to support emotional and behavioral health.
- Have a long-term goal of returning to a safe and appropriate home when appropriate as determined by the treatment team and Family Assessment and Planning Team (FAPT).
- CPMT may extend a CSA Parental Agreement when families are making progress towards treatment goals and need additional short-term support to complete treatment goals.

The extension of the CSA Parental Agreement is not available for children who:

- Are within the initial 12-month CSA Parental Agreement term as no extension is needed at this time.
- Have a long-term goal that is not to return to a safe and appropriate home when appropriate as determined by the treatment team and FAPT.
- Children and families; particularly the child's permanent support caregiver, who are not making progress towards treatment goals and additional short-term supports are unlikely to impact the outcome. Foster care placement is considered a last resort option and only considered after the child's guardian, permanent support caregiver and treatment team have exhausted all reasonable efforts.

Decision-Making Guidelines:

The following decision-making guidelines apply to all children requesting an extension of the 12-month CSA Parental Agreement term:

- The child's behavior, conduct, or condition presents or results in a serious threat to the well-being and physical safety of the child or others in the home.
- The guardian(s) and permanent support caregiver have been actively engaged in provision of services.
- A comprehensive array of community-based services was made available to the child on a consistent basis and as clinically appropriate prior to placement to include:
 - Applied Behavior Analysis
 - Early and Periodic Screening, Diagnostic, and Treatment
 - Intensive Care Coordination
 - Peer Support Partner
 - Family Support Services
 - Individual Support Services

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- Case Management
 - Individual Therapy
 - Family Therapy
 - Intensive In-Home Services
 - Medication Management
 - Occupational Therapy
 - Speech and Language Therapy
 - Supports for Adaptive Equipment
 - Special Education Services
- The goal for the child and family is to return to a safe and appropriate home when appropriate as determined by the treatment team and FAPT.
 - All other funding sources have been explored and proof of denial has been provided to the CSA Coordinator, or designee, and CPMT.

Procedure:

When it appears a youth under the age of 18 is projected to exceed the 12-month CSA Parental Agreement term the following process will occur:

1. Child's Case Manager alerts CSA Coordinator, or designee, and System of Care Manager 60-days prior to upcoming expiration of child's current CSA Parental Agreement expiration and a FAPT is scheduled.
2. FAPT will review case to determine continued CHINS eligibility criteria and clinical recommendations. FAPT will provide the following for CPMT for consideration:
 - a. Continued CSA eligibility determination under CHINS
 - b. If criteria are no longer met, CSA eligibility under non-mandated category
 - c. Recommendations for continued treatment and services
 - d. Other recommendations as applicable
3. CSA Coordinator will then assist in scheduling a meeting that may include be a separate CPMT Review or CPMT to attend the child's upcoming FAPT review where CPMT will review the potential necessity for extension of CSA Agreement. This CPMT Review must be scheduled prior to the expiration of the current Parental Agreement. In the event CPMT attends the FAPT Review, the CPMT determination will be in close session following the FAPT Review.
4. The child's Case Manager follows the FAPT review process and presents the case to FAPT for review. Presence of Case Manager along with guardian, **permanent support caregiver**, and treatment provider(s) are required for the child's case to be heard. In the event individuals are absent, the CPMT Chair or Co-Chair will decide regarding moving forward with hearing the child's review or rescheduling the review for a later date.
5. Upon review of the child's well-being, current services in place, FAPT recommendations, and utilization report the CPMT will determine if an extension of the CSA Parental Agreement is appropriate.

The child will then return to FAPT on a regular basis for FAPT to ensure appropriateness of clinical services and address treatment.

If the child can return to a safe and appropriate home prior to the extension end date, the Case Manager

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will notify the CSA Coordinator and System of Care Manager, or their designees, at least 30 days prior to anticipated discharge date. The CSA Coordinator will schedule the child/youth to be reviewed at an upcoming FAPT meeting to review community-based services needed prior to child's discharge.