

POLICY I-B: CHILD WELFARE DELIVERY SYSTEM

094/2013

The Division of Children and Family Services purchases services from private and public agencies, universities and individuals, using state and federal funds. Programs and services of other Divisions within the Department of Human Services (DHS) may also be available to clients of DCFS. Delivery of services is coordinated with other Divisions administering TEA/TANF Medicaid, SNAP (Supplemental Nutrition Assistance Program), Social Services Block Grant, and other federal entitlement programs.

The services are authorized and funded in conjunction with various state and federal laws which govern the operation of the Division. The major federal laws governing service delivery, as amended, are:

- Civil Rights Act: Titles 6, 7, 9
- Rehabilitation Act: Sections 503, 504
- Americans With Disabilities Act: Title II
- Social Security Act titles:
 - IV-A—Block Grants to States for Temporary Assistance for Needy Families (TANF)
 - IV-B—Child and Family Services
 - IV-E—Federal Payments for Foster Care and Adoption Assistance
 - XIX—Grants to States for Medical Assistance Programs
 - XX—Block Grants to States for Social Services
- Public Laws:
 - 93-207—Child Abuse and Neglect
 - 94-142—Handicapped Children Act
 - 96-272—Adoption Assistance and Child Welfare Act of 1980
 - 105-89—Adoption and Safe Families Act of 1997

COMPLIANCE WITH CIVIL RIGHTS ACT

The Division complies with titles VI and VII of the Civil Rights Act and operates, manages, and delivers services without regard to race, color, religion, sex, age, national origin, mental or physical disability, veteran status, political affiliation or belief. DCFS is the designated state agency to administer and supervise all Child and Family Services (titles IV-B and IV-E of the Social Security Act).

COMPLIANCE WITH INDIAN CHILD WELFARE ACT

The Division of Children and Family Services is respectful of the varying cultures and heritages of the families it serves. To that end, DCFS complies with all mandates of the federal Indian Child Welfare Act (ICWA). ICWA is a federal law regulating placement proceedings involving children of Native American descent. ICWA mandates preventive services before removal to protect the best interest of Native American children and to promote the stability and security of Native American families and tribes. This includes preventing the unnecessary and arbitrary removal of Native American children from their families and tribes and placing a Native American child who must be removed in an available and safe home that reflects the unique values of the Native American culture.

If a child of Native American descent is transferred from the custody of DCFS to a Tribal IV-E agency or an Indian Tribe with a title IV-E agreement, DCFS will work in close consultation with the applicable Native American Tribe, to ensure the transfer of custody does not affect a child's eligibility for title IV-E or medical assistance under title XIX (Medicaid), receipt of services, or payment under title IV-E or Medicaid. The Division will determine, if the eligibility determination is not already completed, the child's IV-E eligibility at the time of the transfer of placement and responsibility of care of a child to a Tribal title IV-E agency or an Indian Tribe with a title IV-E agreement.

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The Division will provide essential documents and information necessary to continue a child's eligibility under title IV-E and Medicaid programs under title XIX to the Tribal title IV-E agency, including, but not limited to providing:

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A. All judicial determinations to the effect that continuation in the home from which the child was removed would be contrary to the welfare of the child and that reasonable efforts to prevent removal have been made.

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B. Other documentation the Division has that relates to the child's title IV-E eligibility.

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C. Information and documentation available to the Division regarding the child's eligibility or potential eligibility for other Federal benefits.

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D. The case plan, including health and education records of the child; and

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E. Information and documentation of the child's placement settings, including a copy of the most recent provider's license or approval.

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COMPLIANCE WITH MULTIETHNIC PLACEMENT ACT

The Division also complies with the Multiethnic Placement Act (MEPA) in making foster care and adoptive placements. The act provides for assessment of individual liability to staff for knowingly violating MEPA requirements.

The Multiethnic Placement Act prohibits delaying or denying the placement of a child for adoption or foster care on the basis of race, color, or national origin of the adoptive or foster parent or the child involved; and prohibits denying any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or the child's race, color, or national origin.

MEPA also requires that to remain eligible for federal assistance for their child welfare programs states must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.

Consideration of race, color, or national origin is permissible only when an individual determination is made that the facts and circumstances of a particular case require the consideration of race, color, or national origin in order to advance the best interests of the child in need of placement. The Division's compliance with the Indian Child Welfare Act of 1978 (P.L. 95-608) does not violate MEPA.

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