Statement of Consideration (SOC)

PPTL 20-04 SOP 30.9 Case Transfer

The following comments were received in response to SOP drafts sent for field review. Thanks to those who reviewed and commented. Comments about typographical and grammatical errors are excluded; these errors have been corrected as appropriate.

1. **COMMENT:** Families can appeal TPR so, if this policy pushes through, it should be adjusted so that it transfers only after appeals are exhausted.  There is no reason to transfer if the agency ends up being ordered to continue to serve the parents.

**RESPONSE: Additional language has been added in TPR and Adoption section.**

1. **COMMENT:** It is not necessary to transfer a case to achieve adoption, and the agency should absolutely minimize unnecessary caseworker changes since that disrupts the continuity of case management for the children.  TPR and good-bye visit and adoption can be some emotional activities, to deny a kid the continuity of their worker is a huge mistake, and it is NOT supported by ANY of the national research.  ALL the research says continuity of caseworker makes a huge difference in the child’s quality of experience and emotional well-being.  That alone should be reason enough to NOT make the SOP a requirement.

**RESPONSE: While these points are valid, there must be sufficient SOP guidance to ensure timely achievement of permanency, as lingering in care is also not in a child’s best interest. Changes to this SOP are intended to create consistency and minimize confusion when the adoptive family resides in a different region. Regional protocols regarding permanency work should not be impacted by these SOP changes. Even when a case is transferred across regions for the purpose of negotiating subsidy and completing the adoption tasks, the worker with whom the child has a long-standing relationship is encouraged to attend home visits and court dates. Nothing in these SOP changes should be counter to the points made in this comment.**

1. **COMMENT:** This policy denies caseworkers—who we want to have a professional investment in their cases—the professional satisfaction of participating in the happy ending on a case, especially after that caseworker does all the intensive work that is required to prepare and win a TPR.  Workers get very few happy activities, and there is a lot of frustration with the job.  They should be allowed to see a TPR case through to adoption.

**RESPONSE: Please see previous response. Workers are encouraged to be involved and can continue to be a support for the child.**

1. **COMMENT:** This SOP will disincentive worker timeliness with their TPR paperwork because it will deny them the opportunity of seeing how hugely rewarding it is to see a child achieve legal permanency with their adoptive family.

**RESPONSE: Please see response to #2 above. Additional information has been added to the TPR and Adoption section to support the collaboration between the ongoing worker and the R&C worker.**

1. **Comment:** This policy penalizes counties that don’t have many adoptive homes and will skew the adoption numbers around adoption finalizations.  Unless the agency has a plan to map back to the county of TPR, or plans to track cases longitudinally.

**RESPONSE: KRS states that adoption must occur where adoptive family lives. Counties receive no incentive or penalty for adoption finalizations.**

1. **COMMENT:** Writing SOP for the whole state is not about making everyone do it the way one region does it.  This is central office setting a workflow and not a best practice based on one region.  That is not normally how SOP is written.  SOP provides both the minimum and best standard for the essential tasks in child welfare, but it should minimize attempts to set workflows for the regions.  The regions need flexibility to set their workflows based on their team structures, strengths and weaknesses.

**RESPONSE**: **SOP is being developed around case transfers to address statewide barriers to permanency. Changes to this SOP are intended to create consistency and minimize confusion when the adoptive family resides in a different region. Regional protocols regarding permanency work should not be impacted by these SOP changes. Language has been included to state that r*egions are responsible for establishing and documenting protocol for case transfer and disrupted adoptive placement within region.  Regions are also responsible for developing a plan for disseminating this protocol to field staff.***

1. **COMMENT:** Can language be added regarding disruption when the case is transferred for adoption purposes?  There are no specific guidelines about how long a child may have been placed in the adoptive home before the case would then transfer. So it would seem to go along with #15 something would be added.  I think it would be reasonable to go along with timeframes for how long it takes to finalize an adoption which is to be within 90 days of the placement or within 90 days of the petition.   For the purpose of adding a guideline to SOP I would think within 90 days of transfer, placement or petition whichever occurred first.  The SOP currently reads as if the case will transfer to a permanency team and at this time, not all regions have permanency teams.

**RESPONSE: Language has been added to TPR and Adoption section.**

1. **COMMENT**: Transferring the case when the presentation summary is completed. Many of the presentation summaries that we are receiving are sometimes the first notice that our team has that an adoption may be occurring in our area. This has been occurring for years. We have not received the Intent to adopt which was not mentioned in the draft of this policy. This should be a key focus in whether or not a family wants to adopt. If a family is interested in adoption, this form should be immediately signed and sent to the receiving region of where the adoptive parent resides. At that time, the assigned adoption worker can make contact with all parties involved and begin the subsidy negotiation process.

**RESPONSE: Language has been added to Practice Guidance.**

1. **COMMENT:** Transferring cases prior to the APA being signed. Our team has had numerous adoptions that have fell through at the last minute due to various reasons. We have had several disruptions prior to the APA in which the child was moved to another home. This occurs more frequently with PCC adoptions than with DCBS foster homes.

**RESPONSE: Language to address adoption disruption has been added to the TPR and Adoption section.**

1. **COMMENT:** Related to SOP 30.9 # 15; A checklist would be beneficial, especially when case transfers out of region are received.
   * A statewide workgroup to create the checklist would be advantageous and should include at least one person from each region to form the checklist.
   * When agency cases are transferred from one region to another, conflict would be kept to a minimal as expectations would be clear about who does what task and what is expected to be in each case prior to transfer.
   * The checklist should be integrated into policy at the time it rolls out.

**RESPONSE:** **This suggestion will be considered in future updates.**

1. **COMMENT:** Related to SOP 30.9 #9 G; include future APR hearings that may already be scheduled?

**RESPONSE: APR hearings are covered under ‘upcoming court dates’.**

1. **COMMENT:** Related to SOP 30.9 # 15; Does this include APR reviews (agency/adoptive cases) since those are juvenile court petitions originated by CPS workers and most likely occurred in the sending SSW’s home county or region?

**RESPONSE:** **This applies to any court hearing.**

1. **COMMENT:** Related to 3rd point under Practice Guidance; Since it makes no sense to transfer the juvenile court case when we are close to achieving permanency, since it is not transferred can the sending SSW provide courtesy for the court appearances with the current case manager providing the court report.

**RESPONSE:** **This should be determined on a case-by-case basis pending discussion with the supervisor.**

1. **COMMENT:** Related to TPR and Adoption; what does actively mean?

**RESPONSE**: **Actively involved means that a TPR has been filed.**

1. **COMMENT:** Related to TPR and Adoption; should this not be following the 30-day appeal period? Include that an adoptive home has been identified and the child has been stable in the current placement for a period of time (ex. 3-6 months)? If not, then what is the protocol in situations where an appeal has been filed following the TPR and the worker has already transferred the case? In rare instances that the TPR is overturned then what happens to the case? The APA and DPP 1258 cannot be signed until the appeal period is over. Would it not be best practice that the ongoing worker would ensure that a visit is completed following the TPR to discuss the findings with the child and inform them that the case is being transferred? **This contradicts SOP 13.13.2-which states the following:** **The SSW** Discusses adoption assistance with the agency foster family and assists the agency foster family in obtaining the necessary documentation for the adoption assistance;  Submits the adoption assistance request, if the child meets the eligibility criteria, within thirty (30) working days of the termination of parental rights final order for consideration of approval; Submits the adoption assistance request to the recruitment and certification family service office supervisor (FSOS) and service region administrator (SRA) or designee in the region of the agency foster family’s residence.

**RESPONSE:** **Language has been added to the TPR and Adoption section to address cases involving the appeal process and joint home visits.**

**Changes in 13.13.2 are forthcoming and will address the current discrepancies.**