

**TENNESSEE/KENTUCKY BORDER AGREEMENT
BETWEEN
TENNESSEE DEPARTMENT OF CHILDREN’S SERVICES (TN DCS), MONTGOMERY COUNTY
AND
KENTUCKY DEPARTMENT FOR COMMUNITY BASED SERVICES, DIVISION OF PROTECTION
AND PERMANENCY (KY DCBS), CHRISTIAN, TRIGG, AND TODD COUNTIES OF THE LAKES
REGION**

PURPOSE: If during the conduct of a child protective services investigation or family assessment, a TN DCS or KY DCBS case manager assesses a child to be at risk of imminent harm, he/she shall take actions necessary to ensure the safety of the child. The case manager will consider the feasibility and practicality of a temporary family-based placement of the non-custodial child with a relative or person whom the child has a significant relationship with (“kin”) who resides in the other State, with “kin” being determined by the policy of the sending state. For purpose of this agreement, individuals residing out-of-state in TN DCS Montgomery County and KY DCBS Christian, Trigg, and Todd Counties may be considered for temporary placement, without the child being placed in the state foster care system in Tennessee or Kentucky. **If a change in custody to the relative caregiver or placement is required for the child after the three (3) business-day temporary safety placement, this agreement provides that the child may remain in the out-of-state placement pending final approval of the placement pursuant to the Interstate Compact on the Placement of Children (ICPC).**

I. Initial Requirements

A. Border Agreement Immediate Safety Plan (BA Immediate Safety Plan)

1. The TN DCS or KY DCBS case manager will document pertinent information regarding the child and actions necessary to secure the safety and well-being of the child on the BA Immediate Safety Plan (TN)/Prevention Plan (KY). Each agency will follow their respective policies and procedures regarding approval of Immediate Protection Plans or Safety Plans for the BA Immediate Safety Plan.
2. The TN DCS or KY DCBS case manager will clarify all terms, conditions and timelines to parent(s)/legal guardians(s) and other pertinent parties identified on the BA Immediate Safety Plan (TN)/ Prevention Plan (KY).
3. The BA Immediate Safety Plan (TN)/Prevention Plan (KY) will specifically allow the parent(s) or legal guardian(s) to retain legal custody of the child, while securing their voluntary agreement to the course of action to promote the child’s safety during a child protective services investigation or family assessment.
4. In order to minimize the trauma to children and families, TN DCS and KY DCBS case manager will facilitate placing the child with a relative or “kin” who reside in the other state which is documented on the BA Immediate Safety Plan (TN)/Prevention Plan (KY).
5. For purpose of this agreement, relatives or “kin” residing out-of-state in Montgomery County, Tennessee, or Christian, Trigg, or Todd Counties, Kentucky, may be considered for temporary

safety placement of a child, without the child being placed in the state foster care system in Tennessee or Kentucky.

B. Border Agreement Safety Home Study Process

1. The TN DCS or KY DCBS case manager will initiate a request for the receiving state agency to conduct a BA Safety Home Study on identified relatives or “kin” who reside in TN Montgomery County or KY Christian, Trigg, or Todd Counties.
2. The sending state agency case manager will call the appropriate child abuse hotline in the receiving state to request a BA Kinship Safety Home Study, **referencing the TN/KY Border Agreement, providing all necessary contact information.**
3. The hotline telephone numbers for the respective states and counties are:
 - a. **TN Child Abuse Hotline 1-877-237-0004 , 24 hours a day, 7 days a week; Other TN Contacts are listed in Appendix B.; or**
 - b. **KY Centralized Intake for the Lakes Region, 1-877-597-2331, 8:00 am-4:30 pm for workdays. Specific after-hours contacts for Christian County, Todd County and Trigg County along with KY Regional Office on-call numbers are listed in Appendix B.**
4. The TN Child Abuse Hotline Responder or KY Centralized Intakes Responder will contact the appropriate local office/on call case manager in the receiving state **within 30 minutes** and specify the need for a BA Safety Home Study in reference to the TN/KY Border Agreement and provide the telephone number, email address and other contact information for the sending state case manager.

II. Response Requirements

A. Responding to BA Safety Home Study Request

1. **Within 30 minutes** of notice by the TN Child Abuse Hotline or KY Centralized Intake Responder of the BA Safety Home Study request, the receiving state case manager will contact the appropriate sending state case manager by telephone and confirm receipt of the request and specify an estimated time for completion of the BA Safety Home Study. This contact is telephone only; not text or email.
2. The sending state case manager will fax or electronically scan to the receiving state case manager pertinent documents which may be available and assistive to the BA Safety Home Study request, including the BA Immediate Safety Plan (TN)/Prevention Plan (KY).
3. Unless circumstances require otherwise, the receiving state case manager will issue a verbal report of the completed BA Safety Home Study within three (3) hours of confirmation of the request.
4. The receiving state case manager will conduct the BA Safety Home Study of the identified relatives or “kin” and the home environment using the receiving state’s applicable policy and procedures for such a placement.
5. The BA Safety Home Study will consist of at a minimum, a narrative report which:
 - a. Documents information regarding the relatives or “kin” and their home environment;
 - b. Concludes with a determination regarding the appropriateness of the placement and impact on the safety, well-being of the child;

- c. States reasons for approval or denial which includes any terms or conditions for the decision;
 - d. Includes appropriate authorizing signatures, and
 - e. A written summary of local background checks/verifications, pursuant to local policy.
6. The receiving state case manager will document the BA Safety Home Study on the Expedited Placement Assessment Summary (TN) or DPP-1277Relative Home Evaluation (KY).
 7. The next business day after issuing a verbal decision, the receiving state case manager will fax or electronically scan a copy of the BA Safety Home Study, including attachments and appropriately dated signature authorizations to the sending state case manager.

B. BA Safety Home Study Placement Decision (Approval)

1. The decision to approve or deny placement under the BA Safety Home Study is the responsibility of the receiving state agency and must meet the receiving state agency's current policies and procedures.
2. If the BA Safety Home Study Placement Decision is a denial, proceed to Section C.
3. Upon completion and approval of the BA Safety Home Study, the receiving state case manager will communicate the decision to approve the BA Safety Placement and reasons for that decision verbally to the sending state case manager by telephone *within 30 minutes* of the decision.
4. Prior to or no later than the next business day after placement is made, the following must be completed:
 - a. The receiving state case manager will fax or electronically scan a copy of the BA Safety Home Study, including attachments and appropriately dated signature authorizations, to the sending state case manager;
 - b. The sending state case manager will initiate a call to the receiving state case manager to discuss the need for any immediate services and schedule a Family Team Meeting. See attached contact list for phone numbers.
 - c. The sending state case manager will make arrangements for the scheduling, identification of, and notice to pertinent parties and document the Family Team Meeting in cooperation with the receiving state case manager prior to the expiration of the BA Immediate Safety Plan (TN) /Prevention Plan (KY).
5. **The BA Safety Placement of the non-custodial child with the relatives or "kin" is valid for a maximum of 3 business days from the date of approval excluding weekends and holidays as determined by Sending State.**
6. A Family Team Meeting will be scheduled and held within 3 business days of the placement. Parents/ legal guardians, relatives and "kin" with temporary placement, TN DCS, and KY DCBS case managers and workers are expected to attend. However, the CPS worker that is not in the state where the conference is held may attend via telephone.
7. Because Tennessee DCS policy requires a criminal record check and Kentucky DCBS policy provides only for a Kentucky state criminal record check before facilitating the voluntary

placement of a non-custodial child with relatives or “kin”, TN DCS agrees to provide up to 15 NCIC III Purpose Code X criminal background checks annually on relatives and “kin” with whom children are to be placed under this Agreement. No information will be provided under this Agreement which would violate federal or state law or policy. All adult relatives or “kin” must agree to submit fingerprint samples, if necessary, through the approved State of Tennessee vendor on or before the 15th calendar day that the NCIC III Purpose Code X criminal background check is conducted or the child must be returned to the sending state. TN DCS will complete the NCIC III Purpose Code X name based criminal background check on the same day as the request is received. A summary of the fingerprint results will be forwarded within 2 days of receipt from the FBI/TBI.

8. Upon notice of approval of the BA Safety Home Study and prior to placement, the sending state case manager is responsible to secure agreement and signature of the parent(s) or legal guardian(s) on the BA Non-Custodial Consent for Transportation. In consultation with the relatives or “kin”, the sending state case manager will arrange for transportation of the child to placement in the approved home.
9. The sending state case manager will complete the BA Safety Placement Checklist and Consent for Medical Treatment/Educational Services, securing all signatures of parent(s)/legal guardian(s) and relatives or “kin” prior to the placement. A copy will be given to all parties concurrent with the physical placement of the child.
10. The Family Team Meeting will determine and document action needed to promote the child’s safety and well-being in the placement. The actions will be mutually agreed upon by both the sending state and receiving state agency and other parties involved in the Family Team Meeting/Family Partnership Meeting.

C. BA Safety Study Placement Decision (Denial)

1. The decision to approve or deny the BA Safety Home Study is the responsibility of the receiving state agency and must meet the receiving state agency’s current policies and procedures.
2. If the BA Safety Home Study Placement Decision is an approval, refer to Section B.
3. Upon completion and determination to deny the placement under the BA Safety Home Study, the receiving state case manager will communicate the decision to deny the safety placement and reasons for that decision verbally to the sending state case manager by telephone *within 30 minutes* of the determination. The denial shall include the name and phone number of an accessible supervisor, should the sending state wish to discuss the reason for the denial and any alternative measures that would allow for approval of the placement.
4. The receiving state case manager will fax or electronically scan a copy of the BA Safety Home Study, including attachments and appropriately dated signature authorizations to the sending state case manager on the next business day.

III. Termination of Border Agreement Safety Placement

1. The sending state case manager may request the child be returned to the sending state at any time during the BA Safety Placement based upon their assessment of the parent(s)/legal guardian(s) or relative/kin's ability to resume care of the child or in the event new circumstances have occurred. The receiving state case manager may assist in returning the child to the sending state if needed, within applicable policy and procedures concerning a non-custodial child. The BA Safety Placement will be closed as "child returned to sending state."
2. The sending state case manager and/or the receiving state case manager may remove a child from a BA Safety Placement with a relative or "kin" placement in the receiving state if either State has reason to believe that the child is in imminent harm or at risk and/or a court or public agency in either state has established jurisdiction or custody of the child. The BA Safety Placement will be closed as "child returned to sending state."
3. The sending state case manager may petition the court for an adjudication of dependency, neglect or abuse, requesting a disposition of custody to the relative or "kin" or requesting the parents/legal guardians cooperate with services upon return of the child before the BA Safety Placement expires (see II.B.3). The BA Safety Placement will be closed as "adjudication and disposition to relative" or "Order for Cooperation Obtained", respectively. In the event custody is awarded to the relative or "kin" at this juncture, the agencies shall abide by the court's determination after all appeals, if any, are filed with the court with respect to jurisdiction. If the court does not grant custody of the child to the relative or "kin" but awards custody to the sending state agency, then the procedures in 5.A or 5.B (below) shall apply.
4. The sending state case manager, along with the parent(s)/legal guardian(s) and relatives or "kin" may file a joint petition requesting the court award custody of the child to the relatives or "kin" who have been approved through the BA Safety Home Study. This would allow the relatives or "kin" to be authorized to sign for necessary medical care, school enrollment and to apply for or continue to receive benefits to assist with the care of the child. In the event custody is awarded to the relative or "kin" at this juncture, the agencies shall abide by the court's determination after all appeals, if any, are filed with the court with respect to jurisdiction. If the court does not grant custody of the child to the relative or "kin" but awards custody to the sending state agency, then the procedures in 5.A or 5.B (below) shall apply. The BA Safety Placement will be closed as "custody awarded to relatives or "kin" with all parties in agreement". The sending state court shall retain jurisdiction as consistent with the sending state's law.
5. A. (i). The sending state agency petitions the court for custody of the child based upon allegations of abuse or neglect. Under this scenario and for purposes of this Agreement, the child may remain in the approved BA Safety Placement with the designated relatives, if the sending state concurrently files a request for an ICPC Regulation #7 Expedited Placement Decision Order on the relatives where the child is currently in a BA Safety Placement. The ICPC Regulation #7 Expedited Placement Decision Order specifies intent to seek compliance with the Interstate Compact on the Placement of Children (ICPC).
 - (ii) The sending state must execute an ICPC Regulation #7 Expedited Placement Decision Referral, meeting all terms and definitions as outlined in the ICPC regulations,

within two business days after the judge or magistrate signs the ICPC Regulation #7 Expedited Placement Decision Order. .

(iii) Until completion of the ICPC Regulation #7 Expedited Placement Decision Home Study and issuance of decision, all protections, services and supervisory responsibility over the child remain with the sending state pursuant to the terms and conditions outlined in the Family Team Meeting as if this were a temporary placement. The BA Safety Placement episode will be closed as "ICPC Regulation #7 Expedited Placement Decision Referral initiated-Agency custody".

(iv). After the ICPC Regulation #7 Expedited Placement Decision Referral has been filed and prior to completion of the ICPC Regulation # 7 Expedited Placement Decision Home Study, the sending state case manager must supply supporting documentation to the sending state's ICPC office and the receiving state case manager. The supporting documentation should include; an ICPC 100A, the BA Safety Home Study, the ICPC Regulation #7 Expedited Placement Decision Order, the custodial order, the ICPC Statement of Confirmation-Regulation #7 and Border agreement,, and, when available, all assessments of the child and family, the permanency plan, the IV-E financial and medical determination, fingerprint results, and any medical needs of the child and any other supporting documentation.

(v) Within 20 business days of the ICPC Regulation #7 Expedited Placement Decision Order, the sending state case manager must hold at least one Family Team Meeting.

(vi) The receiving state will assign a case manager to visit the child within 72 hours of placement. The receiving state will conduct a total of two visits within a 20 business day period and submit a written report of visit(s) with the child in the resource home to the case manager of the sending state within 10 days of each visit

(vii) The ICPC Regulation #7 Expedited Placement Decision Home Study, along with a decision regarding approval or denial of that placement, must be completed within 20 business days of the signing of the ICPC Regulation #7 Expedited Placement Decision Order.

(viii) If the placement is not fully approved within the 20 business day period, or if the placement is denied, the child must be returned to the sending state.

B.(i).If the child is currently in a BA Safety Placement with a "kin" who is not a specified relative as defined in Article VIII(a) of the ICPC, for purposes of this Agreement only, ICPC Regulation # 1 (2), ICPC Regulation # 2 (b) and ICPC Regulation #9 "Visits" are applicable.

(ii) The child may remain in the approved BA Safety Placement with the designated "kin", if the sending state case manager executes a request for an ICPC Regulation #2 expedited study to their State ICPC office within 2 business days of the custodial order. The language in the custodial order must confirm the Sending State's intent to seek compliance with the Interstate Compact on the Placement of Children (ICPC). The ICPC Regulation #2 expedited study request must meet all terms and conditions as outlined in ICPC regulations.

(iii) The sending state case manager will supply a copy of the ICPC referral to the receiving state case manager who conducted the BA Safety Home Study.

(iv) The supporting documentation for the ICPC Regulation #2 expedited study should include: an ICPC 100A, the previous BA Safety Home Study, and other BA documents, the court order of custody, the ICPC Placement Resource Statement of Confirmation – Regulation #2, and when available, all assessments of the child and family, the permanency plan, the IV-E financial and medical determination, fingerprint results, and any medical needs of the child and any other supporting documentation.

(v) Until completion of the ICPC Regulation #2 Expedited Placement Decision study and issuance of a placement decision, all protections, services and supervisory responsibility over the child remain with the sending state pursuant to the terms and conditions outlined in the Family Team Meeting as if this were a temporary placement.

(vi) The child may remain in the approved BA Safety Placement with the designated “kin” on a “visit” for a period not to exceed 20 business days from the date of the custodial order.

(vii) Within 10 business days of the signed custody order, the sending state case manager must hold at least one Family Team Meeting (TN)/ Family Partnership Meeting (KY).

(viii) The receiving state will assign a case manager to visit the child within 72 hours of placement. The receiving state will make a total of two visits within a 20 *business* day period and submit a written report of visit(s) to the child in the resource home to the case manager of the sending state within 10 days calendar of each visit.

(ix) The ICPC Regulation #2 Expedited study must be completed and a decision regarding approval or denial issued within 20 business days of the custody order. If the placement is not fully approved within the 20 business days, or if the placement is denied, the child must be returned to the sending state.

(x) The states agree to work expeditiously to obtain a decision regarding the placement within the 20 business days. If the child is to be returned to the sending state because the placement is not approved within 20 business days, the receiving state will assist in returning the child to the sending state within applicable policy.

(xi) The BA Kinship Safety Placement episode for a “kin” placement will be closed as “ICPC Regulation #1, #2 and #9 “Kin” Decision initiated-Agency custody” only with the determination of the receiving State ICPC Administrator issuing a decision on the ICPC 100A.

6. If the parent terminates the BA Immediate Safety Plan (TN)/ Prevention Plan (KY) and either TN DCS or KY DCBS initiates an emergency removal or ex parte removal, the agency shall comply with the procedures outlined in Paragraph 4. The BA Safety Placement episode will be closed as “Agency Emergency Custody Order”.
7. If other court action is initiated to terminate the BA Safety placement, the BA Safety Placement will be closed as “termination by court action”.
8. If the parent(s) legal guardians(s) were only in the sending state on a temporary basis and are “otherwise free to leave,” they may return to the receiving state and request appropriate services from the TN DCS or KY DCBS to help ensure the parent(s)/ legal guardian(s) have an ongoing and appropriate relationship with their child. They may do this on a voluntary basis. The BA Safety Placement will be closed as “parents return to sending State”.
9. If a decision is made by either state to take the case to court for any reason, the Receiving state case manager will make him/herself available to participate in the legal

process by telephone or prepare a written court report to be submitted to the sending state case manager at least 72 hours prior to the scheduled court date.

IV. Border Agreement Training

1. Within thirty (30) days of the date of the execution of the BA, KY DCBS and TN DCS shall:
 - * establish a common training curriculum and provide joint training for staff of the counties included in this agreement,
 - * establish with and train their own adjunct/support staff and or other auxiliary staff on protocol to be used to secure referral and other action required by this BA (such as Hot Line staff or after hours operators, etc.) resulting in all staff in both states shall be trained no later than 45 days after execution of this BA.
2. KY DCBS and TN DCS shall jointly agree upon a date when safety placements under this BA shall be initiated, taking into consideration the date by which training of staff will be accomplished.
3. KY DCBS and TN DCS are responsible to maintain a training curriculum regarding the BA and provide periodic training/refresher training on BA application to all new employees or newly-assigned employees, including a schedule of periodic joint training to maintain viability of the BA. At a minimum, a joint training session will be conducted annually by the Local BA Management Group.

V. Applicability of Border Agreement with Safety Placement and the Interstate Compact on the Placement of Children (ICPC).

All BA Safety Placements facilitated as part of the BA:

- * must be compliant with the designated policy of each State and the terms and conditions outlined in this BA;
- * which evolve into an ICPC Regulation #7 Expedited Placement Decision Referral as defined under Section III, 4. A. i-vii must be compliant with the Articles and Regulations of the ICPC and the terms and conditions outlined in this BA; and,
- * which evolve into an ICPC Regulation #1, #2 and #9 Placement as defined under Section III, 4. B. i-x must be compliant with Articles and Regulations of the ICPC and the terms and conditions outlined in this BA.

VI. Border Agreement Reporting and Data Requirements

KY DCBS and TN DCS staff of the counties/Region included in this BA shall be responsible:

- * To track and maintain monthly statistical data related to the BA through a mutually established document with agreed data elements; and,
- * To compile a summary of their activities quarterly and distribute to the BA Local Management Committee for monitoring and evaluation of changes or training which might be needed.

VII. Border Agreement Maintenance and Review

Maintenance and review of the BA will be managed through 3 tiers:

- a. BA Local Management Group comprised of selected members of KY DCBS and TN DCS from the counties/Region designated within this agreement. The Local Management group

is responsible to establish officers, schedule periodic meetings no less that once a quarter, determine the method to conduct the meeting (EX. Face to face or poly com or bridge lines), maintain minutes, compile and maintain data on tracking document regarding activities, review and analyze the composite data compile a quarterly report to be processed to the BA State Office Management Group; and conduct a joint training session at least annually with staff to review forms and procedures.

- b. BA State Office Management Group comprised of Departmental Regional and State Program and Administrative officers, including but not limited to Directors of Permanency Programs (Foster and Kinship Care), Safety and Well-Being, Education, Interstate Compact on the Placement of Children, Internal Affairs, and Legal. Representatives of the Administrative Offices of the Courts of each state are invited to participate. The State Office Management Group will meet every 6 months to review activities under this BA, including the quarterly reports provided by the Local Management Group. The State Office Management Group will provide program and technical consultation for the BA and is authorized to make recommendations for change in conjunction with the Local BA Management Group. One member of each State's State Office Management Group will be assigned as a staff contact for the BA Local Management Group.
- c. BA Stakeholders Group is comprised of members of the BA Local and State Management Groups, Judiciary and other key stakeholders. Meetings will be held annually to review the application of the BA in both states and provide an opportunity for review and comment.

VIII. Termination of Border Agreement

- 1. At its sole discretion, KY DCBS may terminate this BA for any reason with 30 days prior written notice to TN DCS.
- 2. At its sole discretion, TN DCS may terminate this BA for any reason with 30 days prior written notice to KY DCBS.
- 3. This BA may be terminated immediately upon mutual written consent of KY DCBS and TN DCS or at such other time as the two parties may agree in the written consent.
- 4. Once written notice of termination has occurred with (1) or (2) or (3) of this section, neither party to this BA will execute a BA Safety Placement request pursuant to this BA nor will either party accept a BA Safety Placement request. Any BA Safety Placement or ICPC Reg. #7 Expedited placement or ICPC Reg.#1, #2 or #9 placement made pursuant to this BA prior to receipt of notice of termination shall be handled in accordance with the terms of this BA to conclusion not to exceed beyond 30 business days.

VIII. Effective Date

Agreement is effective _____

VIII. Signatures

***James M. Henry, Commissioner
TN Department of Children's Services***

***Teresa C. James, Commissioner
KY Department for Community Based
Services***

