

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

March 7, 2006

MEMORANDUM**WHAT'S INSIDE:**

Protocol for
Handling
Communications
For Children in Out-
of-Home Care

TO: REGIONAL ADMINISTRATORS, CIRCUIT MANAGERS, ALL
CHILDREN'S DIVISION STAFF AND RESIDENTIAL
TREATMENT PROVIDERS

FROM: PAULA NEESE, INTERIM DIRECTOR

SUBJECT: PROTOCOL FOR HANDLING COMMUNICATIONS FOR
CHILDREN IN OUT-OF-HOME CARE

REVISIONS TO CHILD WELFARE MANUAL:
[SECTION 1 CHAPTER 2.7](#); HANDLING COMMUNICATIONS
FOR CHILDREN IN OUT-OF-HOME CARE

REFERENCE: CHILDREN'S DIVISION

DISCUSSION:

The purpose of this memorandum is to advise staff of policy regarding handling communications for children in out-of-home care. Historically, there has been an absence of Division policy regarding this matter leaving distribution, censorship and restriction decisions up to individual workers. This has led to inconsistent mail distribution and censorship, and restriction of private telephone call practices across the state. Although censorship will still need to be considered on a case by case basis, the following policy will serve as a guide to determine when it may be appropriate to censor mail and restrict private phone calls, as well as the manner in which any censorship or restrictions should occur.

COMMUNICATIONS POLICY

Children in out-of-home care often send/receive correspondence or communicate with friends, parents, grandparents, and other family members. **The Division's rule regarding communication is that in the absence of a court order to the contrary, outgoing and incoming mail and private phone calls of persons who are served in any form of out-of-home care are not to be censored, intercepted or restricted.** Incoming correspondence should be given to the addressee ASAP. However, there may be occasion when the Children's Service Worker, the child's counselor, parent, and/or other individuals involved in the child's Family Support Team (FST) believe that sending/receiving mail or allowing private telephone calls from certain parties would not

be in the best interest of the child. This may occur when the general content, content of a specific piece, or the psychological impact of the communication from a particular person is harmful to a child in some manner.

CENSORSHIP/RESTRICTION CRITERIA

Mail

The Council on Accreditation standards specifically states, "The organization does not censor or open the outgoing and incoming mail of persons served in out-of-home care unless it is:

- a. suspected to contain unauthorized, dangerous, or illegal material or substances, in which case mail may be opened in the presence of designated personnel; or
- b. receiving or sending unopened mail is contraindicated in the service plan." (COA Standard G1.4.02) (Employee Access Only)

For purposes of this policy, unauthorized, injurious, and illegal materials or substances are defined as follows:

1. Unauthorized material is any material sent from an individual(s), agency, or organization that has been previously restricted by the court from contacting the child.
2. Injurious material is any material received that causes emotional and/or psychological harm to the child. This includes, but is not limited to, threatening and/or insulting mail from biological parents, parent's paramour, relatives, acquaintances, and/or neighbors.
3. Illegal material is any mail suspected of containing illegal drugs, drug paraphernalia, pornography, and/or other material considered statutorily illegal in the state of Missouri.
4. Any communication for the purpose of committing any criminal act in violation of the Constitution or laws of the United States or any State. (Federal Privacy Law, Title 18, Part 1, Chapter 119, SS2511.)

If the communication in question meets any of the above criteria, it may be appropriate to censor the child's mail. Outgoing mail will meet censoring criteria if the Division has reason to believe the child has previously sent unauthorized, injurious, or illegal material through the mail.

PROTOCOL FOR HANDLING MAIL OF CHILDREN IN OUT-OF-HOME CARE

1. Mail may not be censored without sufficient reason to suspect the mail contains unauthorized, injurious, illegal material or substances, or is for the purpose of committing any criminal act.

2. Unless it is determined that incoming mail should be censored according to the above criteria, all incoming mail sent to a child's placement provider must be given immediately, unopened and uncensored, directly to the addressee. The placement provider should inform the Children's Service Worker of any mail received by the child. The Children's Service Worker must document this information (date received and from whom the mail was received) in the narrative section of the record.
3. Unless it is determined that incoming mail should be censored according to the above criteria, all incoming mail sent to the Children's Division office must be forwarded immediately, unopened and uncensored, to the Children's Service Worker for the child to whom the correspondence is addressed. The worker must forward the mail, unopened and uncensored, directly to the addressee ASAP. The Children's Service Worker must document this information (date received, date sent to child, and from whom the mail was received) in the narrative section of the record.
4. Unless it is determined that outgoing mail should be censored according to the above criteria, all outgoing mail from a foster child is to be directly sent, unopened and uncensored, by the placement provider or Children's Service Worker to the addressee.
5. The placement provider and Children's Service Worker have the responsibility to intercept any correspondence believed to be unauthorized. All intercepted unauthorized mail is to be forwarded to the Children's Service Worker for copies to be included in the case record in the correspondence section. The Children's Service Worker should forward intercepted unauthorized mail to the appropriate authorities (i.e. juvenile office or the court). The issue of the child being sent unauthorized mail should be discussed during the next scheduled FST meeting.
6. As it is the placement provider whom is often the person present when a child opens their mail, it is their responsibility to determine if the child is receiving any injurious material through the mail. The placement provider will make this determination by talking to the child and monitoring the child's behavior after mail is received. The placement provider is not to force the child to disclose the contents of incoming/outgoing mail. The placement provider should immediately report any concerns regarding possibly injurious material received by a child to their Children's Service Worker.
7. If an addressee receives any package or correspondence suspected to contain illegal material, the package must be opened by the addressee in the presence of designated personnel (i.e. Children's Service Worker, their supervisor, or the Circuit Manager). It is the placement provider's responsibility to notify the Children's Service Worker if the child receives any illegal material in the mail. The Children's Service Worker should notify the juvenile office and/or law enforcement should the mail contain illegal substances or material. If the mail is believed to contain hazardous materials, the mail should remain unopened and law enforcement should be immediately notified.
8. Any child in out-of-home care may request that mail be returned to the sender. In this instance, the placement provider should send the mail to the Children's Service Worker who will return the mail to the sender. A child may request the placement provider to open the mail on their behalf (i.e., the child cannot read or as age

appropriate, or would like someone to read it first). The caregiver may open and view/read the contents of the mail, at the child's request. The viewing of the incoming mail by anyone other than the child is at the child's discretion.

9. A court order may be requested if unauthorized, injurious, or illegal material from a specific addresser(s) continues to be received and meets censoring criteria.
10. No placement provider or Children's Division staff may deprive a child of incoming or outgoing mail, or family contact (i.e., telephone, visits) as a form of discipline.

CENSORSHIP/RESTRICTION CRITERIA

Telephone

The Council on Accreditation standards state "persons in out-of-home care have the right to private telephone conversations, and when the organization limits this right in any way, the restriction is:

- a. based on contraindications in the service plan and/or applicable court order;
- b. documented in the case record;
- c. approved in advance and reviewed monthly by the program director or an appropriate designee; and
- d. reviewed weekly by the immediate supervisor of the direct service provider." (COA Standard G1.4.03) (Employee Access Only)

Restricting a person's private telephone conversations should only be approved if the conversations cause the child emotional distress or inhibits the case plan and/or goal.

Any censorship/restrictions should be discussed with members of the FST and justification for the censorship/restrictions must be clearly documented in the narrative section of the case file.

PROTOCOL FOR HANDLING PRIVATE TELEPHONE CONVERSATIONS FOR CHILDREN IN OUT-OF HOME CARE

1. Private telephone conversations are not to be restricted by Children's Division staff or the placement provider without specific reasons such as, but not limited to, the caller has made threatening comments, attempts to influence the person to change his/her story, the conversation is sexually inappropriate, or inhibits the case plan or goal. Placement providers should notify the Children's Service Worker as soon as possible of any phone conversations they have been informed of by the child which causes the child emotional distress.
2. All restrictions must be documented in the Children's Division case record and/or a court order must be in the file which identifies any and/or all restrictions.

3. Restrictions must be pre-approved by the Circuit Manager/designee or FST. Restrictions should be reviewed weekly by the immediate supervisor of the direct service provider, and reviewed at each FST meeting.
4. Children's Division staff should inform the caller of the reason(s) the conversation is being restricted in hopes of alleviating further issues so the conversations may resume.

<p>NECESSARY ACTIONS:</p> <ol style="list-style-type: none"> 1. Review this memo with all Children's Division staff. 2. Review this information with placement providers. 3. Review revised Section 1 Chapter 2.7 of the Child Welfare Manual, Handling Communications for Children in Out-of-Home Care. 4. All questions should be cleared through normal supervisory channels and directed to: 	
<p>PDS CONTACT: Belinda Luke Fisher 573-751-8615 Belinda.k.lukefisher@dss.mo.gov</p>	<p>PROGRAM MANAGER: Cindy Wilkinson 573-751-3171 Cindy.R.Wilkinson@dss.mo.gov</p>
<p><i>CHILD WELFARE MANUAL REVISIONS:</i> Section 1 Chapter 2</p>	
<p><i>RELATED STATUTE: Chapter 210 RSMo</i></p>	
<p><i>ADMINISTRATIVE RULES: 13 CSR 40-30.010, 13 CSR 40-60.050</i></p>	
<p>COUNCIL ON ACCREDITATION (COA) STANDARDS: G1.4.02 G1.4.03 S21.7.02 S21.25</p>	
<p>PROGRAM IMPROVEMENT PLAN (PIP): NA</p>	
<p>FEDERAL PRIVACY LAW: Title 18, Part 1, Chapter 119, SS2511</p>	

PN/SS/BLF:js