

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

December 15, 2009

What's Inside:

Custody Diversion
Protocol and Voluntary
Placement Agreements

MEMORANDUM

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS AND CHILDREN'S DIVISION STAFF; COMMUNITY MENTAL HEALTH CENTERS; MENTAL HEALTH REGIONAL OFFICES; AND ADA REGIONAL OFFICES

FROM: PAULA NEESE, CD DIRECTOR
MARK STRINGER
DIRECTOR, DIVISION OF ALCOHOL AND DRUG ABUSE
ACTING DIRECTOR, DIVISION OF COMPREHENSIVE PSYCHIATRIC SERVICES

SUBJECT: CUSTODY DIVERSION PROTOCOL AND VOLUNTARY PLACEMENT AGREEMENTS

DISCUSSION:

In 2005 the Children's Division and Department of Mental Health initiated statewide implementation of the Custody Diversion Protocol. This protocol and dedicated funding was created to address the needs of those Missouri families who had, on their own, gone to a juvenile office or Children's Division to voluntarily relinquish custody of their child as they could not access or afford the mental health services needed. This was viewed as a significant achievement and gained national attention. In the planning and initial implementation it was believed, based on a past pattern of voluntary relinquishment, that this would be a very limited number of families who would feel compelled to take this path. Unfortunately as the word got out, people/agencies began viewing this as a funding stream for residential services for any child and family. The growth in use of this protocol has now exceeded the fiscal capacity to support it.

To address this unsustainable growth, the Custody Diversion Protocol has been revised to reflect more clearly its initial intent. Changes in the protocol include more specific eligibility criteria and limitations on how referrals can be made to the protocol and access to the Voluntary Placement Agreement.

CUSTODY DIVERSION PROTOCOL ELIGIBILITY CRITERIA

Eligibility criteria for the Custody Diversion Protocol are as follows:

- The parent/legal guardian is a legal resident of the state of Missouri;
- The parent does not receive adoption subsidy;
- There is no current allegation of abuse or neglect;
- There is no current referral to the juvenile office for which the juvenile office plans to take any action except to refer the parent for appropriate services;
- The parent has already contacted the appropriate DMH provider (community mental health center, Regional Office, Adolescent CSTAR provider) in an attempt to obtain services. If they have not contacted a DMH provider, CD or the juvenile office staff will provide contact information for the appropriate provider, and a referral to the protocol is not made;
- The child is currently residing in the parents' or legal guardian's home;
- The parent/legal guardian commits to allowing the child, if placed out of the home, to return to their home when deemed clinically appropriate.

ADDITIONAL CLARIFICATIONS/REVISIONS RELATED TO THE CUSTODY DIVERSION PROTOCOL AND VOLUNTARY PLACEMENT AGREEMENTS

- DMH providers, Children's Division staff and juvenile office staff cannot recommend initiation of the protocol or Voluntary Placement Agreement to a parent through meetings or staffings. *Only* when the parent/legal guardian on their own accord has come forward to the juvenile office or Children's Division for the purpose of voluntarily relinquishing custody of their child to the state, and understand the potential ramifications of such action, can a referral through the Custody Diversion Protocol be made.
- Children's Division must support and uphold the initial clinical recommendations made by DMH regarding the level of care indicated through the Custody Diversion Protocol.
- After the agreement has been signed by the parent(s) and the CD Custody Diversion Protocol designee it must be sent to the CD Central Office designee responsible for the oversight of the VPA program for final approval. Voluntary Placement Agreements must be signed by the CD Central Office designee before it will be considered officially approved, and a placement made. The agreement has been revised to reflect such (see CD-35 form). If the VPA is approved the CD Custody Diversion Protocol designee will then send a copy of the agreement to the local DMH Administrative Agent, Regional Office, or Adolescent CSTAR provider responsible for placement. The CD Custody Diversion Protocol designee will retain the VPA with original signatures at all times. The local DMH provider should return a copy of the agreement with the identified placement date to the CD Custody Diversion Protocol designee within five days. If the agreement is not returned with a placement date within 5 days the CD Custody Diversion Protocol designee should contact the DMH Administrative Agent, Regional Office or Adolescent CSTAR provider to request the begin date. A copy of the signed agreement with placement date will then be sent to the RCST Coordinator and Central Office designee responsible for the oversight of the VPA program.
- If the youth requires a placement that exceeds the standard contract rate for the Division of Comprehensive Psychiatric Services, CD Central Office review and prior approval is required.

The majority of these changes reflect the initial intent of the protocol. It was never meant to be a new funding stream to place youth out of the home or to continue a placement out of the home. Both Children’s Division and the Department of Mental Health have limited resources to support the needs of children with serious emotional disorders. We all must find ways to support these children and their families within these limitations. It is not an easy task particularly when there is such dedicated staff working in our agencies. We are open to feedback from the field in ways to improve the process, but will also be monitoring compliance with the protocol.

Revisions to the VPA policy stated in this memorandum are effective immediately. The Child Welfare Manual will be updated to reflect such by 12/18/09.

NECESSARY ACTIONS:	
<ol style="list-style-type: none"> 1. Please review this memorandum with all Children’s Division Staff. 2. All questions should be cleared through normal supervisory channels and directed to: 	
PDS CONTACT Randal D. Yancey (573)-751-4344 Randal.D.Yancey@dss.mo.gov	PROGRAM MANAGER LeAnn Haslag (573)-526-0957 LeAnn.M.Haslag@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS	
<u>E-FORMS AND INSTRUCTIONS</u> CD-35 Voluntary Placement Agreement	
RELATED STATUTE Section 210.122 RSMo.	
ADMINISTRATIVE RULE 13 CSR 35-30.010 Voluntary Placement Agreement	
REFERENCE DOCUMENTS and RESOURCES	
COUNCIL ON ACCREDITATION (COA) STANDARDS NA	
CHILD and FAMILY SERVICE REVIEW (CFSR) NA	
PROTECTIVE FACTORS Parental Resilience NA Social Connections NA Knowledge of Parenting and Child Development NA Concrete Support in Times of Need NA Social and Emotional Competence of Children NA	
FACES REQUIREMENTS NA	