

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

M E M O R A N D U M

TO: CHILDREN'S DIVISION AND CONTRACTED STAFF
FROM: DARRELL MISSEY, DIRECTOR
SUBJECT: CUSTODY MODIFICATION CONTRACT

DISCUSSION:

In late 2017, the Children's Division implemented a time-limited program designed to help children achieve permanency by paying private attorneys to finalize custody orders for children who were lingering on trial home visit with a parent.

This program was reinstated in 2019 and will continue as instructed in this memorandum. The criteria and procedures are written below.

This program is only available to those children and parents who meet the following criteria:

1. The child is currently in the legal custody or supervision of the Children's Division;
2. The juvenile or family court has issued an order approving a permanency plan that identifies the parent who requires a custody order as the identified post-permanency resource;
3. The Children's Division has determined that the primary barrier to the child exiting the system and reaching permanency is a custody modification or order;
4. There is strong reason to believe that once the custody modification is complete, the child will be released from legal custody of the juvenile court;
5. The parent with physical custody through juvenile court is interested in pursuing a custody modification or order, and is willing to serve as the "client" in the case;
6. The custodial parent has identified an attorney who is willing and able to obtain a custody order or modification at the rates stated in the contract. The parent and the parent's attorney must agree to all of the terms and conditions of the contract, which are non-negotiable.

Procedure for Making a Referral:

The Children's Division, in conjunction with the Division of Finance and Administrative Services (DFAS) Procurement, will be procuring and administering these contracts

through the normal contracting process. The contract can only be established with agreement from the parent and attorney, who will represent the parent. Under this program, DSS and Children's Division agree to pay reasonable attorney fees and costs up to a pre-determined limit as stated in the contract. Additionally:

- The Children's Division (CD) staff member shall work with the parent and the selected attorney to complete the contract (located [here](#)). This contract shall be signed by the parent, attorney, and CD circuit manager or designee.
- The signed contract shall be emailed to CustodyModifications@dss.mo.gov to obtain the DSS Department signature. The attorney's email address shall be included.
- The final signed contract will then be sent back to the requesting party and the attorney, and the attorney can begin the legal work for the parent upon receipt of the fully executed contract.
- The final signed contract shall be retained by the requester and be submitted with the payment request after the legal action is complete (see below for payment instructions).
- Once the legal action is complete, the parent shall be given form [CS-300](#) to complete and return to the Family Support Division regarding child support.

Procedure for Stalled Work:

The contract requires that the Petition be filed within sixty ("60") days of the date of the contract and that a Judgment and Order is entered within twelve ("12") months of the date of the contract.

If the contracted attorney is not proceeding with the case in a timely fashion, and a new contract with another attorney is desired, send an email with detailed information about the case and the attorney to CustodyModifications@dss.mo.gov. DO NOT enter into a contract with a new attorney before the old contract is terminated.

Procedure for Payment:

Per the contract, the attorney has sixty ("60") days from the completion of the legal action to bill the Division for the cost (at the contracted rate).

The payment for this bill should be processed by the local CD office who originated the contract and the following procedure is to be used per section 5.6.1 of the contract:

- The local CD office shall enter a Payment Request in FACES using service code CUST and the child's DCN. Attorneys will be paid using Vendor Type UN and Program Area AC.
- If an attorney is not already set up with a DVN in FACES, this step must be completed first.
- The local CD office will submit payment for processing within five ("5") business days. The local CD office will send a copy of the finalized contract which includes the DSS Department signature, and the attorney's invoice for completion of the modification, to the FACES Payment Unit at DFAS.FACESPaymentUnit@dss.mo.gov in Jefferson City. The finalized order showing the legal action must also be included.

NOTE: If the case is managed by a Foster Care Case Management (FCCM) provider, please list the organization managing the case in all correspondence.

The contract needs to be utilized by staff immediately for new cases from the date of the memorandum moving forward. If there is a contract in process at the date of the memorandum, staff are not required to start the process over with the new contract.

Please direct any questions to CustodyModifications@dss.mo.gov.

NECESSARY ACTION 1. Review this memorandum with all Children’s Division staff. 2. All questions should be cleared through normal supervisory channels and directed to:	
CONTACT Name: Travis Miller E-mail: travis.miller@dss.mo.gov	
CHILD WELFARE MANUAL REVISIONS N/A	
FORMS AND INSTRUCTIONS	
REFERENCE DOCUMENTS AND RESOURCES	
RELATED STATUTE N/A	