



# CHILDREN, YOUTH AND FAMILIES BULLETIN

COMMONWEALTH OF PENNSYLVANIA ● DEPARTMENT OF PUBLIC WELFARE


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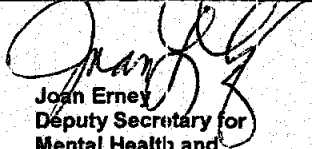
EFFECTIVE DATE:  
August 20, 2004

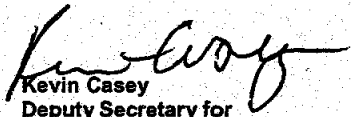
NUMBER:  
00-04-02

SUBJECT:  
MH/MR Services for Children Placed Out-of-  
County in Pre-Adoptive or Foster Homes

BY:

  
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## SCOPE:

COUNTY MH/MR ADMINISTRATORS  
BASE SERVICE UNIT DIRECTORS  
COUNTY CHILDREN AND YOUTH SOCIAL SERVICE AGENCIES  
COUNTY CHILDREN AND YOUTH ADVISORY COMMITTEES  
COUNTY COMMISSIONERS AND EXECUTIVES  
PRIVATE CHILDREN AND YOUTH SOCIAL SERVICE AGENCIES  
COUNTY CHILDREN AND YOUTH SOCIAL SERVICE FISCAL OFFICERS  
CHIEF JUVENILE PROBATION OFFICERS

## PURPOSE:

The purpose of this bulletin is to establish policies and procedures for delivering coordinated interagency services for children eligible for Mental Health/Mental Retardation (MH/MR) services. This bulletin applies to children who are placed with pre-adoptive or foster care parents who reside outside of the county that maintains legal custody. Compliance with this bulletin is required and will be monitored by the Office of Children, Youth and Families (OCYF) and the Office of Mental Retardation (OMR). This bulletin rescinds Mental Retardation Bulletin 4000-91-01 entitled Services for Children in Foster Family Care Who Are Placed Out-of-County issued on November 22, 1991.

## REFER COMMENTS AND QUESTIONS REGARDING THIS BULLETIN TO:

Regional Program Representatives

Origin: Lora Casteline (717) 787-7759

**BACKGROUND/DISCUSSION:**

The Mental Health and Mental Retardation Act of 1966 requires that children placed in pre-adoptive or foster family homes are given access to the same MH/MR services as children living with their parents. Children who live with pre-adoptive or foster parents in a location outside the county that has legal custody, sometimes find it more difficult to access needed MH/MR services than do children who live in their home community/county with adoptive or birth parents. A child living in a pre-adoptive or foster family home outside the custodial county must have the same opportunity to obtain appropriate MH/MR services as all other children requiring those services.

Moreover, eligible infants, toddlers and pre-school children ages birth through beginners (the age at which a child starts school, usually kindergarten) inclusive, who are placed in pre-adoptive or foster family homes outside their custodial county are entitled to early intervention services as mandated by Act 212 on the same basis as resident children in that county.

On August 20, 1989, a lawsuit, Michael H., a minor who sues through his best friend, et al., v. Snider, was filed on behalf of two youngsters with disabilities and a class of:

"All Commonwealth of Pennsylvania resident children who are eligible for publicly funded MH/MR services, who are placed with pre-adoptive or foster families in counties other than the county which maintains legal custody of the children, and who have been denied mental health/mental retardation services."

In August 1989 and again in November 1991 the parties sought to settle the Michael H. litigation by filing stipulations intended to assure that class members have access to appropriate MH/MR services where they were placed by county children and youth agencies. Both stipulations required the Department of Public Welfare (DPW) to periodically report on the extent to which the stipulations were being implemented throughout Pennsylvania.

On October 10, 1995 in a stipulation, DPW agreed to continue monitoring Michael H. class members through a survey process until September of 1997. From that point forward the monitoring became part of an agency's annual licensing inspection process conducted by Office of Children, Youth and Families Regional Staff.

Each county is required to have established policies and procedures to ensure that all aspects of the stipulation (Attachment A) are met. These policies and procedures must be in writing.

**DEFINITIONS:**

**Children and Youth Intercounty Coordinator**

The individual within a custodial county children and youth agency assigned to oversee the provision of MH/MR services to children placed in pre-adoptive or foster family homes outside their custodial county.

**Custodial County Children, Youth and Families Agency**

The county children and youth agency with the legal custody of the child.

**Custodial County MH/MR Office**

The MH/MR office located in the county that has legal custody of the child.

**Early Intervention Services**

Services designed to meet the developmental needs of each eligible child and the needs of the family related to enhancing the child's development. Eligible children include infants and toddlers birth through two years and pre-school children age three to age of beginners as mandated by the Early Intervention Services System Act, 11 P.S. 875-101 (Act 212). The term beginners refers to the age at which a child starts school, usually kindergarten.

**Foster Family Care**

Residential care and supervision provided to a child placed with a foster family.

**MH/MR Intercounty Coordinator**

The individual in the custodial or receiving county MH/MR offices assigned to oversee the provision of MH/MR services to children placed in pre-adoptive or foster family homes outside their custodial county.

**Out-of-County Children**

Those situations where a child is in the custody of one county children and youth agency but placed in another county. This may refer to both foster family care placements and pre-adoptive placements.

**Pre-adoptive Home**

An approved home in which an individual proposed to be adopted resides.

### **Receiving County Children, Youth and Families Agency**

The children and youth agency in the county of physical residence of a child living with pre-adoptive or foster parents when legal custody of the child is with a different county children and youth agency.

### **Receiving County MH/MR Office**

The MH/MR office in the county of physical residence of a child living with pre-adoptive or foster parents when legal custody of the child is with a different county.

### **POLICY:**

Children who are receiving MH/MR services in the custodial county shall continue to receive comparable services in the receiving county to the extent that the services exist or can be made available with funds from the MH/MR office in the custodial county or under the Medical Assistance Program.

Children in pre-adoptive and foster family homes shall have the same access to MH/MR services as children living in the same county with their adoptive or birth parents.

Children shall receive coordinated service planning by the County MH/MR Agency and County Children and Youth Agency when joint planning is necessary for the child's benefit.

Children, ages birth through two, who are eligible for early intervention services placed out-of-county are the legal and financial responsibility of the receiving county MH/MR office with respect to such services. Pre-school children, ages three through beginners, eligible for early intervention services placed out-of-county are the financial responsibility of the Department of Education.

The placement of children in foster family homes outside of their home county should be avoided as general practice unless absolutely essential. Foster care that is community-based builds the bridge between the two sets of parents and therefore has a much better chance of succeeding. However, when considering pre-adoptive and adoptive placements the Adoption and Safe Families Act P.L. 105-89 requires that geographical boundaries not interfere when making efforts to find a permanent family for a child.

If a Children and Youth, Mental Health or Mental Retardation agency identifies a child as a Michael H. class member (a child with identified MH/MR needs who was placed outside their home county but did not receive services within four weeks from date of placement) the agency shall develop a plan of correction to address how this child, and other Michael H. class members will have their needs addressed in a timely

and appropriate manner. These cases shall also be referred to the appropriate regional team for review and recommendation. The regional team is made up of OCYF regional staff, MH/MR staff and other programmatic staff as determined appropriate by the team and is responsible for insuring that any Michael H. child referred receives services in accordance with this bulletin. The custodial county MH/MR office remains responsible to ensure the coordination and continuity of MH/MR services for children placed in pre-adoptive or foster family homes.

**PROCEDURES:**

- A. The custodial children and youth agency (C&Y) is responsible for making a good faith effort to ensure that there is pre- and post-placement planning for the mental health and mental retardation needs of children placed in other counties, and that these children receive any needed Mental Health/ Mental Retardation (MH/MR) services in a timely manner. Pre-planning includes informing all related parties of the child's potential placement to determine current or potential need for MH/MR services. Each county C&Y agency shall designate an individual whose job it is to carry out these functions (hereinafter C&Y intercounty coordinator) (Attachment B). This function must be assigned to a single individual in the custodial county C&Y agency for all out-of-county children, to allow the assigned staff person to develop the necessary expertise and contacts. Whenever a child who is known to need MH/MR services is to be placed out-of-county, the child shall be referred to the C&Y intercounty coordinator. Managed care does not relieve the county children and youth agency from designating a staff person as an intercounty coordinator.
- B. Each county MH/MR office will designate a lead person to monitor the provision of MH/MR services to children placed outside their custodial county (hereinafter MH/MR intercounty coordinator) (Attachment B). Managed care does not relieve the MH/MR office from designating a staff person as an intercounty coordinator.
- C. Prior to placing a child with MH/MR needs in another county, the C&Y intercounty coordinator will contact the county MH/MR intercounty coordinators in the custodial and receiving counties and the C&Y private provider, if any, to notify them of the proposed date of the child's placement; whether the child is known to the MH/MR system; a description of the child's MH/MR service needs; and what services, if any, the child is currently receiving.  
In the event of an unplanned emergency placement the C&Y intercounty coordinator will contact the MH/MR intercounty coordinator on the next business day. The MH/MR intercounty coordinator will be contacted on the next business day in the event where a child is placed in another county and the C&Y intercounty coordinator discovers previously unknown MH/MR needs of the child.

- D. The C&Y intercounty coordinator will notify the MH/MR intercounty coordinators in the custodial and the receiving county programs of each child who was receiving MH/MR services prior to being placed out-of-county. These children are required to receive comparable services in the receiving county within four weeks from date of placement. The C&Y intercounty coordinator's obligations will include arranging for the services with the receiving county's MH/MR intercounty coordinator, and arranging for funding from the custodial county MH/MR office. The C&Y intercounty coordinator will also be responsible for following-up with the custodial and receiving county MH/MR intercounty coordinators to assess whether the child has received comparable services within four weeks from date of placement.
- E. The C&Y intercounty coordinator is responsible for determining whether children who were not receiving MH/MR services prior to placement are treated as if they are residents by the receiving county's MH/MR office to determine eligibility for services. The C&Y intercounty coordinator shall also monitor the child to determine that a case manager is appointed by the receiving county, and that services are initiated, as if the child were living in the county with his/her birth family. The date of referral is the date the child applied for MH/MR services in the custodial county or receiving county, whichever is earlier.
- F. The custodial county C&Y agency shall assure that all children receive the full extent of regulatory protections as described in 55 Pa. Code Chapter 3130 (relating to Administration of County Children and Youth Social Services Programs).
- G. The custodial county remains responsible for the payment of MH/MR Services that the child is receiving and is not reimbursable under the Medical Assistance Program. If a child is a HealthChoices Member or eligible for HealthChoices, the county agencies should refer to the current "HealthChoices Behavioral Health Program Standards and Requirements, Appendix V, Attachment 1" for information regarding payment responsibility. The Appendix can be accessed at the following website: <http://www.dpw.state.pa.us/Omap/rfp/HlthChcRFP/HlthChBHAppdxV.asp>. Changes to the Appendix will occur from time to time and those changes would be included in future editions of the Program Standards.
- H. Although there may be differences in the way children from the HealthChoices Program zones access their mental health services, the procedures identified in paragraphs A through F should continue to be followed. In addition, in a mandatory managed care zone, the identified C&Y intercounty coordinator must notify the County Assistance Office (CAO). The MH/MR intercounty coordinator must notify the Behavioral Health Managed Care Organization (BH-MCO) and include them in both pre- and post-placement planning efforts to assure appropriate and necessary coordination with the BH-MCO in that county.

- I. The regional children, youth and families and mental retardation offices will monitor compliance with the policies and procedures provided in this bulletin during licensure inspections.
- J. The Office of Children, Youth and Families; the Office of Mental Health and Substance Abuse; and the Office of Mental Retardation will provide any changes in the name, address, phone number, fax number, and e-mail address of the respective intercounty coordinators in the beginning of each year. OCYF will be responsible for distributing a current list of all coordinators.

#### Attachments

C:

**Michael H. Intercounty Coordinators  
(see Bulletin Attachment B)**