

**SOCIAL SERVICES
CHILD PROTECTIVE SERVICES
PERMANENCY PLANNING PROCEDURES (8.10.8 NMAC)
PR 10 – OUT OF HOME PLACEMENT**

- 1** **ISSUING AGENCY:** Children, Youth and Families Department (CYFD)
Protective Services Division (PSD)
- 2** **EFFECTIVE DATE:** December 1, 2020 [09-29-15; 03-15-16; 08-10-17; 02-12-18; 12-01-20]
- 3** **CORRESPONDING POLICY:** 8.10.10 NMAC
- 4** **OBJECTIVE:**
 1. The purpose of PR 8.10.8.10 is to implement procedures regarding the out of home placement of children in PSD custody.
 2. Definitions found at 8.10.8.7 NMAC also apply to these Permanency Planning Procedures.
 3. The term “permanency planning worker” or “PPW” may apply to any protective services division worker acting in the capacity of a PPW and who meets the qualifications to perform the job duties assigned to a PPW.
- 5** **DECISION FOR OUT-OF-HOME PLACEMENT:** When it has been assessed that the child cannot safely remain in his or her home, PSD pursues legal custody of the child. When the court has determined that it is contrary to the welfare of the child to remain in his or her home, PSD is awarded legal custody of the child and the child is placed with a licensed foster care provider in to ensure the child’s safety and well-being. Proposed placements take the following into consideration to meet the needs of the child:
 1. safety concerns for the child and foster care provider;
 2. skills required by the foster care provider to be able to care for the child and provide for the child’s needs successfully;
 3. the availability of services and resources needed by the child while in the out of home placement;
 4. the number of children already residing in the home and whether those children require a higher level of supervision due to medical, mental or developmental needs; and
 5. whether the case is eligible to be an Indian Child Welfare Act (ICWA) case. [09-29-15; 03-15-16]
- 6** **RELATIVE NOTIFICATION:** When a petition will be or has been filed, or a voluntary agreement will be or has been signed, the PSD worker requests that the parents, guardians or custodians and children provide the names and contact information for the following:
 1. all grandparents;
 2. aunts and uncles;
 3. adult siblings;
 4. all parents of a sibling of the child where such parent has custody of the sibling; and
 5. other adult relatives.

Information on the above individuals is collected regardless of whether these individuals reside within the United States. This information is utilized in addition to the names and contact information collected during the investigation.

The PPW informs the parent, guardian or custodian and child that the purpose of providing this information is to notify the relative of the child’s entry into foster care, to explore the relative’s capacity as a placement resource for the child and to explore the relative’s ability to maintain connections with the child. The PPW inquires of the parent and child whether the parent or child has any knowledge or concerns about the named relative’s ability to safely care for the child, and if they suggest any particular relatives for placement or other contact with the child. All of this information is documented in the narrative in FACTS.

Within 30 days of the removal of the children from the home or petition seeking legal custody of the child, whichever occurs first, the PPW, the investigator, or both, exercises due diligence and makes reasonable efforts to

identify and provide notice to relatives of the child's entry into foster care (unless such notice would be contrary to the best interests of the child due to family or domestic violence), to explore the relative's capacity as a placement resource for the child and to explore the relative's ability to maintain connections with the child. The notification may be in oral or written form, in the family's preferred language. If a relative is notified verbally, the PPW documents the notification in the narrative section in FACTS and includes a description of how and when the notice was provided and, if applicable, that the option for placement was presented to the relative. If a relative is notified by writing, the PPW maintains a copy of the notification in the record and documents in the narrative section of FACTS that written notification was provided to the relative. The oral or written notice must:

1. specify that the child has been or is being removed from the custody of the parent or parents of the child;
2. explain the options the relative has to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;
3. describe the requirements for becoming a foster care provider and the additional services and supports that are available for children placed in such a home; and
4. provide the dates of any currently scheduled court hearings that involve the child.

The PPW documents in the FACTS narrative any response received from any of the relatives that were notified. In the documentation, the PPW documents the assessment of the relative willingness to be considered for placement options and willingness to maintain a connection with the child.

If the relative expresses a willingness to provide placement and potential permanency for the child, and there are not any known reasons that would prevent the relative from being licensed as a foster care provider, the worker informs the relative of all the licensing requirements and assists the relative in initiating the home study process. In circumstances where an identified relative would not qualify for placement, for example, their own children are in foster care, there is a disqualifying criminal conviction, or placement with the relative would be contrary to the child's safety or well-being, the PPW documents the reason the relative would not qualify and the source of the information as the justification for not considering them for placement in the narrative section in FACTS. If the relative meets child protection and licensing standards and placement of the child in that home would be in the child's best interests, a preference to placement in that home will be given. If the most appropriate relative placement is out of state, the PPW initiates the Interstate Compact on the Placement of Children (ICPC) process.

The PPW shall include in the pre-dispositional study a statement of the efforts the department has made to identify and locate grandparents and other relatives and to conduct home studies on any appropriate relatives expressing an interest in providing care for the child. All appropriate relatives should be considered prior to any other placement option. The CCA shall request a finding at the dispositional hearing that the department has made reasonable efforts to identify, locate and give notice to all grandparents and other relatives and to conduct home studies on any appropriate relative who expresses an interest in providing care for the child.

If the court adopts a permanency plan other than reunification, and the child is not placed with a relative, the PPW through the children's court attorney (CCA) provides information to the court as to the reasonable efforts made to identify and locate relatives as well as efforts made to study appropriate and willing relatives. If the court finds that reasonable efforts to identify and locate relatives or to conduct home studies on appropriate and willing relatives have not been made, then the court shall schedule a permanency hearing within 60 days to determine whether appropriate relative placement has been made and provides PSD 60 days to identify, locate and consider relatives for placement. If a relative placement is made within those 60 days, the subsequent hearing may be dismissed.

The assigned case workers, both PPW and investigator, shall exercise due diligence and make reasonable efforts to identify and locate grandparents and other relatives in every case (and will provide notice except when contrary to the child's best interests due to family or domestic violence). Efforts include, but are not limited to, checking with other relatives, reviewing publicly accessible data bases (e.g. phone books), genograms or ancestry charts, ecomaps and reviewing other data bases accessible to the case worker. If these efforts are unsuccessful, the worker will access the department's search resources by completing the Relative Search Form, located on the CYFD intranet under the Protective Services "Forms" link and forwards the form to the relative search coordinator for their region. If the relative search coordinator is able to provide a name or contact information regarding a relative, the PPW must again initiate the process of making reasonable efforts to locate and notify that identified relative.

Efforts to locate relatives is an ongoing process and continued efforts are required unless a child is placed with a relative. [09-29-15; 03-15-16]

7 **ICWA RELATIVE NOTIFICATION:** If there is reason to believe a child is an Indian child, the PPW notifies all known relatives. The PPW obtains the tribe or pueblo's definition of relative from the tribe or pueblo. The PPW utilizes a genogram or ancestry chart to assist in identifying possible Indian relatives of the child. The PPW can also contact the tribe, pueblo or ICWA worker to ask if they may assist in locating relatives of the child. Additionally, the child's tribe or pueblo is notified as soon as the worker has any information that suggests or indicates the child is an Indian child. Upon obtaining this information, the PPW or Investigations worker contacts any tribe or pueblo of which the child may be a member by:

1. Calling the tribe or pueblo; and
2. Sending written notification via the ICWA notice from worker, located on the intranet.

Active efforts are required as soon as PSD believes that the child may be an Indian child See also Permanency Planning Procedure PR14 - Adjudication and Disposition, Active Efforts. [09-29-15; 03-15-16]

8 **PLACEMENT TYPES:** Children in PSD's custody are placed in licensed foster homes or facilities and licensed relative foster homes. Foster care placement is the preferred placement type. Placement of a child shall not be delayed or denied on the basis of the race, color, national origin, or sexual orientation of the either the foster care provider or the child. The PSD worker may place a child directly into homes or facilities as follows.

8.1 **Foster Care Placement:** A foster care placement may include:

1. Placement in a Relative Home: When potential relative placements have been identified, the PPW contacts those relatives to inquire about their ability to provide care to the child requiring placement. If the potential placement is a relative who is not a licensed foster home, then the PSD worker completes the initial relative assessment prior to placement of the child and seeks to provisionally license the relative. (See 8.26.4.16 NMAC) Placement with provisionally licensed or licensed relatives is given first preference over licensed non-relative foster care providers when making foster care placement decisions. Placement with fictive kin are given preference over a non-relative foster care provider when all identified relatives have been ruled out or are not able to care for the child.
2. Placement in a Non-Relative Licensed Foster Home: When there is not a viable relative or fictive kin placement available, the PSD worker seeks to place the child in a licensed non-relative foster home. [09-29-15; 03-15-16]

8.2 **Community Homes:** Community homes are facilities licensed by PSD which operate 24 hours a day and provide full time care, supervision and support to no more than 16 children in a single residential building. Placement in a community home may not be an option for all children that come into custody. These homes are not traditional family foster care settings, but are similar to group homes or other congregate care settings. The PPW must take into consideration that all of the community homes are based upon a Christian theology, therefore children placed in the community home would be exposed to a Christian doctrine.

If determined by the PPW and supervisor that a community home is the best placement option for a child in custody, then the PPW contacts the community home to set up an intake interview with the selected community. Community home staff will screen referrals based on the community home's criteria such as capacity, age of child, and needs of the child. It is important to remember that community homes are not a long term care placement option for most of our children, and that the PPW may need to pursue a more traditional foster care placement while the child is residing in the community home.

While residing in the community home, the child will be eligible for a monthly payment and all incidentals except for transportation. Community homes do not qualify for respite. To open the placement in FACTS, PSD workers:

1. select Service Category "Out-of-Home Place (Private)" which will change to "OOHP (Group)" when selected; and
2. select the appropriate Service Type from the following list:
 - a. Community Home 0-5;
 - b. Community Home 6-12; or
 - c. Community Home 13+.

These homes will be reimbursed at a daily/monthly rate of:

	AGE OF CHILD		
	0-5 Years	6-12 Years	13 and Older
Daily Rate	\$0.67	\$1.37	\$1.87
Monthly Rate	\$20.00	\$41.00	\$56.00

[09-29-15; 03-15-16]

8.3 Licensed Group Homes and Shelters: When placement in a foster home is not feasible, the PPW may consider placement with other licensed group homes and shelters. The PPW provides information about the child to assist the group home or shelter in assessing their ability to care for the child. The PPW selects a placement and enters the information into FACTS. Licensed group homes or shelters are a temporary placement option until a more permanent placement can be located. The supervisor approves the child's placement. Examples of group homes or shelters may include:

1. crisis shelter group care;
2. emergency shelter; and
3. maternity home. [09-29-15; 03-15-16]

8.4 Therapeutic Settings (Treatment Facilities): Treatment foster care homes, residential treatment centers, psychiatric hospitals and medical hospitals provide medical or psychological treatment to children in the custody of PSD requiring such services. Therapeutic settings include treatment foster care, group home, residential treatment centers, and psychiatric or medical hospitals.

1. Medicaid Enrolled Child: When a child is Medicaid enrolled, the PPW contacts a provider for assessment and if the child meets placement criteria, the provider offering placement of the child requests approval through the child's Managed Care Organization (MCO) or MCO designee for placement. Prior to the assessment the PPW provides the placement provider with the child's clinical diagnosis, and description of precipitating events and current problematic behaviors. If the MCO and placement provider concurs with the placement recommendation of the worker, authorization is granted and the PPW coordinates directly with the placement provider for placement of the child. If authorization is denied and the PPW believes that the placement is required, the PPW notifies his or her supervisor to staff the appeal and notification of program deputy director or the family and support services bureau chief.
2. Non-Medicaid Eligible Clients: When a child is not eligible for Medicaid, the PPW selects a placement provider that will be best able to meet the needs of the child. The PPW contacts a placement provider for assessment. Prior to the assessment the PPW provides the placement provider with the child's clinical diagnosis, and description of precipitating events and current problematic behaviors. If the child meets placement criteria, the worker explores third party payments, including the parent, guardian or custodian's private insurance, before accessing state funds to provide for the placement. The PPW cannot negotiate rates or agree to any other payment arrangement. Issues or problems related to facility rates are directed to Central office. The PPW submits an MFD through his or her chain of command to field deputy director or designee for approval prior to placement. [09-29-15; 03-15-16]

9 NON TRADITIONAL PLACEMENTS AND TEMPORARY STAYS: No child under 18 will be placed in any hotel, motel, office of a contractor, or state agency office unless in extraordinary circumstances necessary to protect the safety and security of the child. Extraordinary circumstances must be documented in the child's record and, prior to placement, must be approved by the CYFD Cabinet Secretary or the Protective Services Director. [12-01-20]

9.1 Extraordinary Circumstances: Staff will document the extraordinary circumstances which pose a threat to the safety and security of the child, and document all efforts made to secure placement in a foster home, licensed facility or shelter. Every contact related to placement shall be documented. Staff must contact statewide placement staff for placement availability in all counties, each crisis shelter agency, all host home agencies and every shelter in the state. For any child or youth placed in a hotel, motel, office of a contractor, or state agency office, that child's assigned Permanency Planning Worker shall participate in daily staffings and document efforts and progress made toward securing placement for children or youth. Placement efforts are the responsibility of the county office staff. [12-01-20]

9.2 Notification: CYFD shall provide notice of the extraordinary circumstance and location of temporary stay to the child's Guardian ad Litem and Youth Attorney immediately where possible, and not more than 24 hours after the placement of the child. The assigned PPW will notify via email and include the assigned Children's Court Attorney (CCA). Notification to the dependency court to which the child's case is assigned must occur within 3 business days by the assigned CCA. [12-01-20]

9.3 Documentation in File and in FACTS: Justification for extraordinary circumstances and type and location must be entered into the placement window in FACTS and sent to the Division Director or CYFD Secretary for approval. Approval must be documented in the FACTS Administrative Meeting window. [12-01-20]

10 OUT OF STATE RESIDENTIAL TREATMENT CENTER (RTC) PLACEMENTS AND OTHER CONGREGATE CARE SETTINGS: No child under 18 will be placed with an out of state congregate care provider unless in extraordinary circumstances necessary to protect the safety and security of the child. Extraordinary circumstances must be documented in the child's record and, prior to placement, must be approved by the CYFD Cabinet Secretary or the Protective Services Director.

When a child or youth requires a higher level of care to address their behavioral and mental health needs, and services are not available or cannot be quickly established in New Mexico to address their needs, an out of state RTC or other congregate care placement may be considered in extraordinary circumstances, only after efforts have been made to identify community based services and supports that address the child's needs in a non-congregate setting. Other congregate care settings include group homes or facilities designated to address the emotional, behavior, and special needs of a child or youth.

A triage meeting must occur prior to the approval of any out of state placement in an RTC or other out of state congregate setting. Approval will not be granted by the CYFD Cabinet Secretary or the Protective Services Director for an out of state placement unless a Triage Team Meeting has occurred. The team must come to consensus regarding approval to place a child out of state. The requirement for triage meeting does not apply to out-of-state placements with relative or fictive kin foster placements, or pre-adoptive and pre-guardianship placements. [12-01-20]

10.1 Goals for Triage Meeting: The goals of the triage meeting are to:

1. improve placement stability;
2. ensure children and youth are placed in an appropriate level of care to meet their behavioral health needs and support their permanency goal, including any assessments, evaluations, and recommendations from a provider documenting the need for a higher level of care;
3. explore feasible alternatives to out of state residential placement, capable of meeting the child or youth's needs;
4. ensure children and youth are placed in New Mexico absent extraordinary circumstances; and
5. ensure children and youth have an appropriate discharge plan from the out-of-state RTC and congregate care placements. [12-01-20]

10.2 Triage Team Members: Required members of the team include:

1. the child's PSD worker;
2. the PSD supervisor; and
3. the Community Behavioral Health Clinician (CBHC).

The CBHC is a member of the Triage Team and provides input, but is not the final decision maker. The Child's PSD worker will also invite to Triage Team Meetings:

1. the PSD Child Placement Agency (CPA) Specialist;
2. the PSD Interstate Compact for the Placement of Children (ICPC) Specialist;
3. the child or youth's Guardian Ad Litem or Youth Attorney;

4. the PSD Fostering Connections Specialist, if applicable, and
5. the youth and family members. [12-01-20]

10.3 Triage Protocol:

1. The PSD worker and CBHC will collaborate to schedule a Triage Team Meeting no later than 48 hours after receiving a recommendation for a higher level of care and the extraordinary circumstances supporting the need for out of state placement. The team will identify the appropriate therapeutic placement options to meet the individual needs of the child or youth based on the current assessment, including in extraordinary circumstances documented consistently with this policy, out-of-state options. An out-of-state placement may only be considered in extraordinary circumstances necessary to protect the safety and security of the child and after full consideration of all other feasible options.
2. The PSD worker shall provide the most recent assessment(s) of the child/youth to team members for review. A behavioral health evaluation completed by a new or current provider should be the driving factor when determining the need for higher levels of care and the need for an RTC placement. Completion of the CANS does not meet the criteria of a current valid behavioral health evaluation
3. If the Triage Team cannot agree on an appropriate placement either in state or out of state, the case will be escalated to the PSD County Office Manager, and the CBHC Supervisor for consultation. If needed, the Regional Manager and BHS Deputy Director are also included.
4. Upon reaching consensus, PSD in consultation with the CBHC, shall prepare packets for appropriate level of care (TFC, RTC) and/or prepare a support plan for identified foster parents or relative caregivers to support placement stability and least restrictive placement options.
5. If it is determined by the Triage Team that the best treatment option to meet the child's specific needs is an out of state treatment placement, the PSD worker will prepare an Memorandum For Decision for review and approval by the COM, Regional Manager, Field Deputy Director, and PS Director. The MFD must include all efforts to identify appropriate treatment in New Mexico and document the extraordinary circumstances that threaten the child's safety and security. **All out of state RTC placements must be approved at the PS Director Level or by the Cabinet Secretary**
6. The PSD Worker shall complete all required ICPC referral documents for any out of state placement and ensure ICPC approval prior to any placement.
 - a. Placement of a child in PSD custody in a residential treatment center requires a copy of the current custody order or a voluntary placement agreement, 100 A, 100 B (when applicable), documentation of IV-E status, letter of acceptance from the residential facility, current case history for the child, current case plan and a written description of the financial and medical plan. Some states may also require a placement disruption agreement.
 - b. Placement of a delinquent child in a residential treatment center requires a copy of the court order indicating the child has been adjudicated delinquent, stating equivalent facilities are not available in the sending agency's jurisdiction and that institutional care in the receiving state is in the best interest of the child and will not produce undue hardship. The following is also required: 100 A, 100 B (when applicable), documentation of IV-E status, letter of acceptance from the residential facility, current case history for the child, current treatment plan and a written description of the financial and medical plan. Some states may also require a placement disruption agreement.
7. In all cases in which the Triage Team recommends out of state RTC placement, the Triage Team (PPW, PPW Supervisor, and CBHC) will meet monthly in order to monitor the child's clinical needs, treatment plan and progress and plan for the child's/youth's discharge to a placement in NM. The meeting may occur in person, via conference calls or virtually. Thirty (30) day out of state placement staffings will be documented in FACTS.
8. The PPW and CBHC will attend all Treatment Team Meetings for the child/youth placed out of

state in a facility. CBHCs will provide oversight regarding the clinical need of the youth/child in an out of state RTC facility. [09-29-15; 03-15-16; 12-01-20]

- 10.4 Documentation in File and in FACTS:** Justification for extraordinary circumstances and type and location must be entered into the placement window in FACTS and sent to the Division Director or CYFD Secretary for approval and approval is required and documented in an out of state Memorandum for Decision document to be approved by the, COM, RM, Field Deputy director and Division Director or Cabinet Secretary which should be uploaded in the administrative icon in FACTS. [12-01-20]
- 10.5 Team Meetings:** Monthly team meetings will occur to improve communication, planning and support for children to better support children, youth, parents, foster parents and providers. [12-01-20]
- 10.6 Monthly Visits:** If the decision is to place a child or youth in an out of state congregate placement, the worker must arrange for monthly worker-child visits and ensure the child's or youth's needs are being met. CYFD will ensure that contact is maintained between the child and their family. [12-01-20]

11 INDIAN CHILD PLACEMENT: PSD places an Indian child in accordance with the placement preferences of the ICWA. Indian children are placed in a foster care or pre-adoptive setting in accordance with the placement preferences of the ICWA as follows:

1. a member of the Indian child's extended family;
2. a foster home licensed, approved, or specified by the Indian child's tribe or pueblo, whether on or off reservation;
3. an Indian foster home licensed or approved by a non-Indian licensing authority; or
4. an institution approved by an Indian tribe or pueblo or operated by an Indian organization that has a program suitable to meet the Indian child's needs.

In the event that PSD is unable to follow ICWA placement preferences, the PSD worker in conjunction with the CCA will request a court hearing. At the hearing, PSD will request findings that a diligent search was conducted to comply with placement preferences and that good cause exists to deviate from the placement preferences.

Good cause to deviate from placement preferences is based upon one or more of the following considerations:

1. The request of the parents, if both parents attest that they have reviewed the placement options that comply with the order of preference.
2. The request of the child, if the child is able to understand and comprehend the decision that is being made.
3. The extraordinary physical or emotional needs of the child, such as specialized treatment services that may be unavailable in the community where families who meet the criteria live, as established by testimony of a qualified expert witness; provided that extraordinary physical or emotional needs of the child does not include ordinary bonding or attachment that may have occurred as a result of a placement or the fact that the child has, for an extended amount of time, been in another placement that does not comply with ICWA.
4. The unavailability of a placement after a showing by the applicable agency in accordance with placement preferences, and a determination by the court that active efforts have been made to find placements meeting the preference criteria, but none have been located. For purposes of this analysis, a placement may not be considered unavailable if the placement conforms to the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

All documentation regarding an Indian child placement is entered into FACTS under "narrative," "ICWA active efforts". [09-29-15; 03-15-16]

12 ICE BREAKER MEETINGS: An Icebreaker meeting provides an opportunity for resource families and the child's family to meet each other and talk about the needs of the child while they are in care. The child's family and resource parents exchange information about themselves and their family routines and traditions. [03-15-2016; 12-14-2020]

12.1 Who is invited to Icebreakers: The PSD primary caseworker invites and schedules the Icebreaker to include the following individuals:

1. Placement worker (if applicable);
2. Child's family;
3. Current resource family (if applicable—for best practices, the current resource family should be invited when a child changes from their placement to a new placement);
4. Prospective resource family (if applicable—for best practices, the prospective resource family should be invited when a child changes from one placement to their placement);
5. Youth (if appropriate);
6. Treatment foster care provider (if applicable). [12-14-2020]

12.2 Timeframe: Icebreakers are scheduled by the primary PSD caseworker immediately upon the entry of the child into foster care (after the affidavit is filed) or with every new placement. The Icebreaker meeting must be completed as soon as possible, but no later than seven business days after placement of a child in a new resource family home.

The primary PSD caseworker's supervisor ensures at the next supervisory meeting that the Icebreaker has occurred or there is a plan to conduct an Icebreaker. The PSD supervisor documents in the supervisory note that they discussed Icebreakers in the supervisory staffing with the PSD caseworker. [12-14-2020]

12.3 Documentation: The Icebreaker facilitator utilizes the "*NM Icebreaker*" form located on the intranet. If the Icebreaker facilitator is not the primary PSD caseworker or placement worker, they provide all Icebreaker information to the primary PSD caseworker and placement worker.

The primary PSD worker documents Icebreakers in the child's file and in the FACTS case narrative.

The placement worker documents the Icebreaker in the provider file and in the FACTS provider narrative.

The resource family and birth family should receive copies of the Icebreaker form.

If an Icebreaker cannot be completed within the seven day timeframe, the PSD worker documents reasons why the Icebreaker meeting was not completed and if alternatives to the Icebreaker were offered (virtual meetings, phone calls, translation services, letters, pictures, email, etc.). When circumstances prevent an Icebreaker from taking place within the seven day timeframe, ongoing efforts by the primary PSD worker to schedule an Icebreaker meeting will continue, until it is determined the Icebreaker is no longer needed. When it is determined Icebreakers are no longer needed, the PSD worker will staff with their supervisor and County Office Manager (COM). The PSD worker documents their attempts in the FACTS case narrative. [12-14-2020]

12.4 When Icebreakers can be waived: There may be instances when an Icebreaker may not be appropriate or necessary. Some of those instances are, but not limited to:

1. When a safety or risk concern exists that cannot be mitigated (such as threats made by the child's family to staff or resource family);
2. When the child's family is repeatedly unwilling to engage in an Icebreaker;
3. When PSD cannot locate the child's family or get a response from them. However, if parents are subsequently located, the primary PSD worker re-evaluates the appropriateness of an Icebreaker and schedules the meeting with the family.
4. When consistent communication has already been established between a resource family and the child's family;
5. When the placement change is between one resource family and another resource family who have consistent communication;

6. When the resource parents are persistently unwilling to engage in an Icebreaker. If this occurs, the PSD placement worker shall address refusals at the license renewal or annual review, or may address with corrective action plan, suspension, or revocation if determined appropriate by placement staff.

If any of the above instances occur, the primary PSD caseworker staffs with their supervisor to determine if there is reason to waive the Icebreaker and if ongoing efforts to schedule an Icebreaker would be inappropriate. The decision to waive the Icebreaker is then staffed by the supervisor to the COM for approval. The supervisor enters a supervisory note into FACTS documenting the COM approval for the waiver. If the waiver is due to a resource family's unwillingness to engage in an Icebreaker, the Placement Supervisor documents in the supervisory note in FACTS. Once a waiver is issued, the requirement for an Icebreaker is no longer needed; however, if circumstances change after the waiver, the worker can re-evaluate and schedule an Icebreaker with the child's family and resource family.

If a resource family has already met the child's family (at court or at visits where this information was shared) and both parties do not want a formal Icebreaker meeting, the PSD primary caseworker documents that this "informal Icebreaker" took place within the case narrative in FACTS. The documentation will include topics that were discussed and any plans for future communication between the parties. The PSD worker will continue to support and ensure ongoing communication between the resource family and the child's family. [12-14-2020]

12.5 Topics covered in Icebreakers: The PSD worker refers to the "NM Icebreaker Form" located on the intranet to guide the Icebreaker meeting. The form covers the following topics:

1. Important information about the resource family; and
2. Important information about the child or youth. [12-14-2020]

12.6 Where do Icebreakers take place? For best practices, Icebreakers should take place face-to-face; however, virtual Icebreakers may take substitute for the in person meetings.

Icebreakers may take place in person at a neutral location approved by the PSD caseworker so long as confidentiality can be ensured or at the local county CYFD office. Icebreakers may be conducted over the phone or using other virtual platforms (such as Zoom, FaceTime, etc.). [12-14-2020]

12.7 Data Collection: Immediately following an Icebreaker meeting, the primary PSD caseworker provides the following survey monkey link to all participants in order to track data on Icebreakers:

https://www.surveymonkey.com/r/Preview/?sm=eTwPMMcPeejcnGWQ3CXJwSzcGnfDIN59dvPVL4MoGEzf3jjoqnoT_2FDcXEJDreoLS. [03-15-16; 12-14-2020]

13 LEAST RESTRICTIVE ENVIRONMENT AND PROXIMITY OF PLACEMENT:

13.1 Least Restrictive Environment: Children are placed in the least restrictive setting consistent with the assessment of their individual needs. [09-29-15]

13.2 Proximity of Placement: When possible, the child is placed in close proximity to his or her home or school of origin. When it may not be possible, or not in the best interest of the child, to be placed in close proximity to the child's home or school the PPW documents the reasons for not placing a child in close proximity to his or her home or school of origin are documented in FACTS. When a child is not placed in close proximity to his or her home of origin, the PPW maintains or arranges for, bi-weekly contact with the parent, guardian or custodian. This may include but is not limited to: in person visits, telephone calls, Skype, or written correspondence. The PPW facilitates the successful implementation of the visitation plan by assisting in arranging for transportation and setting the visits at times and a place that is accessible by the family. [09-29-15; 03-15-16]

13.3 Educational Continuity: *See Permanency Planning Procedure PR 18 – Education.* [08-10-17]

14 LEVEL OF CARE ASSESSMENT: When a child enters the custody of PSD, the PPW or placement worker arranges for or conducts a level of care assessment in FACTS to determine the level of care the child will require. The worker completes the assessment within 30 days of the child entering foster care. The assessment includes, but is not limited to:

1. a physical examination by a medical doctor;
2. a review of any available educational records; and
3. a review of information provided by other professionals currently working with the child or family, such as counselors, therapists, physical therapists, and juvenile probation officers.

The worker re-assesses the child every six months. However, depending on the child's needs, a reassessment may happen at any time, if determined appropriate. [09-29-15; 03-15-16]

14.1 Level of Care: The levels of care are as follows:

1. Level 1: All children entering care enter into Level 1 unless the child is determined appropriate for a higher level of eligibility.
2. Level 2: This level of care is for children requiring a higher level of care, structure, or supervision than would be required for a child of similar age or development in foster care. An example of a level 2 child would be a child that requires specialized foster care, treatment foster care or needing to be placed temporarily in a Residential Treatment Center.
3. Level 3: This level of care is for children with significantly high needs and is generally an alternative to institutional care. An example of a level 3 child would be a child that has a significant disability that requires twenty four hour physical and medical care. [12-31-97; 07-01-01; 12-15-04; 12-22-09; 03-15-16]

14.2 Licensure Requirements: Level 1 foster care requires a foster-home license only. If a child requires level 2 or level 3 care or other special services, the home must be licensed according to the assessed needs of the child. Level 2 care may refer to treatment foster care or specialized foster care. Level 3 care is usually an alternative to institutional care and may also be referred to as specialized foster care. If a child is already in a foster home, but before a child's placement type can change to a level 2 or level 3 placement, the placement worker assesses the foster care provider's ability to provide the appropriate level of care for the child. If the placement worker determines that the foster care provider has the appropriate training and skill level to meet the child's needs, the foster care provider is licensed at the higher level of care. The placement worker notifies the PPW upon completion of the licensing process. [09-29-15; 03-15-16]

14.3 Supplemental Security Income (SSI): When a child has been determined appropriate for level 2, it is up to the county office manager (COM) whether or not a SSI application is completed for the child. For level 3 care, an SSI application for the child will be made immediately, unless SSI is already in place. The child will also be referred for the DD Waiver. In cases of level 2 foster care approval, denial of either an SSI or DD Waiver will be staffed with the supervisor and COM to determine if an appeal will be filed. In all cases where level 3 foster care is determined appropriate, the worker will appeal an adverse decision for either SSI or DD Waiver. If the COM does not believe an SSI application is appropriate, then the COM will reexamine the placement level decision in order to assess whether the placement level is accurate. If the placement level is reassessed and changed to level 2 it is up to the COM whether or not to apply for SSI. [09-29-15; 03-15-16]

14.4 Level 3 Adoption Subsidy: Any level of care 3 change will take place, at a minimum, 60 days prior to signing the Adoption Placement Agreement. A representative from placement is notified immediately following level of care 3 change, either by phone or in person, in order to insure the proper negotiation and processing of subsequent subsidy requests above the level 2 rate. If a level of care is to be discussed at a staffing for a child with a plan or concurrent plan of adoption, a placement representative is invited to the staffing. The PPW or placement worker prepares a memorandum for decision for the regional manager's review and approval, documenting the reasons for any variation in these procedures and the reasons it is in the child's best interest. [09-29-15; 03-15-16]

14.5 Documentation: The PPW or placement worker documents any special needs identified in the Level of Care window in FACTS. The worker completes the Level of Care Eligibility form and submits it to the supervisor for approval, including copies of documentation to support a placement at level 2 or level 3 care. [09-29-15]

15 Change of Placement: When a child's placement is changed, including a return to the child's home, the PPW or placement worker provides written notice to the child's guardian ad litem or attorney, the child's court appointed special advocate (CASA), the child's foster care providers, and the court. This notice is required ten days prior to the placement change, unless an emergency situation requires moving the child prior to the notice. When prior notice is not possible, written notice must be provided to the guardian ad litem or attorney, all parties, CASA, the foster care providers, and the court within three days after the placement change has occurred.

The PPW will ensure the transfer of child's medical and dental information to the new placement setting when there is a case transfer or placement change.

The PPW will update all placement changes in FACTS within 48 hours of the child's change of placement.

Written notice is not required for removal of a child from respite. In respite situations, the placement worker or the PPW shall provide verbal notification of the removal to the child's guardian ad litem or attorney.

When a child, through his or her guardian ad litem or attorney, files a motion and requests a court hearing to contest the placement change, PSD will not change the child's placement pending the results of the court hearing, unless an emergency requires changing the child's placement prior to the hearing. [09-29-15; 03-15-16; 02-12-18]

16 SIBLINGS:

16.1 Placement: The PPW informs the court as to the placement of all siblings in custody. In circumstances where siblings have been placed together, no other information is required for the CCA to seek a finding that the department has made reasonable efforts. In those circumstances where siblings have not been placed together, the PPW must describe efforts to place siblings together and why joint placement is contrary to the safety or well-being of any of the children. The PPW must identify the specific safety or well-being threat that joint placement would have created. If the PPW is not able to find a foster care provider willing to accept an entire sibling group then the PPW documents the reason for the separation of siblings, develops a visitation plan, and documents continued efforts to jointly place the siblings together. The PPW provides this information to the court at the dispositional hearing and all subsequent judicial reviews and permanency hearings. Therefore, the PPW must continuously examine whether continued separation is necessary to provide for the safety and well-being of each child in the sibling group. [09-29-15; 03-15-16]

16.2 Sibling Separation: Reasons for a sibling separation, as well as efforts made to place siblings together are documented in FACTS. Any siblings not jointly placed are provided reasonable visitation or other on-going interaction unless any interaction would be contrary to the safety and well-being. This also includes reasonable visitation or other on-going contact with any siblings that are not in the custody of PSD. [09-29-15]

16.3 Visitation: In those circumstances where siblings have been separated, the PPW provides for reasonable visitation or other ongoing interaction for the siblings. The nature of the visitation or other interaction is described in all reports to the court. Ongoing visitation or other interaction should be tailored to meet the emotional and developmental needs of the children involved. The PPW should consider a variety of methods to maintain sibling relationships including, but not limited to, face-to-face visitation, telephone, e-mail, and electronic social networking sites, as well as clubs, classes, or religious or cultural activities in which the siblings jointly participate. In those circumstances where ongoing visitation or other interaction would be contrary to the safety or well-being of any of the siblings, the PPW clearly identifies the threat to safety or well-being that is created by the ongoing contact or visitation. The PPW provides this information to the court at the dispositional hearing and all subsequent judicial reviews and permanency hearings. Recommendations regarding sibling visitation will be re-evaluated every 90 days. [09-29-15]