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**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
Division of Child and Family Services
Helping people. It's who we are and what we do.



Ross Armstrong
Administrator

DATE: April 17, 2020

TO: Tim Burch, Director, Clark County Department of Family Services
Amber Howell, Director, Washoe County Human Services Agencies
Alexis Tucey, Deputy Administrator, Division of Child and Family Services

FROM: Ross Armstrong, Administrator, Division of Child and Family Services

RE: Instructional Memo: COVID-19 Guidance Memo #3

The Division of Child and Family Services continues to work through the ever-changing response to COVID-19. We are committed to continuing to send out information as we receive it in a way that is helpful.

RESOURCES FROM THE CHILDREN'S BUREAU

The Children's Bureau has set up an informational website for child welfare agencies:
<https://www.acf.hhs.gov/cb/resource/covid-19-resources>

The Administration for Children and Families (ACF) has set up an informational website for Human Services Leaders:
<https://www.acf.hhs.gov/oro/priorities/covid-19-resources-for-human-services-leaders>

- This website provides links to all federal guidance letters and information sent by the Children's Bureau and ACF on responses and flexibility in light of the pandemic.

EXTENSION OF COVID-19 GUIDANCE MEMO #1:

The provisions previously outlined, set to expire on April 19, 2020, are extended to May 15, 2020. Please refer to the March 17th COVID-19 Guidance Memo #1 regarding the following topics:

- Response Times
- Contact Required: State Regulation and Policy
- Visits to Juvenile Justice, Mental Health, or Other Facilities
- Emergency Shelters
- Alternative Nevada Initial Assessment

CASEWORKER VISITS

DCFS provided exceptions to in-person caseworker visits in the March 17th COVID-19 Guidance Memo #1. The Children's Bureau released guidance the following day, followed by an updated Child Welfare Policy Manual question and answer:

Question 8.

Does video conferencing between a child in foster care and his/her caseworker meet the Federal statutory provisions at section 422(b)(17) for caseworker visits on a monthly basis?

Answer

In general, no. Videoconferencing or any other similar form of technology between the child and caseworker does not serve as a monthly caseworker visit for the purposes of meeting the requirements of section 422(b)(17) of the Social Security Act (the Act). Rather, a monthly caseworker visit must be conducted face-to-face and held in person. Furthermore, the Act requires State and Tribal title IV-B agencies to describe standards for monthly caseworker visits with children in foster care that are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the child.

However, there are limited circumstances in which a title IV-B agency could waive the in-person aspect of the requirement and permit the monthly caseworker visit to be accomplished through a videoconferencing. Such circumstances are limited to those that are beyond the control of the caseworker, child, or foster family, such as a declaration of an emergency that prohibits or strongly discourages person-to-person contact for public health reasons; a child or caseworker whose severe health condition warrants limiting person-to-person contact; and other similar public or individual health challenges. Even in the face of such challenges, agencies must continue to comply with the monthly caseworker visit requirement.

If an agency uses videoconferencing under these limited, specified circumstances, caseworkers must conduct the videoconference in accordance with the timeframe established in the Act, and must closely assess the child's safety at each conference. Also, we encourage agencies to consider plans of action should a caseworker not be able to reach a child via videoconference, or should the videoconference raise a concern about the child's safety or well-being. The waiver of the requirement would be narrowly limited to the timeframe during which the public or individual health challenge or issue renders it impossible or ill advised to meet the in-person requirement and should be well documented in the child's case plan. Scheduling conflicts and the like are insufficient grounds for waiving the in-person requirement.

CASEWORKER VISIT TRACKING IN UNITY

Based on guidance provided by the Children's Bureau (Dear Child Welfare Leaders, April 15, 2020):

...during the major disaster period, the title IV-E agency may include monthly caseworker visits that occur by means of video conferencing as "in the child's residence" for meeting the requirements in 424(f)(2)(A) of the Act.

Workers should check "saw child in placement location" box when documenting the visit.

REQUESTS FOR ADDITIONAL GUIDANCE

The Division of Child and Family Services, Family Programs Office understands that the COVID-19 emergency continues to be an evolving situation. Agency needs or abilities may change in the event of sharply increasing staff, placement, or provider shortages. Any agency experiencing difficulty in executing essential functions should coordinate with their local Public Health Preparedness team to coordinate with the State of Nevada Emergency Operations Center for resources. For statutory, regulatory, or policy concerns or deviations, please contact Kathryn Roose at the Family Programs Office by phone (775) 301-7141 or by email (kroose@dcs.nv.gov). Any child welfare agency may submit an emergency policy or procedure for review by the Family Programs Office for review.

In order for DCFS to track jurisdictional modifications to current practice through this crisis, the Family Programs Office requests copies of all policies, procedures, instructional memoranda, or other communications to child welfare staff, and requests jurisdiction permission to share modified operations with the other jurisdictions to facilitate practice improvement.

EXPIRATION OF MODIFICATIONS

The modifications to response times and interpretation of Nevada Administrative Code and state policy expire at 11:59PM on May 15, 2020. The Division reserves the right to issue superseding guidance based on federal direction or changing circumstances within the State of Nevada; the Division also reserves the right to extend the modifications in this memo if circumstances so require.

CC: Kathryn Roose, Deputy Administrator, Division of Child and Family Services