

**TENNESSEE/GEORGIA NON-CUSTODY BORDER AGREEMENT BETWEEN
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES (TN DCS), TENNESSEE
VALLEY REGION, HAMILTON AND MARION COUNTIES AND GEORGIA
DEPARTMENT OF FAMILY AND CHILDREN SERVICES (GA DFCS)
DADE AND WALKER COUNTIES**

PURPOSE: If during the conduct of a child protective services investigation, family assessment or family preservation, a TN DCS or GA DFCS case manager assesses a child to be at risk of imminent harm, he/she shall take actions necessary to promote the safety of the child. The case manager will consider the feasibility and practicality of a voluntary temporary family-based placement of the non-custodial child with a relative or person whom the child has a significant relationship with ("kin") who resides in the other State. For purpose of this agreement, such individuals residing out-of-state in TN DCS Tennessee Valley Region, Hamilton and Marion Counties and GA DFCS, Dade and Walker Counties may be considered for temporary placement for a period not to exceed three business days without the child being placed in the state foster care system in Tennessee or Georgia. Should foster care or a change in custody to the kin caregiver be required for the child after the three-business day temporary placement, this agreement provides the child may remain in the out-of-state placement pending a Border Agreement home study and final approval of the placement.

I. Initial Requirements

A. Border Agreement Immediate Safety Plan (BA Immediate Safety Plan)

1. TN DCS or GA DFCS case manager will document pertinent information regarding the child and actions necessary to promote the safety and well-being of the child on the BA Immediate Safety Plan. Each agency will follow their respective policies and procedures regarding approval of Immediate Protection Agreements or Safety Plans for the BA Immediate Safety Plan. Placements facilitated by this agreement will be voluntarily made by parents, guardians, or custodians who enter into a BA Immediate Safety Plan contemplated by this Agreement in accordance with the policies and practices of the sending State.

2. The TN DCS or GA DFCS case manager will clarify all terms, conditions and timelines to parent(s)/guardian(s) and kin identified on the BA Immediate Safety Plan and other pertinent parties to the BA Immediate Safety Plan.

3. The BA Immediate Safety Plan will specifically allow the parent(s) or caretaker(s) to retain legal custody of the child, while securing their voluntary agreement to the course of action to promote the child's safety during a child protective services investigation, family assessment or family preservation.

4. In order to minimize the trauma to children and families, TN DCS and GA DFCS case manager will facilitate the voluntary placing of the child with "kin" who reside in the other state which is documented on the BA Immediate Safety Plan.

5. For purpose of this agreement, individuals residing out-of-state in TN DCS Tennessee Valley Region, Hamilton and Marion Counties and GA DFCS, Dade and Walker Counties may be considered for temporary voluntary placement, without the child being placed in the state foster care system in Tennessee or Georgia.

B. Border Agreement Kinship Safety Study

1. TN DCS or GA DFCS case manager will initiate a request for the receiving state agency to conduct a Border Agreement Kinship Safety Study (BA Kinship Safety Study) on identified kin who reside in TN DCS Tennessee Valley Region, Hamilton and Marion Counties and GA DFCS, Dade and Walker Counties.

2. The sending state case manager will call the appropriate child abuse hotline or intake telephone number in the receiving state to request a Border Agreement Kinship Safety Study.

3. The numbers for the respective states and counties are: For Hamilton and Marion Counties, TN -- TN Central Intake 1-877-542-2873. For Dade County, GA – 706-657-7511 (8 a.m. to 5 p.m. Eastern time), 706-657-4111 (all other times). For Walker County, GA – 706-375-0724 (8 a.m. to 5 p.m. Eastern Time), 706-375-7810 (all other times).

4. The Tennessee Hotline Responder will contact the appropriate local office/on call case manager within 30 minutes of receiving the call from the sending state case manager to relay information needed to initiate the BA Kinship Safety Study.

5. The Georgia telephone numbers provided for non-business hours are the telephone numbers of local law enforcement agencies in Walker and Dade County, Georgia. Georgia anticipates that law enforcement officials will contact the appropriate county department as quickly as possible. However, if the Tennessee case manager contacts the non-business hour emergency number and has not received a call in response to the request for a Border Agreement Kinship Safety Study within 1 hour and 15 minutes, then the Tennessee case manager will call the emergency numbers provided by the Directors of the Walker and Dade County Department of Family and Children Services.

6. The Tennessee DCS Central Intake will follow the protocol attached to this Agreement and entitled: TN/GA Border Agreement Kinship Safety Study.

II. Response Requirements

A. Responding to BA Kinship Safety Study Request

1. Within 30 minutes of the notice by the Hotline Responder/Intake Responder of the BA Kinship Safety Study request, the receiving state case manager will contact the appropriate sending state case manager by telephone and confirm

receipt of the request and specify an estimated time for completion of the BA Kinship Safety Study. When Tennessee has requested a BA Kinship Safety Study after regular business hours, Tennessee will follow the procedure in I.B.5 above if Tennessee has not been contacted by a Georgia case manager within 1 hour and 15 minutes after the initial contact to Georgia is made.

2. The sending state case manager will fax or electronically scan and send via email to the receiving state case manager pertinent documents which may be available and assistive to the BA Kinship Safety Study request including the BA Immediate Safety Plan.

3. Unless circumstances specify otherwise, a verbal report of the BA Kinship Safety Study is expected to be completed within three (3) hours of receipt of the request.

4. The receiving state case manager will conduct the BA Kinship Safety Study of the identified "kin" caregiver(s) and the home environment using the receiving state's applicable policy and procedures for such a placement.

5. The BA Kinship Safety Study will consist of, at a minimum, a narrative report which:

- * documents information regarding the kin caregiver(s) and their home environment;

- * concludes with a determination regarding the appropriateness of the placement and impact on the safety and well-being of the child;

- * states the reason for approval or denial which includes any terms or conditions for the decision;

- * includes appropriate authorizing signatures, and

- * attachments which include local background checks/verifications, pursuant to local policy.

6. The sending state case manager will communicate with the placement to provide updates about the status of the placement process.

B. Approval of BA Kinship Safety Study

1. Approval of the BA Kinship Safety Study is the responsibility of the receiving state agency and must meet the receiving state agencies current policies and procedures.

2. Upon completion and approval of the BA Kinship Safety Study, the receiving state case manager will communicate the decision to the sending state case manager by telephone.

3. Approvals for the temporary placement of the non-custodial child with the kin caregiver are valid for a maximum of three (3) business days, excluding non-court days and Georgia furlough days. A Family Team Meeting will be held within the three (3) business days.

4. Because Tennessee DCS policy requires a criminal record check and GA DFCS policy requires a criminal name check before facilitating a voluntary placement with kin, TN DCS agrees to provide a NCIC III Purpose Code X criminal background check for all kin with whom children are to be placed under this Agreement. No information will be provided under this Agreement which will

violate federal law or policy. For purposes of this Agreement, GA DFCS will accept an approval of placement in Tennessee for Tennessee kin in lieu of receiving the criminal name background check. The caregiver must agree to submit fingerprint samples through the approved State of Tennessee vendor on or before the 15th calendar day that the NCIC III Purpose Code X criminal background check is conducted or the child must be returned to the sending state. TN DCS will complete the III Purpose Code X name based criminal background check on the same day as the request is received. Fingerprint results will be forwarded within two (2) days of receipt from the FBI/TBI. TN DCS will pay for fifteen (15) of these individual checks yearly.

5. Upon notice of approval of the BA Kinship Safety Study, the sending state case manager is responsible to secure agreement and signature of the parent(s) or legal guardian(s) on the Border Agreement Non-Custodial Consent for Transportation. In consultation with the kin caregiver, the sending state case manager will arrange for transportation of the child to placement in the approved home.

6. The sending state case manager will complete the Border Agreement Kinship Safety Placement Checklist and Consent for Medical Treatment/Educational Services securing all signatures of parent(s)/guardian and kin caregiver prior to the placement. A copy will be given to all parties concurrent with the physical placement of the child.

7. The next business day after placement is made, the following must be completed:

- * The receiving state case manager will fax or electronically scan and email a copy of the BA Kinship Safety Study, including attachments to the sending state case manager.

- * The sending state case manager will initiate a call to the receiving state case manager to discuss the need for any immediate services and schedule a Family Team Meeting. (If TN DCS is the sending state agency, the contact for both Walker and Dade Counties is Kim Gravitz (706) 375-0726 or (706) 375-0763 or (423) 298-7654. If GA DFCS is the sending agency, the contact for Marion County is Diane Easterly (423) 322-9593 and for Hamilton County is Jackie Jolley (423) 298-4123.

8. The sending state case manager will make arrangements for the scheduling, identification of, and notice to the pertinent parties and document the Family Team Meeting in cooperation with the receiving state case manager prior to the expiration of the BA Immediate Safety Plan. **See II. B. 3.**

9. The Family Team Meeting will determine and document the action needed to promote the child's safety and well-being in the placement. The actions will be mutually agreed upon by both the sending state and receiving state agencies and other parties involved in the Family Team Meeting, including the parent or custodian who has agreed to and made the voluntary placement of the child with kin in the receiving State.

C. Denial of BA Kinship Safety Study

1. The receiving state case manager will communicate a decision to deny placement pursuant to the BA Kinship Safety Study to the sending state case manager by telephone within 30 minutes of the determination. The denial shall include the name and phone number of an accessible supervisor, should the sending state wish to discuss the reason for the denial and any alternative measures that would allow for approval of the placement.

2. The receiving state case manager will fax or electronically scan and email a copy of the BA Kinship Safety Study, including attachments to the sending state case manager on the next business day.

III. Termination of Border Agreement Kinship Safety Study Placement

1. The sending state case manager may request the child be returned to the sending state anytime during the Border Agreement Kinship Safety Study placement based upon the case manager's assessment of the ability of the parent(s)/guardian(s) to resume care of the child or in the event new circumstances have occurred. The receiving state will assist in returning the child to the sending state, if needed, within the limits of the law. The BA Kinship Safety Placement will be closed as "child returned to sending state." Removal of a child from a kin placement established under this Agreement shall be voluntary until such time as the child is in the custody of the sending or receiving State.

2. The sending state case manager may petition the case manager's respective court for an adjudication of dependency or deprivation, requesting a disposition of custody or Temporary Protective Order to the kin caregiver. The BA Kinship Safety Placement will be closed as "adjudication and disposition to kin" or "adjudication and TPO," respectively. In the event custody is awarded to the kin caregiver at this juncture, the sending state court shall retain jurisdiction for a minimum of six months. If the court does not place custody of the child with the kin caregiver and instead awards custody to the sending state agency, then the procedures in 3.A or 3.B shall apply.

3.A.(i). The sending state case manager may petition the case manager's respective court for custody of the child based upon allegations of abuse or neglect. If custody is granted to the state agency, for purposes of this Agreement, the child may remain in the approved BA Kinship Safety Placement if the case manager concurrently files a request for an ICPC Regulation No. 7 Priority Placement Order with the court on the relative caregiver when the child is currently in a BA Safety Placement with a specified relative as defined in Article VIII(a) of the ICPC. (If the child is currently in a BA Safety Placement with a caretaker who is not a specified relative as defined in Article VIII(a) of the ICPC, then Regulation 9 of the ICPC will be utilized pursuant to 3.B, below). Within two (2) business days of the ICPC Regulation No. 7 Priority Placement Order signed by the judge or magistrate, the case manager must submit an ICPC Regulation No. 7 referral requesting a Priority Placement Home Study. The referral is to contain the following documents, an ICPC

100A, the custody order, the ICPC Reg. No.7 Priority Placement Order, ICPC 101, the approved BA Kinship Safety Study including accompanying documents and an ICPC 100 B which confirms the date that the child was initially placed under the BA Safety Placement. The sending state case manager also shall send a copy of the ICPC Reg. No.7 Priority Placement Order, custody order, ICPC 100A and ICPC 101 , to the receiving state case manager. Submission of all documents will be via fax or electronic scan and email.

(ii). After the referral has been filed and prior to completion of the Priority Placement Home Study, the sending state case manager must supply supporting documentation to the sending state's ICPC office and the receiving state case manager. The supporting documentation should include, when available, all assessments of the child and family, the permanency plan, the VI-E financial and medical determination, fingerprint results, any medical needs of the child and any other supporting documentation.

(iii). Within 20 business days of the Priority Placement Home Study order, the sending state case manager must hold at least one Family Team Meeting.

(iv). Until completion of the Priority Placement Home Study and issuance of a decision, all protections, services and supervisory responsibility over the child remain with the sending state.

(v). The expedited Priority Placement Home Study process must be completed within 30 days of the signing of the ICPC Reg. No.7 Priority Placement Order. The receiving state will assign a case manager to visit the child as mandated by contact standards established by the sending state.

(vi). The BA Kinship Safety Placement episode will be closed as "Regulation No. 7 initiated-Agency custody."

3.B.(i). If the child is currently in a BA Safety Placement with a caretaker who is not a specified relative as defined in Article VIII(a) of the ICPC, then Regulation 9 of the ICPC shall apply and the child may remain on a visit with that caregiver pending completion of the process outlined in 3.A.i-v, above. Due to the fact that this is technically a visit pursuant to Regulation 9, approval of a home study must be completed within 30 calendar days of custody order. If the placement is not fully approved within the 30 days, the child must be returned to the sending state.

(ii). The states agree to work expeditiously to obtain a decision regarding the placement within the 30 days. If the child is to be returned to the sending state because the placement is not approved within 30 days, the receiving state will assist in returning the child to the sending state within the limits of the law.

4. If the parent terminates the BA Immediate Safety Plan and either TN DCS or GA DFCS initiates an emergency removal, the agency shall comply with the procedures outlined in Paragraph 3. The BA Kinship Safety Placement episode will be closed as "Regulation No. 7 initiated-Agency emergency custody".

5. If other court action is initiated to terminate the BA Kinship Safety placement, the BA Kinship Safety Placement will be closed as "termination by court action".

6. If the parent(s)/guardian(s) were only in the sending state on a temporary basis and are "otherwise free to leave," they may return to the receiving state and request appropriate services from TN DCS or GA DFCS to help ensure the parent(s)/

guardian(s) have an ongoing and appropriate relationship with their child. They may do this on a voluntary basis. The BA Kinship Safety Study placement will be closed as "parents return to receiving State".

7. If a decision is made by either state to take the case to court for any reason, the receiving state case manager will make him/herself available to participate in the legal process by telephone.

IV. Training


1. Within thirty days of the date of the execution of this Agreement, GA DFCS and TN DCS shall establish a common and joint training for staff of the counties included in this Agreement.

2. All staff shall be trained no later than 45 days after the execution of this Agreement.

3. GA DFCS and TN DCS shall jointly agree upon a date when voluntary placements under this Agreement shall begin, taking into consideration the date by which training of staff will be accomplished.

V. Effective Date


This Agreement is effective October 1, 2010.



Viola P. Miller
Commissioner
TN Department of Children's Services

11/29/10

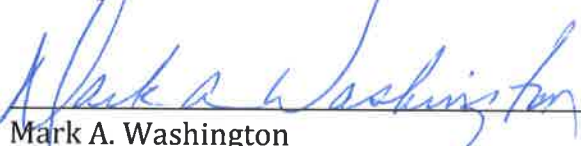
Date



Sandra Holder
Regional Administrator, Tennessee Valley Region
TN Department of Children's Services

11-17-2010


Date



Mark A. Washington
Assistant Commissioner
Georgia Department of Human Services

9/1/2010

Date



B. J. Walker
Commissioner
Georgia Department of Human Services

9-9-2010

Date