

THE POLICY

PAGES *Responses to Questions Of Policy as Received by Part H*

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Q: Please clarify the situation related to a child in the custody of *County A* Department of Social Services but is in the foster care placement in *County B* (which is in a different ICC area). Specifically, which locality is financially responsible for this child and who should services be provided?

A: The locality of origin, which legal custody resides (in this case *County A*), is financially responsible for this child. It is important to note that because the child is in foster care, many or most services will be covered by Medicaid (including transportation and therapies). The most critical factor is determining how services are provided and by whom is **what is in the best interests of the child**. Clearly, it will be important for both localities to work closely together in serving this child. A first step should be to talk with *County* Social Services to find out more about the situation. For instance, how long is this child expected to be in the foster care placement? Are there plans to return the child to the custody of her natural parents within a short time period or is this considered a long-term foster care placement? Unless the child is expected to return to *County A* in the near future or there are other factors indicating differently, it is most likely in the best interests of the child that she receive all or most of her Part H services through *County B*. Not only are these services closer to where the child and caregivers reside, this arrangement will also facilitate smoother transition to the public schools since the child would be served by *County B* Schools when she became age eligible.

When cross-jurisdictional situations like this one arise, the localities involved should work together to handle the initial referral to Part H (making sure both effected localities know about the referral), to conduct evaluations and assessments, and to jointly develop the IFSP. Based on the best interests of the child, service arrangements may involve responsibility for service provision resting in one locality or the other or in shared responsibility for service provision (e.g. service coordination is provided by the foster care worker from one locality and other services are provided by the second locality). In completing the child data form, for child count purposes, localities in this situation

are given the flexibility to decide between themselves who will count the child. Since the local child count is an important factor in the formula for allocating Part H funds to locality, it is recommended that the determination be made based upon which locality has invested the most in terms of time or money to serve the child.

For further information on this subject, please contact your regional consultant.