

VIRGINIA/ TENNESSEE NON-CUSTODY BORDER AGREEMENT BETWEEN TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES (TN DCS) NORTHEAST REGION AND VIRGINIA LOCAL DEPARTMENT OF SOCIAL SERVICES (LDSS) IN VA JUDICIAL DISTRICTS 28, 29 AND 30 Counties of Buchanan, Dickenson, Russell, Tazewell, Smyth, Washington, City of Bristol, Lee, Scott, Wise or City of Norton.

PURPOSE: While conducting a child protective services investigation or family assessment, if a TN DCS or VA LDSS case manager assesses a child to be in present and immediate danger, he/she shall make interventions currently needed to protect the child and develop a Safety Plan. The case manager will consider the feasibility and practicality of a 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, individuals residing out-of-state in TN DCS Northeast Region (Counties of Washington, Sullivan, Unicoi, Johnson, Carter, Greene, Hawkins or Hancock) and VA Judicial Districts 28, 29 and 30 (Counties of Buchanan, Dickenson, Russell, Tazewell, Smyth, Washington, City of Bristol, Lee, Scott, Wise or City of Norton) may be considered for temporary placement for a period not to exceed three (3) business days without the child being placed in the state foster care system in Tennessee or Virginia.

I. Initial Requirements

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

1. TN DCS or VA LDSS case manager will document pertinent information regarding the child and actions necessary to promote the 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 Plans 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 policies and practices of the sending state.

2. The TN DCS or VA LDSS case manager will clarify all terms, conditions and timelines to parent(s)/guardian(s) and relatives/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 agreement to the course of action to guarantee the child's safety during a child protective services investigation or family assessment.

4. In order to minimize the trauma to children and families, TN DCS and VA LDSS case manager will facilitate placing the child with a relative or "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 Northeast Region (Counties of Washington, Sullivan, Unicoi, Johnson, Carter, Greene, Hawkins or

Hancock) or VA Judicial Districts 28, 29 or 30 (Counties of Buchanan, Dickenson, Russell, Tazewell, Smyth, Washington, City of Bristol, Lee, Scott, Wise or City of Norton) may be considered for temporary placement, without the child being placed in the state foster care system in Tennessee or Virginia.

B. Border Agreement Kinship Safety Study

1. TN DCS or VA LDSS agency 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 relative/kin who reside in TN DCS Northeast Region (Counties of Washington, Sullivan, Unicoi, Johnson, Carter, Greene, Hawkins or Hancock) or VA Judicial Districts 28, 29 or 30 (Counties of Buchanan, Dickenson, Russell, Tazewell, Smyth, Washington, City of Bristol, Lee, Scott, Wise or City of Norton).

2. The Sending State agency case manager will call the Tennessee Child Abuse Hotline or VA Hotline in the Receiving State to request a BA Kinship Safety Study.

3. TN Central Intake 1-877-542-2873 or VA Hotline 1-800-552-7096

4. The Hotline Responder in the Receiving State will contact the appropriate local office/on call case manager in the receiving state *within 45 minutes* to relay information needed to initiate the BA Kinship Safety Study.

II. Response Requirements

A. Responding to BA Kinship Safety Study Request

1. Within *30 minutes* of notice by the Hotline Responder of the BA Kinship Safety Study request, the receiving state agency case manager will contact the appropriate sending state agency case manager by telephone and confirm receipt of the request and specify an estimated time for completion of the BA Kinship Safety Study.

2. The sending state agency case manager will fax or electronically scan to the receiving state agency 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, 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 relative or “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 reasons for approval or denial which includes any terms or conditions for the decision;
- * Includes appropriate authorizing signatures, and
- * Attachments that include local background checks/verifications.

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 agency's current policies and procedures.

2. Upon completion and approval of the BA Kinship Safety Study, the receiving state agency case manager will communicate the decision to the sending state agency 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 72 hours or 3 days; however, if the ending date falls on a holiday or weekend, the approval may be extended to the next business day or maximum of 96 hours or 4 calendar days.*

4. Upon notice of approval of the BA Kinship Safety Study, the sending state agency 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 relative or kin caregiver, the sending state agency case manager will arrange for transportation of the child to placement in the approved home.

5. 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 relative or kin caregiver prior to the placement. A copy of the documents will be given to all parties concurrent with the physical placement of the child.

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

- * The receiving state agency case manager will fax or electronically scan a copy of the BA Kinship Safety Study, including attachments to the sending state agency case manager;
- * The sending state agency case manager will initiate a call to the receiving state agency case manager to discuss the need for any immediate services and schedule a Family Team Meeting. *[If TN DCS is the sending state agency, contact is the Child Protective Services Supervisor at the VLDSS noted on the collateral attachment; if Virginia LDSS is the sending state agency, contact the Kinship Coordinator for TN DCS Northeast at (423) 979-5273.]*
- * The sending state agency case manager will make arrangements for the scheduling and identification and notice to 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 Section II . B. 3.*

7. The Family Team Meeting will determine and document action needed to provide protection of the child and support well-being in the placement. The actions will be mutually agreed upon by both the sending state and receiving state agency and other parties involved in the Family Team Meeting,

including the parent or custodian who has agreed to and made voluntary placement of the child with relative or kin in the receiving state.

C. Denial of BA Kinship Safety Study

1. The receiving state agency case manager will communicate a decision to deny placement pursuant to the BA Kinship Safety Study to the sending state agency case manager by telephone *within 30 minutes* of the determination.

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

III. Termination of Border Agreement Kinship Safety Study Placement

A. VA LDSS (Sending State)

1. VA LDSS case manager may request the child return to Virginia at any time during the Border Agreement Kinship Safety Study placement based upon their assessment of the parent(s) guardian(s) ability to resume care of the child or in the event new circumstances have occurred. TN DCS Northeast Region will assist in returning the child to VA LDSS if needed. The BA Kinship Safety Placement will be closed as “child returned to sending state.”

2. VA LDSS case manager may petition the court for a Protective Order requesting the custodial caregiver cooperate with service (See Section II. B. 3.) The BA Kinship Safety Placement will be closed as “Protective Order Obtained.”

3. VA LDSS case manager, along with the parent(s)/guardian(s) and kin, may file a joint petition requesting the court award custody of the child to the kin caregiver who has been approved through the BA Kinship Safety Study. This would allow the kin to be authorized to sign for necessary medical care, school enrollment, and to apply for or continue to receive benefits to assist with the care of the child. The BA Kinship Safety Placement will be closed as “custody awarded to kin with all parties in agreement”.

4. The VA LDSS petitions the court for custody of the child based upon allegations of abuse or neglect. Under these circumstances, and for purposes of this Agreement, the child may remain in the approved BA Kinship Safety Placement, if the VA LDSS concurrently files a request for an ICPC Regulation #7 Priority study order on the relative caretaker where the child is currently in a BA Kinship Safety Placement which specifies intent to seek compliance with the Interstate Compact on the Placement of Children (ICPC). The VA LDSS must execute an ICPC Regulation #7 Priority Request, meeting all terms and definitions as outlined in the ICPC regulations, within two business days. Until completion of the ICPC Regulation #7 Expedited study and issuance of decision, all protections, services and supervisory responsibility over the child remain with the sending state pursuant to the terms and conditions outlined in the Family Team Meeting as if this were a temporary placement. The BA Kinship Safety Placement episode will be closed as “Regulation #7 initiated-Agency 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 Virginia on a temporary basis and are “otherwise free to leave,” they may return to Tennessee and request appropriate services from the Tennessee Department of Children’s Services 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 sending State”.

B. TN DCS Northeast Region (Sending State)

1. TN DCS case manager may request the child return to Tennessee at any time during the Border Agreement Kinship Safety Study placement based upon their assessment of the parent(s)/guardian(s) ability to resume care of the child or in the event new circumstances have occurred. VA LDSS will assist in returning the child to Tennessee if needed. The BA Kinship Safety Placement will be closed as “child returned to sending state.”

2. TN DCS case manager may petition the court for an adjudication of dependency with custody disposition to the kin caregiver. The BA Kinship Safety Placement will be closed as “adjudication and disposition to kin”.

3. TN DCS case manager will assist the parent(s)/guardian(s) and kin in filing a joint petition requesting the court award custody of the child to the kin caregiver who has been approved through the BA Kinship Safety Study. This would allow the kin to be authorized to sign for necessary medical care, school enrollment, and to apply for or continue to receive benefits to assist with the care of the child. The BA Kinship Safety Placement will be closed as “custody awarded to kin with all parties in agreement”.

4. The TN DCS case manager petitions the court for custody of the child based upon allegations of abuse or neglect. Under these circumstances, and for purposes of this Agreement, the child may remain in the approved BA Kinship Safety Placement, if the TN DCS case manager concurrently files a request for an ICPC Regulation #7 Priority study order on the relative caretaker where the child is currently in a BA Kinship Safety Placement which specifies intent to seek to seek compliance with the Interstate Compact on the Placement of Children (ICPC). The TN DCS case manager must execute an ICPC Regulation #7 Priority Request, meeting all terms and definitions as outlined in the ICPC regulations, within two (2) business days. Until completion of the ICPC Regulation #7 Expedited study and issuance of decision, all protections, services and supervisory responsibility over the child remain with the sending state pursuant to the terms and conditions outlined in the Family Team Meeting as if this were a temporary placement. The BA Kinship Safety Placement episode will be closed as “Regulation #7 initiated-Agency 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 Tennessee on a temporary basis and are “otherwise free to leave,” they may return to Virginia and request appropriate services from the Virginia LDSS 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 sending State”.

TN/VA Border Agreement Addendum
BA Administrative Management
Previously submitted for Review: 5/31/2012
Re-submitted with changes: 11/1/17

IV. Training

1. After the execution of the Border Agreement Addendum, VA DSS and TN DCS shall:
 - Establish a common training curriculum and provide joint training for staff of the counties included in this agreement;
 - Establish with and train their own adjunct/support staff and or other auxiliary staff on protocol to be used to secure referral and other action required by this BA (ex. Hotline staff or ECC or after hours operators, etc.), resulting in all staff in both states being trained no later than March 31, 2108 after execution of this BA.
2. VA DSS and TN DCS shall jointly agree upon a date when safety placements under this BA shall be initiated, taking into consideration the date by which training of staff will be accomplished.
3. VA DSS and TN DCS are each responsible to maintain a training curriculum regarding the BA and provide periodic training/refreshers training on BA application to all new employees or newly-assigned employees, including a schedule of periodic joint training to maintain viability of the BA. At a minimum, each state will conduct refresher training annually.

V. Applicability of Safety Placement and the Interstate Compact on the Placement of Children.

All BA Kinship Safety Placements facilitated as part of the TN/VA Border Agreement:

- Must be compliant with the designated policy of each State and the terms and conditions outlined herein; and,
- The Articles and Regulations of the ICPC and the terms and conditions outlined in that statutory agreement.

VI. Reporting and Data Requirements

VA DSS DCBS and TN DCS staff of the counties/Region included in this BA shall be responsible:

- To establish a BA Local Management Group comprised of selected members of TN DCS and VA DSS DCBS from the Counties/Region designated in this agreement;
- Establish officers, including designation of a training coordinator;
- Schedule periodic meetings no less than once a quarter;
- Determine the method to conduct the meeting;
- Maintain minutes;
- Track and maintain monthly statistical data related to the BA through a mutually established document with agreed data elements; and,

- Compile a summary of activities on a quarterly basis and distribute for monitoring and evaluation of changes or training which might be needed.

VII. Border Agreement Maintenance and Review

1. A joint review of the progress made under implementation of this agreement shall be conducted every six months until mutually agreed by both states as no longer necessary.
2. The agreement may be revisited at any time. Parties will be notified of the need to review in writing. A meeting to review will be held within 30 days of written notice.
3. Parties to this Agreement may determine the appropriateness of Departmental signatures to any Amendments to the Agreement to authorize validity.

VIII. Termination of Border Agreement

1. This agreement may be terminated immediately upon mutual written consent of TN DCS and VA LDSS or at such other time as the two parties may agree in the written consent. An in-person review must occur with appropriate representatives from both states prior to termination.
2. Once written notice of termination has occurred, neither party will execute a BA Safety Placement request pursuant to this BA, nor will either party accept a BA Safety Placement request. Any BA Safety Placement or ICPC Reg. #7 Expedited Decision Placement of ICPC Reg. #1, #2 or #9 placement made pursuant to this BA prior to receipt of notice of termination shall be handled in accordance with the terms of this BA to conclusion, not to exceed beyond 30 business days.

IX. Signatures: Effective Date Agreement is effective November 15, 2017


Margaret Ross Schultze, Commissioner
Virginia Department of Social Services


Bonnie Homrich, Commissioner
Tennessee Dept. of Children's Services