

## **Regional Services Council Protocol**

**Updated as of July 1, 2008**

The State of Indiana is responsible to provide programs, services and placement for Indiana's most vulnerable and needy children and families. On January 1, 2009, the State will pay for those programs, services and placements, and recognizes that local involvement in the evaluations, contracting and implementation of the service delivery systems is critical.

Because of the importance for service capacity delivery to children and families in neighborhoods, communities, counties and state, the coordination of service availability and delivery is critical to protecting children and families. This process of service availability and delivery is best done at the local level. For example, experience and statistics show that rural communities often do not have the demand for, or the capacity to, deliver a wide variety of services. This is made more complicated since each individual case may present difficult and expensive needs or a changing variety of issues. Finally, this is even true with medium to large population counties.

In order to address these issues, including the need for coordination in wider geographic and geopolitical boundaries, the Regional Services Councils were created. This Protocol will assist in the process of determining service availability, delivery and effectiveness. It is intended to be a guideline protocol for each region to use as a basis for making services available.

### **Membership**

The make-up of the Regional Services Council will depend on the number of counties in the Region. If the Region consists of at least 3 counties, the Regional Services Council is made up of the following voting members.

- 1) The Regional Manager, who shall serve as chair of the committee.
- 2) Three Judges having juvenile jurisdiction in the Region, or their designees
- 3) Three Local Directors in the Region
- 4) Two Family Case Manager Supervisors from the Region
- 5) Two Family Case Managers from the Region
- 6) Two licensed Foster Parents from the Region
- 7) One Guardian ad Litem/CASA from the Region
- 8) One Prosecuting Attorney in the Region or designee from the Region
- 9) One resident of the Region who is at least 16 years old and less than 25 years of age and who has received or is receiving services through funds provided, directly or indirectly, through the Department. This person will serve in a non-voting capacity.

- 10) The parent of a child who has received or is receiving services through funds provided, directly or indirectly, through the Department . This parent must be a resident of the Region and will serve in a non-voting capacity. [This is an optional member, not a statutory one.]

If the service region consists of one or two counties, the Regional Services Council must include at least the following members from the region:

- 1) Three employees from the Region, including the Regional Manager
- 2) One juvenile court judge having jurisdiction in the Region or judicial hearing officer from the Region
- 3) Two members who are designees of a juvenile court judge having juvenile jurisdiction in the Region
- 4) Two Family Case Manager Supervisors from the Region
- 5) Two Family Case Managers from the Region
- 6) One licensed Foster Parent from the Region
- 7) One Guardian ad Litem/CASA from the Region
- 8) One member who is a prosecuting attorney in the Region or the prosecuting attorney's designee from the Region
- 9) One resident of the Region who is at least 16 years old and less than 25 years of age and who has received or is receiving services through funds provided, directly or indirectly, through the Department. This person will serve in a non-voting capacity.
- 10) The parent of a child who has received or is receiving services through funds provided, directly or indirectly, through the Department . Parent must be a resident of the Region and will serve in a non-voting capacity. [This is an optional member, not a statutory one.]

### **Selection of Judges having Juvenile Jurisdiction**

The Judges should meet in the manner best selected by them – in person, telephonic, e-mail, etc. – and choose those who will serve as the voting members of the Regional Services Council. Once selected, the names should be submitted to the Regional Manager and the Director of the Indiana Department of Child Services. The designated Judge(s) may designate in writing a Probation Officer or Magistrate who will be a proxy, using the DCS Proxy Form, to serve as a voting member of the Council if he or she is unavailable for a Council meeting.

### **Selection of Prosecuting Attorney**

The Prosecuting Attorneys should meet in the manner best selected by them – in person, telephonic, e-mail, etc. and select one individual to serve as the voting member of the Regional Services Council. Once selected, the name should be submitted to the Regional Manager and the Director of the Indiana Department of Child Services. The

designated Prosecuting Attorney may designate in writing a proxy, using the DCS Proxy Form, to serve as a voting member of the Council if he or she is unavailable for a Council meeting.

### **Selection of Other Membership**

The Director of the Department shall appoint the remaining membership of the Regional Services Council based on recommendations from the Regional Manager determined as follows:

#### Selection of Local Directors

It has been suggested that it would be inappropriate for the Local Directors to represent the same counties represented by the Judges having Juvenile Jurisdiction. However, it remains with the Local Directors to discuss among themselves their representatives on the Regional Services Council with the Regional Manager making the final determination.

#### Selection of the Supervisors

The Supervisors will be selected by the Regional Manager after consideration of recommendations made by the Local Directors. In no event should the Supervisors represent the same county as the Local Directors, unless otherwise agreed upon by all of the Local Directors and the Regional Manager.

#### Selection of the Family Case Managers

The Family Case Managers will be selected by the Regional Manager after consideration of recommendations made by the Local Directors. In no event should the Family Case Managers represent the same county as Local Directors, unless otherwise agreed by all Local Directors and the Regional Manager.

#### Selection of Foster Parent

If there is a foster parent association or membership, formal or informal, in the region where the selection is to be made, the choice of the foster parent representative should be made by that association. If there is not an association, formal or informal, then the foster parent representative may be chosen in a manner determined by the above-mentioned members of the Regional Services Council. One method, only as a suggestion, is to have each Local Director nominate a foster parent as they may determine, and then ask those foster parents to meet and choose among them, a representative. The goal is to make the selection of this position as meaningful and as open as possible, so that a broad base of representation is available.

### Selection of Guardian ad Litem/CASA

If there is a GAL/CASA certified program in the Region where the appointment is to be made, the choice of GAL/CASA representation should be made by those certified programs. If there is not an association then the GAL/CASA representative may be chosen in a manner determined by the above-mentioned members of the Regional Services Council providing that the GAL/CASA is a representative of a “certified” program. One method, only as a suggestion, is to have each Local Director nominate a GAL/CASA as they may determine, and then ask those GAL/CASA to meet and choose from among them, a representative.

### Selection of Youth

The individual should be a resident of the service region. The individual must have received or be receiving services through funds provided, directly or indirectly through the Department. This individual will serve in a non-voting capacity. Nominations should be made by Region Managers with input from DCS staff, Probation Officers, Judges, Prosecutors and providers in the Region. This selection should be reviewed with the member(s) of the judiciary serving on the Council to ensure there will be no conflict of interest.

### Selection of Parent

The individual should be a resident of the service region. The individual must be the parent of a child(ren) who has/have received or be receiving services through funds provided, directly or indirectly through the Department. This individual will serve in a non-voting capacity. Nominations should be made by Region Managers with input from DCS staff and providers in the region. This selection should be reviewed with the member(s) of the judiciary serving on the Council to ensure there will be no conflict of interest.

### **Membership on the Council**

Each member of the Regional Services Council shall serve at the pleasure of the member’s appointing authority.

### **Ethics**

As provided in 42 IAC 1-4-1, most members of the Regional Services Council, and all those serving as Proxy for a voting member of the Regional Services Council, must complete an on-line Ethics Training provided through the Office of the Inspector General. This requirement must be completed prior to the member or proxy member’s attendance in a voting role for the Regional Services Council.

The only members of the Regional Services Council who are exempt from completing the on-line training are members of the judiciary and prosecuting attorneys.

It is also important to remind all members of the Regional Services Council that confidentiality laws apply to the conversations held during the meetings, as often they may be exposed to privileged information. Non-case specific information should be utilized as often as possible.

### **Use of Proxy**

Members of the judiciary, prosecuting attorneys, and department employees are provided proxy privileges. The Regional Manager will approve all proxy requests. Proxy requests will utilize the official state form, and approval of the proxy will be included in the minutes of the appropriate meeting. Any person serving as a proxy to a member of the Regional Services Council must complete the state-mandated ethics training as provided on-line by the Office of the Inspector General.

### **Selection of a Vice Chairperson**

The membership of the Regional Services Council shall, at the first official meeting after July 1, 2008, elect one member to serve as Vice Chairperson.

### **Meetings**

The meetings shall be chaired by the Regional Manager or Vice Chairperson who shall provide sufficient notice of meetings taking into account the schedules of all members. While coordinating the Regional Services Council will be a very difficult task, the importance of the Regional Services Council cannot be understated.

### **Notice**

The Department of Child Services shall serve as the notifying Agency for all public meetings. Notice should be given in a manner best agreed upon by all of the parties and it is suggested that the first meeting be held at a time convenient to all members of the Council so that organizational issues may be addressed and agreed upon. Thereafter, it is entirely possible that not all members of the Council can meet at the stated or agreed upon date, time and place at all times. Therefore, for the first meeting, telephonic or other arrangements should be made to coordinate the date, time, place, and length of the organizational meeting. Thereafter, all members of the Council should agree on the date, time, place and length of the meeting and the manner in which the meeting shall be held. It is recommended that the meetings be scheduled at a regular time so that all members can plan and attend subsequent meetings.

Notice for the meetings, whether previously scheduled or scheduled individually, must contain the date, time and place of the meeting, the agenda and the items requiring action at that meeting.

### **Open Door Policy**

Regional Service Council meetings fall under the Open Door Law as specified in IC 5-14-1.5-5. In compliance with these requirements, all Regional Service Council meetings will:

1. Post the date, time and location of monthly meetings at least 48 hours before the meeting. Once meeting schedules are established, annual posting of the regularly scheduled meetings will be placed on the Department of Child Services Web-Site. Updates regarding scheduling changes will be made as necessary.
2. Deliver a notice by regular mail, electronic mail or fax to all news media that request written notice.
3. Post the Agenda no less than 48 (forty eight) hours prior to the start of the meeting at the entrance of the meeting location.

### **Quorum**

A majority of the voting members appointed to serve on the Council constitutes a quorum for the transaction of official business. At least **four** voting members of the Council must be physically present to conduct business. The remaining membership may join telephonically or via videoconferencing. While electronic attendance is acceptable, no e-mail voting is permissible. As long as a majority of the voting membership is present (either physically or telephonically) the Council can convene to conduct business. The Council can discuss the items on the agenda, but would be unable to vote on action items unless a majority of the membership is physically or telephonically present.

For those members who can appoint a proxy to represent them for voting purposes, a RSC Proxy Form must be utilized prior to the meeting. The form will allow the member to indicate the name of the proxy and the time frame during which the proxy will serve as a representative to the Council.

### **Meeting Location**

Meeting location should be a place centrally located so that all parties have the same or equal opportunity to attend based on travel distance. Mileage reimbursement is available to non-state employees. Arrangements should be made ahead of time to ensure that not only "Council Members", but all interested parties, agencies or groups have the opportunity to attend, witness, and participate. The location must be handicapped-accessible.

## **Agenda**

The agenda should be prepared at least one week before a scheduled meeting and sent to all members of the Regional Services Council for consideration of additional agenda items or comment on those listed. Any changes/modifications should be sent to the Regional Manager at least three (3) days prior to the meeting. The finalized agenda must be sent to all members of the Regional Services Council and posted to the DCS website and at the location where the meeting will be held, pursuant to Indiana's Open Door Law.

## **Frequency of Meetings**

Since the new statutes modifying the Regional Services Council take effect July 1, 2008, the first organizational meeting of the Council should be scheduled sometime in July, 2008. Because of the increased importance and responsibility of the Regional Services Council, meetings should be held monthly, but may be scheduled less frequently, if the Regional Services Council agrees. Meetings must continue at least quarterly, with sufficient notice to the parties to make arrangements for the members to participate. If a meeting must be cancelled for any reason (i.e. severe weather) another meeting must be called within the quarter.

If the Regional Manager or the Vice Chairman of a Regional Services Council determines that there are sufficient agenda items to convene an additional meeting for a particular quarter, prompt notice will be provided to all attendees and other parties who wish to be notified, and a notice will be posted at the meeting site and on the website.

## **Minutes**

Keeping accurate minutes is an important requirement of the Regional Services Council. Because of the significance of the Regional Services Councils, the minutes will document the participation, topic and conclusion. At the beginning of each meeting, the Regional Manager or the Vice Chair shall appoint a designee to maintain the minutes in as accurate detail as possible. All minutes shall be recorded on the standardized RSC Minute Template in order to track similar information from all Regions.

In addition to the meeting minutes, the memoranda must also state the name of each member who was physically present at the place where the meeting took place, the names of those who participated in the meeting by using an approved means of communication, and any absent members.

The minutes should be sent by email to all members of the Regional Services Council, parties who are in attendance and request the minutes, parties who may have requested the minutes whether they were present or not, to the Director of the Department of Child Services, the Chief of Staff, the Chief Financial Officer and the

Deputy Director of Programs and Services. The minutes will also be posted on the Department of Child Services website.

### **Conduct of Meeting**

The conduct of the meeting should be one of an open format and follow all guidelines of the “Open Door” law. The agenda should be followed to ensure that the time set for the meeting is respectful of the importance of the Regional Services Council and the time of the members of the Council. In all respects, open communication and dialogue is important. Roberts Rules of Order shall be followed at all times during the meeting.

### **Regional Service Council Duties**

#### **Biennial Regional Services Strategic Plan**

Each Regional Services Council shall develop a biennial Regional Services Strategic Plan (Plan) that is tailored to provide services targeted to the individual needs of children who:

(1) have been either:

(A) adjudicated as, or alleged in a proceeding initiated under IC 31-34 or IC 31-37 to be, children in need of services or delinquent children; or

(B) identified by the Department, based on information received from:

(i) a school;

(ii) a social service agency;

(iii) a court;

(iv) a probation department;

(v) the child’s parent or guardian; or

(vi) an interested person in the community having knowledge of the child’s environment and family circumstances;

and after an informal investigation, as substantially at risk of becoming children in need of services or delinquent children; and

(2) Have been referred to the Department by, or with the consent of, the child’s parent, guardian, or custodian for services to be provided through the plan based on an individual case plan for the child.

The Council shall include in its plan an evaluation of local child welfare service needs and a determination of appropriate delivery mechanisms. The Council shall provide an opportunity for service providers in the Region to be represented in the evaluation of local child welfare service needs, including the taking of public testimony regarding local service needs and system changes.

Regional Managers shall work with local providers to ensure all providers in the Region are included in this process. This should include contacting the state provider associations and advocacy organizations to develop the most complete list possible.



The Council shall also recommend in the Plan, or any revision, addition or update relating to the implementation of the Plan, the allocation and distribution among service providers of funds that:

- (1) the Department allocates to the service region, and
- (2) are used to pay for the expenses of child welfare programs and child services administered by the Department within the Region.

The Council, in developing the Plan, shall review and consider existing publicly and privately funded programs that are available or that could be made available in the Region's service delivery area to provide supportive services to or for the benefit of children described previously without removing the child from the family home, including programs funded through the following:

- (1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.)
- (2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.)
- (3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.)
- (4) The Child Abuse Prevention and Treatment Act (42 U.S.C. 5106 et seq.)
- (5) Special education programs under IC 20-35-6-2
- (6) All programs designed to prevent child abuse, neglect, or delinquency, or to enhance child welfare and family preservation administered by, or through funding provided by, the Department, local offices, prosecuting attorneys, or juvenile courts, including programs funded under IC 31-26-3.5 and IC 31-40
- (7) A child advocacy fund under IC 12-17-17

The Council may include in its Plan, a program for provision of family preservation services that:

- (1) is or will be in effect in the Region's service delivery area
- (2) includes services for a child less than 18 years of age who reasonably may be expected to be considered for out-of-home placement under IC 31-34 or IC 31-37 as a result of:
  - (A) abuse or neglect
  - (B) emotional disturbance; or
  - (C) delinquency adjudication; and
- (3) addresses all objectives of family preservation services.

The Plan shall include a detailed listing of the projected costs of the services recommended by the Regional Services Council.

Each Regional Services Council shall transmit its completed Plan to the Director of the Department of Child Services not later than February 2 of each even-numbered year. Within 60 days after receiving the Plan, the Program and Services Division will do one of the following:

- (1) Approve the Plan as submitted by the Council
- (2) Approve the Plan with amendments, modifications, or revisions
- (3) Return the Plan to the Council with directions concerning:
  - (A) subjects for further study and reconsideration; and
  - (B) re-submission of a revised Plan.

## Child Protection Plan

A community child protection team is established in each county. The community child protection team is a countywide, multidisciplinary child protection team. The team must include the following thirteen (13) members who reside in, or provide services to residents of, the county in which the team is to be formed:

- (1) The director of the local office that provides child welfare services in the county or the local office director's designee.
- (2) Two (2) designees of the juvenile court judge.
- (3) The county prosecuting attorney or the prosecuting attorney's designee.
- (4) The county sheriff or the sheriff's designee.
- (5) Either:
  - (A) The president of the county executive in a county not containing a consolidated city or the president's designee; or
  - (B) The executive of a consolidated city in a county containing a consolidated city or the executive's designee.
- (6) A director of a court appointed special advocate or guardian ad litem program or the director's designee in the county in which the team is to be formed.
- (7) Either:
  - (A) A public school superintendent or the superintendent's designee; or
  - (B) A director of a local special education cooperative or the director's designee.
- (8) Two (2) persons, each of whom is a physician or nurse, with experience in pediatrics or family practice.
- (9) Two (2) residents of the county.
- (10) The chief law enforcement officer of the largest law enforcement agency in the county (other than the county sheriff) or the chief law enforcement officer's designee.

The director of the local office serving the county shall appoint, subject to the approval of the Director of the Department, the members of the team under subsection (a)(7),(a)(8), and (a)(9).

The community child protection team shall prepare a periodic report regarding the child abuse and neglect reports and complaints that the team reviews under this chapter. The periodic report may include the following information:

- (1) The number of complaints under section 6 of this chapter that the team receives and reviews each month.
- (2) A description of the child abuse and neglect reports that the team reviews each month, including the following information:
  - (A) The scope and manner of the interviewing process during the child abuse or neglect investigation.
  - (B) The timeliness of the investigation.
  - (C) The number of children removed from the home.
  - (D) The types of services offered.

- (E) The number of child abuse and neglect cases filed with a court.
- (F) The reasons that certain child abuse and neglect cases are not filed with a court.

Before February 2 of each even-numbered year, each Regional Services Council, after a public hearing, shall:

- (1) Prepare a local plan for the provision of child protection services; and
- (2) Submit the plan to:
  - (A) The Director; after consultation with local law enforcement agencies;
  - (B) Each juvenile court within the Region;
  - (C) The community child protection team as provided for in IC 31-33-3-1; and
  - (D) Appropriate public or voluntary agencies, including organizations for the prevention of child abuse or neglect.

The local plan must describe the implementation of this article in the Region by the department, and the county office, including the following:

- (1) Organization.
- (2) Staffing.
- (3) Mode of operations.
- (4) Financing of the child protection services.
- (5) The provisions made for the purchase of service and interagency relations.

Consistent with State policy, all requirements for a public hearing must be followed. This includes providing the date(s) and location(s) of the public hearings and a copy of the notice to the local newspapers in the Region 30 days prior to the hearing.

### **Early Intervention Plan and Other On-Going Duties**

A Regional Services Council shall meet at least quarterly to do the following:

- (1) Develop, review, or revise a strategy for implementation of an approved plan that identifies:
  - (A) The manner in which prevention and early intervention services will be provided or improved;
  - (B) How local collaboration will improve children's services; and
  - (C) How different funds can be used to serve children and families more effectively.
- (2) Reorganize as needed and select its vice chairperson for the ensuing year.
- (3) Review the implementation of the plan and prepare revisions, additions, or updates of the plan that the Regional Services Council considers necessary or appropriate to improve the quality and efficiency of early intervention child welfare services provided in accordance with the plan.

Child Welfare Programs are defined as a program or an activity that is not a component of child services provided to or for the benefit of a particular child or family; and designed to serve groups or categories of children or families in a community by:

(a) Protecting and promoting the welfare of children in a community who are, or are likely to be, at risk of becoming homeless, neglected, or abused due to lack of adequate or appropriate parental support or supervision, in order to reduce the likelihood that the children will become wards of a juvenile court or the department.

(b) Preventing, remedying, or assisting in the solution of problems that may result in the neglect, abuse, exploitation, or delinquency of children.

(c) Preventing unnecessary separation of children from their families by identifying family problems, assisting in the resolution of family problems, and preventing the breakup of families whenever prevention of child removal is possible and desirable.

(d) Providing services targeted to the assistance of children who are developmentally or physically disabled and their families, for the purposes of prevention of potential abuse, neglect, or abandonment of those children, and enabling the children to receive adequate family support and preparation to become self-supporting to the extent feasible.

(e) Providing family preservation services or family support services (both as defined in 42 U.S.C. 629a) for families and children who are not currently receiving individually designed services provided or funded by the department through an open juvenile court child in need of services or delinquency case.

An application to establish a new child welfare program, or to continue or modify an existing child welfare program, may be submitted by a court, county executive, private nonprofit agency or organization, or an interested person based on guidelines and instructions issued by the department. An application to establish, continue, or modify a program that will operate on a statewide basis shall be submitted directly to the director of the department for review and evaluation. Applications for all new child welfare programs shall be transmitted to the Regional Services Council or Councils for the county, region, or geographic area of Indiana that the applicant proposes to serve. Each Regional Services Council must review and submit its recommendations to the director in conformity with procedures established by the department.

Any new child welfare programs approved by a Regional Services Council or Councils must be approved by the director of the department or the director's designee. The director's approval shall specify the period for which operation of the program is approved and the procedure for submission of any request for continuation, extension, or modification of the approved program. The department may not pay for the costs of any programs that have not been approved by the director.

Regional Services Councils shall also review all applications to establish a new child welfare program, or to continue or modify an existing child welfare program, that are submitted by a court, county executive, private nonprofit agency or organization, or an interested person based on guidelines and instructions issued by the Department. The application shall be transmitted to the Regional Services Council for the county, region, or geographic area of Indiana that the applicant proposes to serve. Each Regional Services Council must review and submit its recommendations to the director in conformity with procedures established by the Department.

### **Participation of the Public at Meetings**

During the meeting, the Regional Manager shall conduct the meeting in such a way that all members of the public who are in attendance, particularly those who serve children and families in the Region may be heard based on scheduled agenda items and/or time available. Those who are present and wish to discuss issues should be respectful of the agenda, the time limit of the meeting and the Regional Services Council members. Therefore, the Regional Manager shall have sufficient authority to restrict or limit dialogue and discussion so that items on the agenda can be heard.

While Regional Service Council Meetings are open to the public, the public must follow the outlined steps below in order to present at these meetings. These measures are put into place so as to recognize and adhere to the Judicial Canon of Ethics that all Judges must adhere to both in and out of the Courtroom.

1. Prior to the adjournment of each Regional Services Council meeting there will be an opportunity for questions from the community.
2. Those wishing to participate in this portion of the meeting must submit their interest in being placed on the agenda at least one (1) week in advance of the scheduled Regional Service Council meeting to the Regional Manager who is hosting the meeting. This must be in writing, either by e-mail or written correspondence.
3. The Regional Manager will notify those who requested time to speak at the Regional Service Council Meeting on the Agenda during this portion of the meeting and advise the presenters as to the length of time they have to present. This time not to exceed five (5) minutes depending on the Agenda.
4. The Regional Manager will also provide all speakers placed on the Agenda of this protocol and the guidelines they must follow.

Documents distributed during the Regional Service Council meeting shall be made available to the public by request only. At the conclusion of the meeting, if a member from the public would like to receive a copy of the documents distributed during the Regional Service Council meeting, they must request this in writing to the Regional Manager who will then forward copies of the requested documents to that individual.

At no time should this be seen as an opportunity for an agency, program or individual to present, highlight or make reference to a specific program or service provided by their agency unless the agenda specifically calls for presentations of specific programs by providers. The Regional Manager has the ability to conclude any outside presenter's remarks if it is deemed that use of this time is inappropriate.

All Regional Services Councils are encouraged to work with all community partners and providers to create an annual "Providers' Fair." This would allow those organizations interested in making presentations to the local offices the chance to put together one presentation for the entire Region. Regions are encouraged to collaborate to hold joint Provider Fairs. These events will be held at the discretion of the Regional Manager and Regional Service Council members.