

## DEPARTMENT OF CHILDREN & FAMILY SERVICES (DCFS)

### POLICY IN REGARDS TO CHILDREN WITH SPECIAL NEEDS LOOKED AFTER BY DCFS

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**POLICY IN REGARDS TO CHILDREN WITH SPECIAL NEEDS LOOKED AFTER BY DCFS**

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## **POLICY IN REGARDS TO CHILDREN WITH SPECIAL NEEDS LOOKED AFTER BY DCFS**

### **1. FOREWORD**

The Department of Children & Family Services is mandated to ensure that children looked after by the Department receive no less care and services than they would if they were in their own homes with their natural parents. The following Policy has been developed in regards to Children with Special Needs who are placed by the Courts in to the care of the Department and outlines what it is hoped to achieve on their behalf.

### **2. SCOPE AND BENEFITS OF THE POLICY**

This policy seeks to outline the Department's responsibility for the provision of care and services to and for children with special needs in the care of the Department. It is hoped that the services to be provided under the scope of this policy will enhance the child's overall growth and development and as far as possible assist in the child maintaining good health.

This policy will clearly outline the responsibilities of the Department and the services to be provided and advocated for on behalf of those special needs children in the Department's care.

### **3. ENABLING / RELEVANT LEGISLATION**

The Children Law (2012 Revision) speaks to the welfare of the child being of paramount importance and in Section 24 speaks to the Department's duties for children looked after. Section 19 of the Law also speaks to children in need and what the Department's duties are to those children.

The Convention on the Rights of the Child and Section 17 of the Cayman Islands Constitution Order 2009 (under the Bill of Rights, Freedoms and Responsibilities) also addresses the welfare of children.

## 4. DEFINITIONS

*“Looked after child”* as defined in Section 24(1) of the Children Law 2012 Revision:

In this Law a child who is looked after by the Department is a reference to a child who is –

- (a) In its care;
- (b) Provided with accommodation by the Department in the exercise of any of its functions more particularly those under this Law

Section 24(3) further states

It shall be the duty of the Department looking after any child –

- (a) To safeguard and promote his welfare; and
- (b) To make use of such services available for children cared for by their own parents as appears to the Department to be reasonable in his case

Services provided for children is also addressed under Section 19(10)

A *“child is defined as in need”* if -

- (a) He is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by the Department under this part;
- (b) His health or development is likely to be significantly impaired, or further impaired , without the provision for him of such services or
- (c) He is disabled,

And *“family”*, in relation to the child, includes any person who has parental responsibility for the child and any other person with whom he has been living.

*“Disabled”* is defined as:

- a. Children’s Law (2012 Revision) section 19(11) For the purpose of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this Part –
  - i. *“development”* means physical, intellectual, emotional, social or behavioural development; and
  - ii. *“health”* means physical or mental health.

Section 19(3) states: *“Any service provided by the Department in the exercise of its functions conferred on it by this section may be provided for the family of a particular child in need or for any member of his family, if it is provided with a view to safeguarding and promoting the child’s welfare.”*

Section 19(6) states: *“The services provided by the Department in the exercise of functions conferred on it by this section may include giving assistance in kind, or in exceptional circumstances, in cash.”*

It must further be noted that services to be provided will also be dependent on available funding in the Department's approved budget for the fiscal year.

The nature and type of services provided by the Department or that is advocated for on behalf of the client through another service provider will be dependent also on the family's assessed needs.

## **5. POLICY STATEMENT**

Children placed in care of the Department by the Courts, and in particular those who have special needs, will be provided with the care and services they need, within the confines of available budget resources, to ensure their physical, social, educational and medical care needs are met.

## **6. POLICY DIRECTIVES**

### **Court Applications**

- A.** Each child in care must be on the appropriate care order which has been obtained by their Social Worker. These children in care, who are identified as having a special need, must have a clearly outlined care plan prepared by the assigned social worker at the time of placement, unless the placement is an emergency placement. This care plan must include the identified services the child requires to ensure his/her positive growth and development while in care.

### **Care Plans**

- B.** If the placement is an emergency placement, the care plan must be completed by the assigned social worker within the time frame agreed on by the Court.

### **Foster Placement Regulations Compliance**

- C.** The child can only be placed by the Department with a Foster Parent, who has been assessed and approved by the Department in accordance with Part 2 of the Foster Placement (Children) Regulations, 2012.

### **Medical**

- D.** It is the duty of the Foster Parent to ensure they follow-up with any and/or all medical or other health related appointments as prescribed by the medical practitioner overseeing the child's medical care to ensure the continued good health of the child.
- E.** Where the child is placed in the care of a Foster Parent, the Foster Parent can consent to non-life threatening medical care such as routine dental, optical and medical testing and treatment; minor surgery not requiring general anaesthetic; where the child requires major surgery that could be of risk to the child, the Foster Parent must immediately advise the Department through contact with the Foster Care/Adoption Coordinator, one of the Deputy Directors or the Director.
- F.** Consent for such major surgery must be given by the Director or her designate, as the Department has parental responsibility for children on Care Orders.

### **Additional Care Giver Services**

- G. Where a child is placed in the care of a Foster Parent and the Department after assessing the situation identifies that the child requires additional care such as a care giver, the Department will within the constraints of the budget provide the requisite financial support to the Foster Parent to assist in the hiring of such care giver.
- H. Where a child placed in the care of a Foster Parent is medically required to travel overseas for medical care, the Department shall provide assistance to cover travel related expenses, not met by Health Insurance coverage, up to four (4) times per year, unless more frequent travel is prescribed by the medical practitioner treating the child and is confirmed by the Chief Medical Officer. All children travelling overseas for medical care are required to have the written consent to travel for such purposes from the Director of the Department or her designate.
- I. Where a child placed in care has a medical need of other specialised services or equipment not covered by Health Insurance, the Department will provide (within the constraints of its available budget) the service or equipment or may advocate with a service club or other entity to assist in the provision of the item as expeditiously as possible.
- J. Where a child with special needs is placed in to care, the child must be placed on indigent CINICO coverage to ensure he/she has access to medical care and services, unless the foster parent is a civil servant and able to add the child to their insurance as foster children are now defined in the Health Insurance Law as a dependent.

## **7. POLICY MONITORING**

Case reviews are to be conducted bi-annually, with care plans being updated after each review.

Foster Care/Adoptions Coordinator will monitor those special needs children in Foster Care to ensure Foster Parents are consistently addressing health related and other needs of the special need child.

Deputy Director, Clinical Services will monitor to ensure the Foster care/Adoptions Coordinator is ensuring compliance with the Policy.

## **8. POLICY EVALUATION AND CHANGE**

This policy will be reviewed/evaluated at least once every 2 years to ensure compliance and to assess the effectiveness of the policy. Parts of the policy shall be reviewed as necessary based on such factors as budget, legislative changes or other triggers which may occur identifying the need for review. The external entity responsible for evaluation shall be the relevant Ministry responsible for the Department.

## **9. CONCLUSION**

Foster parents are volunteer carers to children in need who provide love, care and nurturing to children on behalf of the Cayman Islands Government. Children with Special Needs whether due to genetic disability or chronic or terminal illnesses, require additional human and financial resources to meet their various care needs. These needs and expenses exceed what could reasonably be expected to be met by volunteer foster parents, and as such and as required by the Children Law, 2012 Revision, the Department is obliged to provide the required services or care.

An appendix is attached to this policy which outlines a range of amounts that could be applied where financial contributions are required to assist in regards to care givers; medical travel expenses or other special services or equipment which children with special needs may require.

## APPENDIX 1

**A.** Additional financial assistance is to be provided to foster care parents who are caring for special needs children including those who are severely disabled or terminally ill. This additional assistance will include but is not limited to:

- a. paying for expenses related to medical travel not covered by health insurance (car, hotel, food, etc.);
  - 1. paying for generator to support medical equipment in times of power outages;
  - 2. airline costs in economy class;
  - 3. air conditioner if not already in parent's home and on a special needs basis;
  - 4. medications not covered by insurance;
  - 5. additional child care in the event child cannot attend school etc.

For medical travel not covered by health insurance coverage, a maximum of C\$1500.00 per trip for a maximum of 4 trips per year may be granted by the Department as may be required for follow-up care and treatment. Medical travel costs may exceed the above only in instances where a child's physician advises it to be medically necessary and Chief Medical Officer concurs.

Specialized medical or other equipment required for in-home use by the child which is not provided by health services or insurer, the Department is required to acquire the item for use of the child either through donation or purchase. Foster Parents should be trained in how to use the equipment if applicable.

**B.** Where a child is homebound due to ill health or disability the Department is required under the Children Law (2012 Revision) to advocate for or provide assistance to help



the family, e.g. care giver. A maximum of CI\$700.00 per month may be provided for this service.

- C.** In regards to any educational special needs, the Department must advocate with the Department of Education for the provision of those services.
- D.** Where a foster parent is required to take time off of work WITHOUT PAY to look after a child who is seriously ill AND who is required to travel abroad for medical purposes, and such foster parent has no more than 7 days annual vacation left, then the Department is required to compensate that foster parent through reimbursement of their lost wages/salary for the period they have to be off work. Such payments do not extend to payment of pension.
- E.** Foster Parents are required to keep the Social Worker apprised on any changes to circumstances which may no longer require the provision of the additional supportive services.
- F.** Social Workers will review the need for ongoing supportive services under this section at the case conference held to review the child's case and a determination is made at the conference on the need to continue or terminate any or all additional supportive services. The Social Worker may require updated medical reports to justify the continuance of any or all additional supportive services.