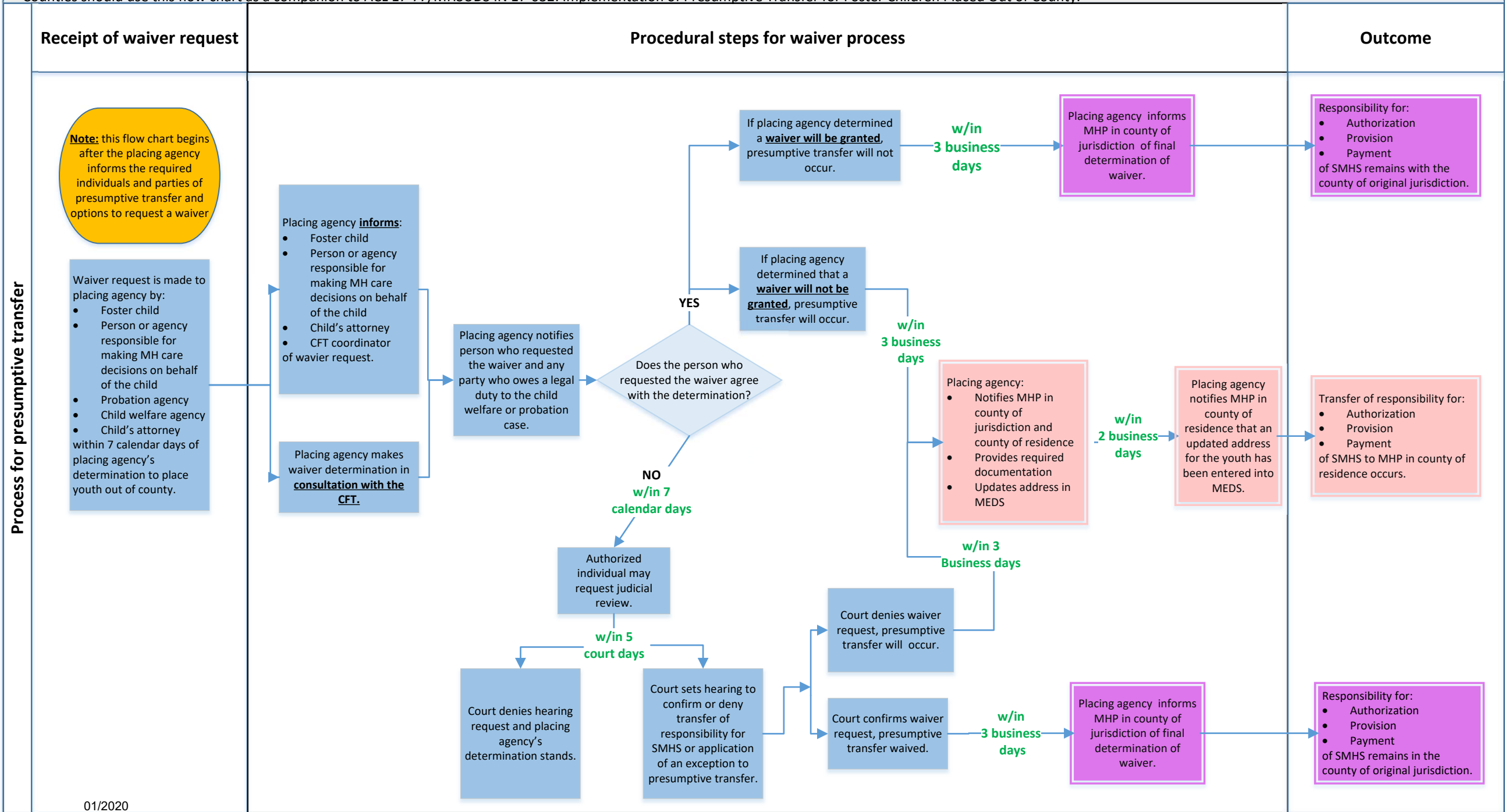


# AB 1299 Flow Chart for Presumptive Transfer when a Waiver is Requested

## ATTACHMENT B

Counties should use this flow chart as a companion to ACL 17-77/MHSUDS IN 17-032: Implementation of Presumptive Transfer for Foster Children Placed Out of County.



## **Narrative Description of “Presumptive Transfer when a Waiver is Requested” Flow Chart**

### **Receipt of waiver request**

Note: this flow chart begins after the placing agency informs the required individuals and parties of presumptive transfer and options to request a waiver

Waiver request is made to placing agency by:

- Foster child
- Person or agency responsible for making MH care decisions on behalf of the child
- Probation agency
- Child welfare agency
- Child’s attorney

within 7 calendar days of placing agency’s determination to place youth out of county.

### **Procedural steps for waiver process**

The Placing agency **informs**:

- Foster child
- Person or agency responsible for making MH care decisions on behalf of the child
- Child’s attorney
- CFT coordinator

of waiver request.

Placing agency makes waiver determination in **consultation with the CFT.**

The Placing agency notifies person who requested the waiver and any party who owes a legal duty to the child welfare or probation case.

Question – Does the person who requested the waiver agree with the determination?

- Yes – If placing agency determined a **waiver will be granted**, presumptive transfer will not occur.

Within 3 business days the placing agency informs MHP in county of jurisdiction of final determination of waiver.

## Outcome

Responsibility for:

- Authorization
- Provision
- Payment

of SMHS remains with the county of original jurisdiction.

## Procedural steps for waiver process

If placing agency determined that a waiver **will not be granted**, presumptive transfer will occur.

Within 3 business days placing agency:

- Notifies MHP in county of jurisdiction and county of residence
- Provides required documentation
- Updates address in MEDS

Within 2 business days placing agency notifies MHP in county of residence that an updated address for the youth has been entered into MEDS.

## Outcome

Transfer of Responsibility for:

- Authorization
- Provision
- Payment

of SMHS to MHP in county of residence occurs.

## Procedural steps for waiver process

- No – within 7 calendar days the authorized individual may request judicial review.

Within 5 court days the court denies hearing request and placing agency's determination stands;

or the court sets hearing to confirm or deny transfer of responsibility for SMHS or application of an exception to presumptive transfer.

The Court denies waiver request, presumptive transfer will occur. Within 3 business days the Placing agency:

- Notifies MHP in county of jurisdiction and county of residence
- Provides required documentation

- Updates address in MEDS

And within 2 business days the placing agency notifies MHP in county of residence that an updated address for the youth has been entered into MEDS.

**Outcome**

Transfer of responsibility for:

- Authorization
- Provision
- Payment

of SMHS to MHP in county of residence occurs.

Or, the Court confirms waiver request, presumptive transfer waived. Within 3 business days the placing agency informs MHP in county of jurisdiction of final determination of waiver.

**Outcome**

Responsibility for:

- Authorization
- Provision
- Payment

of SMHS remains in the county of original jurisdiction.