APA-4

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

Pursuant to *Code of Alabama* 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 25th day of March, 2020.

AGENCY NAME: Department of Human Resources

RULE NO. AND TITLE: 660-5-50-.07-.01ER, Caseworker Visits

EFFECTIVE DATE OF RULE: March 25, 2020

EXPIRATION DATE (If less than 120 days): Removal of Governor Kay Ivey's Declaration of State of Emergency March 13, 2020, relating to the COVID-19 health emergency or 120 days, whichever is sooner.

NATURE OF EMERGENCY: See attached Statement of Reasons for Issuing Emergency Rule.

STATUTORY AUTHORITY: *Code of Alabama* 1975, § 26-14-1 *et seq.*

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS ____ YES X NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Gail M. Grobe, AP Secretary
50 Ripley Street, Ste. 2122
Montgomery, Alabama 36130
334-242-9330

REC'D & FILED

MAR 25 2020

LEGISLATIVE SVC AGENCY
FILING DATE

(For APA Use Only)

Nancy T. Buckner
Commissioner

Kay Ivey
Governor

State of Alabama
Department of Human Resources

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Nancy T. Buckner
Commissioner

Statement of Reasons for Issuing Emergency Rules
Pursuant to Ala. Code § 41-22-5(b)(1)

On March 13, 2020, the Governor of the State of Alabama declared the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus also known as COVID-19. On March 18, 2020, the Governor proclaimed the existence of conditions that warrant implementation of extraordinary measures and relief during the state emergency to guard public health and protect human life. The Department's policy and Section 422(b) (17) of the Social Security Act (the Act) requires that caseworkers visit children in foster care on a monthly basis. Policy and federal requirements prohibit using videoconferencing for the purpose of meeting those requirements and requires that such visits must be held face-to-face. The Federal Government has granted a temporary reprieve from prohibition against using videoconferencing during the public health emergency.

Due to current health challenges, Alabama Department of Human Resources finds the need to make temporary changes to caseworker visits with children and families for ongoing services cases and foster care cases and warrant the emergency adoption of this rule to allow family services caseworkers to conduct visits by videoconferencing in these current extraordinary circumstances. Family Services caseworkers must conduct the videoconferencing in accordance with the timeframe established in policy and must closely assess the child's safety and well-being during each conference. The waiver to meet the in-person requirement should be documented in in the family's case record.

ALABAMA DEPARTMENT OF HUMAN RESOURCES
FAMILY SERVICES PARTNERSHIP
ADMINISTRATIVE CODE

CHAPTER 660-5-50
VISITING

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660-5-50-.07-.01 ER **Caseworker Visits**

(1) Preamble. On March 13, 2020, the Governor of the State of Alabama declared the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus also known as COVID-19. On March 18, 2020, the Governor proclaimed the existence of conditions that warrant implementation of extraordinary measures and relief during the state emergency to guard public health and protect human life. The Department's policy and Section 422(b) (17) of the Social Security Act (the Act) requires that caseworkers visit children in foster care on a monthly basis. Policy and federal requirements prohibits using videoconferencing for the purpose of meeting those requirements and requires that such visits must be held face-to-face. The Federal Government has granted a temporary reprieve from prohibition against using videoconferencing during the public health emergency.

(2) Due to current health challenges, the Alabama Department of Human Resources finds the need to make temporary changes to caseworker visits with children and families for ongoing services cases and foster care cases and warrant the emergency adoption of this rule to allow family services caseworkers to conduct visits by videoconferencing in these current extraordinary circumstances. Family Services caseworkers must conduct the videoconferencing in accordance within the timeframe established in policy and must closely assess the child's safety and well-being during each conference. The waiver to meet the in-person requirement should be documented in in the family's case record. County staff was notified of the needed change in policy reflected herein on March 18, 2020.

Author: Alabama Department of Human Resources
Statutory Authority: Code of Alabama 1975, § 26-14-1 et seq.

History: Emergency New Rule Pursuant to Governor Kay Ivey's Declaration of State of Emergency March 13, 2020, Approved: March 24, 2020. Effective Date of Emergency Rule: March 25, 2020.