

# CHILD WELFARE 101

## Onondaga County Permanency Summit April 19, 2018

Presented By:

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# Case Initiated by Hotline Report

- Once report is made, Caseworker must make first contact with family within 24 hours to assess the safety of the home and welfare of the child;
- Caseworker makes a determination that:
  - Child is safe, there are no safety or risk concerns
  - Child may remain safely in the home if there are protecting factors in place.
  - Appropriate safety plans are made. If plans are not followed, or situation becomes worse, then child may have to be removed from the home;
  - If child is to be removed from the home, caseworker shall make efforts to identify all biological parents, relatives/suitable others before placing child in foster care;

# Safety Factors

- The caseworker, with the help of a supervisor and the following list of Safety Factors, will decide if the child(ren) is at risk, in imminent danger or safe.
- The following slides are a list of Safety Factors that aide in the determination.

# Safety Factors

- Based on your present assessment and review of prior history of abuse or maltreatment, the Parent(s)/Caretaker(s) is unable or unwilling to protect the child(ren)
- Parent(s)/Caretaker(s) currently use alcohol to the extent that it negatively impacts his/her ability to supervise, protect and/or care for the child(ren)

## Safety Factors cont.

- Parent(s)/Caretaker(s) currently uses illicit drugs or misuses prescription medication to the extent that it negatively impacts his/her ability to supervise, protect and/or care for the child(ren)
- Child(ren) has experienced or is likely to experience physical psychological harm as a result of domestic violence in the household

## Safety Factors cont.

- Parent(s)/Caretaker(s) apparent or diagnosed medical or mental health status or developmental disability negatively impacts his/her ability to supervise, protect and/or care for the child(ren)
- Parent(s)/Caretaker(s) has a recent history of violence and/or is currently violent and out of control

## Safety Factors cont.

- Parent(s)/Caretaker(s) is unable and/or unwilling to meet the children(ren)'s need for food, clothing, shelter, medical or mental health care and/or control child's behavior.
- Parent(s)/Caretaker(s) is unable and/or unwilling to provide adequate supervision of the child(ren)

## Safety Factors cont.

- Child(ren) has experienced serious and/or repeated physical harm or injury and/or the Parent(s)/Caretaker(s) has made a plausible threat of serious harm or injury to the child(ren)
- Parent(s)/Caretaker(s) views, describes or acts toward the child(ren) in predominantly negative terms and/or has extremely unrealistic expectations of the child(ren)



## Safety Factors cont.

- Child(ren)'s current whereabouts cannot be ascertained and/or there is reason to believe the family is about to flee or refuses access to the child(ren)
- Child(ren) has been or is suspected of being sexually abused or exploited and the Parent(s)/Caretaker(s) is unable or unwilling to provide adequate protection of the child(ren)

## Safety Factors cont.

- The physical condition of the home is hazardous to the safety of the child(ren)
- Child(ren) expresses or exhibits fear of being in the home due to current behaviors of Parent(s)/Caretaker(s) or other persons living in, or frequenting the home.
- Child(ren) has a positive toxicology for drugs and/or alcohol.

## Safety Factors cont.

- Child(ren) has significant vulnerability, is developmentally delayed, or medically fragile (e.g., on Apnea Monitor) and the Parent(s)/Caretaker(s) is unable and/or unwilling to provide adequate care and/or protection of the child(ren)
- Weapon noted in CPS report or found in the home and Parent(s)/Caretaker(s) is unable and unwilling to protect the child(ren) from potential harm.

## Safety Factors cont.

- Criminal activity in the home negatively impacts Parent(s)/Caretaker(s) ability to supervise, protect and/or care for the child(ren)
- No safety Factors present at this time.

# Protective Factors

- Protective factors are conditions or attributes of individuals, families, communities, or the larger society that mitigate risk and promote healthy development and well-being. Put simply, they are the strengths that help to buffer and support families at risk.

# Protective Factors (cont)

- Caseworkers need to keep protective factors in mind when determining whether a child is safe or not. Examples:
  - Nurturing parenting skills
  - Stable family relationships
  - Household rules and child monitoring
  - Caring adults living in the home that can safely care for the child

# Protective Factors (cont)

- Parental employment
- Adequate housing
- Access to health care and social services
- Caring adults outside the family who can serve as role models or mentors

# Risk

- Caseworkers must also evaluate whether the child(ren) is at risk of imminent danger or is in imminent danger.
- Definition of risk
  - The likelihood (chance, potential, prospect) for parenting behavior that is harmful and disruptive to a child's cognitive, social, emotional, physical development and those with parenting responsibility are unwilling to behave differently.



# Imminent Danger

- Definition of Imminent Danger
  - When a child is physically, emotionally or sexually treated by caretakers in such a manner that the child's emotional, cognitive and/or physical safety is or will be impaired and the caretakers are unwilling or unable to behave differently.

# Case Initiated by Hotline Report (cont.)

- If there are safety concerns which necessitate immediate removal of the child from the home, caseworker will conference with its legal counsel to ensure there is sufficient evidence to either petition the Court (if in session) or effect a Commissioner's pull. If a child is removed from his/her home, the Family Court must make findings that:
  - Continuation in the child's home would be contrary to the child's best interests;
  - Reasonable efforts, where appropriate, to prevent or eliminate the need for removal from the home were made or that the lack of efforts was appropriate;

# Case Initiated by Hotline Report (cont.)

- If there are no safety concerns, caseworker has 60 days to complete the investigation during which time caseworker will identify all parties (child, parent(s), relatives, etc.) who are subjects of the report.
- Upon completion of the investigation, report is either “unfounded” or “indicated”:
  - If report is “unfounded”, preventive services are offered and case is closed.
  - If report is “indicated”, preventive services are offered to the family, as appropriate. Caseworker may refer case to the Law Department for a determination as to whether a neglect petition is appropriate.

# Referral for Petition

- Once an investigation is completed, an abuse/neglect petition may be filed. Caseworker would provide the Law Department with the “indicated” report(s) as well as other documentation to support the filing of a legally sufficient petition.

# Referral for Petition (cont.)

- Supporting Documentation can include:
  - Police Reports
  - Medical Reports
  - School Records
  - Court Orders
  - Statements of Witnesses/Service Providers
  - Caseworker progress notes
- If the Law Department determines that there is not sufficient evidence to file a petition with the court, the case is closed.

# Referral for Petition (cont.)

- If the Law Department determines that the filing of a petition is appropriate, the petition is drafted, reviewed by the caseworker and filed with the Court.
  - The Law Department will proceed with the “Fact-Finding” wherein evidence of neglect and/or abuse must be proven by a preponderance of the evidence (*more likely than not*);
  - Evidence may include testimony of caseworkers and other witnesses to the neglect and/or abuse;
  - Certified records of hospitals or other agencies that relate to neglect and/or abuse of a child(ren) may be admitted into evidence;

# Referral for Petition (cont.)

- Once the Court makes a determination or “finding” that the child(ren) are abused and/or neglected, a “Dispositional Order” is granted. Dispositional Orders rely on caseworker recommendations for services and may include:
  - Placement of the child(ren) with DCFS or with an appropriate relative/suitable other;
  - Release of the child(ren) to the Parent(s) with an order of supervision;
    - Orders of Supervision must be “tailored” to the needs of the family and should include provisions for visitation and services necessary for the parent(s) and child(ren)

# Permanency Goals & Concurrent Planning

- If child(ren) are removed from their parent(s)' care during the pendency of an abuse/neglect proceeding, the Court will schedule a permanency hearing within 8 months of the date of the removal and every 6 months thereafter.
- When granting an initial Order of Disposition and after each permanency hearing thereafter, the Court will make a determination as to what the appropriate “permanency plan” for the child(ren) shall be.
- At the time of the initial placement, the “permanency plan” for the child(ren) should be “Reunification with the Parent(s)”



# Permanency Goals & Concurrent Planning (cont.)

- Permanency Goals
  - Reunification with the Parent(s);
  - Placement for Adoption;
  - Referral for Legal Guardianship;
  - Permanent Placement with a Fit and Willing Relative;
  - Permanent Placement in an Alternative Planned Living Arrangement

# Permanency Goals & Concurrent Planning (cont.)

- What is “Concurrent Planning”?
  - An approach that seeks to eliminate delays in attaining permanent families for children in the foster care system;
  - In “concurrent planning”, an alternative permanency goal (e.g., adoption) is pursued at the same time rather than being pursued sequentially after reunification has been ruled out.

# Conclusion

- Q&A
- Contact Information:
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