

WHAT EVERY CASA SHOULD KNOW: TOP TEN PRACTICE RULES

- 1 > Start with the end in mind - permanence is the goal.
- 2 > Adjust your glasses - understand child welfare values and philosophy.
- 3 > Know what children need - it's not a good foster home.
- 4 > Realize what children lose – grief becomes their hallmark.
- 5 > Examine the family tree – assess its strengths and weaknesses.
- 6 > Understand the court process - make every hearing count.
- 7 > Have a clear road map – getting from here to there requires an effective case plan.
- 8 > Continuously assess progress - visits are the key.
- 9 > Master court advocacy – design and present effective court reports and testimony.
- 10 > Insist on true permanence – know how to evaluate legal options for “permanency.”

THE FIVE CARDINAL RULES OF EFFECTIVE COURTROOM TESTIMONY

Effective courtroom testimony provides complete and accurate information, builds credibility with the court, and enhances successful advocacy for the child.

BE PREPARED AND ORGANIZED

- ◆ Know the case record or your documentation cold
- ◆ Have the information organized in a logical way, including summaries of important topics

COOPERATE WITH YOUR ATTORNEY

- ◆ Give your attorney all the facts, both good and bad
- ◆ Discuss case presentation, all possible witnesses, and case outcomes

KEEP YOUR COMPOSURE WHILE TESTIFYING

- ◆ Be courteous and professional
- ◆ Do not become upset or emotional

TELL THE TRUTH

- ◆ Do not guess if you do not know
- ◆ Acknowledge strengths of the parents as well as their weaknesses

GIVE THE COURT FACTS, THEN OPINIONS OR RECOMMENDATIONS

- ◆ Always be an objective source of information for the court
- ◆ Emphasize facts that relate to and affect the care of the children, rather than just the acts or omissions of the parents

RELATIVES AND PERMANENCE: QUESTIONS TO ASK

A relative has been chosen as the permanent placement for a child. This relative and child are strongly attached, the relative understands the child's needs and can protect the child from any inappropriate parental contact. Everyone in court agrees with this plan, but it should not go forward until these questions have been asked and explored prior to finalization:

- 1) What legal rights is the relative being awarded?**

- 2) How can those rights be modified or terminated? What right to counsel does the relative have in that proceeding?**

- 3) What resources/services will the relative receive or does she already have to care for the children? Are they sufficient?**

- 4) What resources/services will the relative lose or be unwilling to accept?**

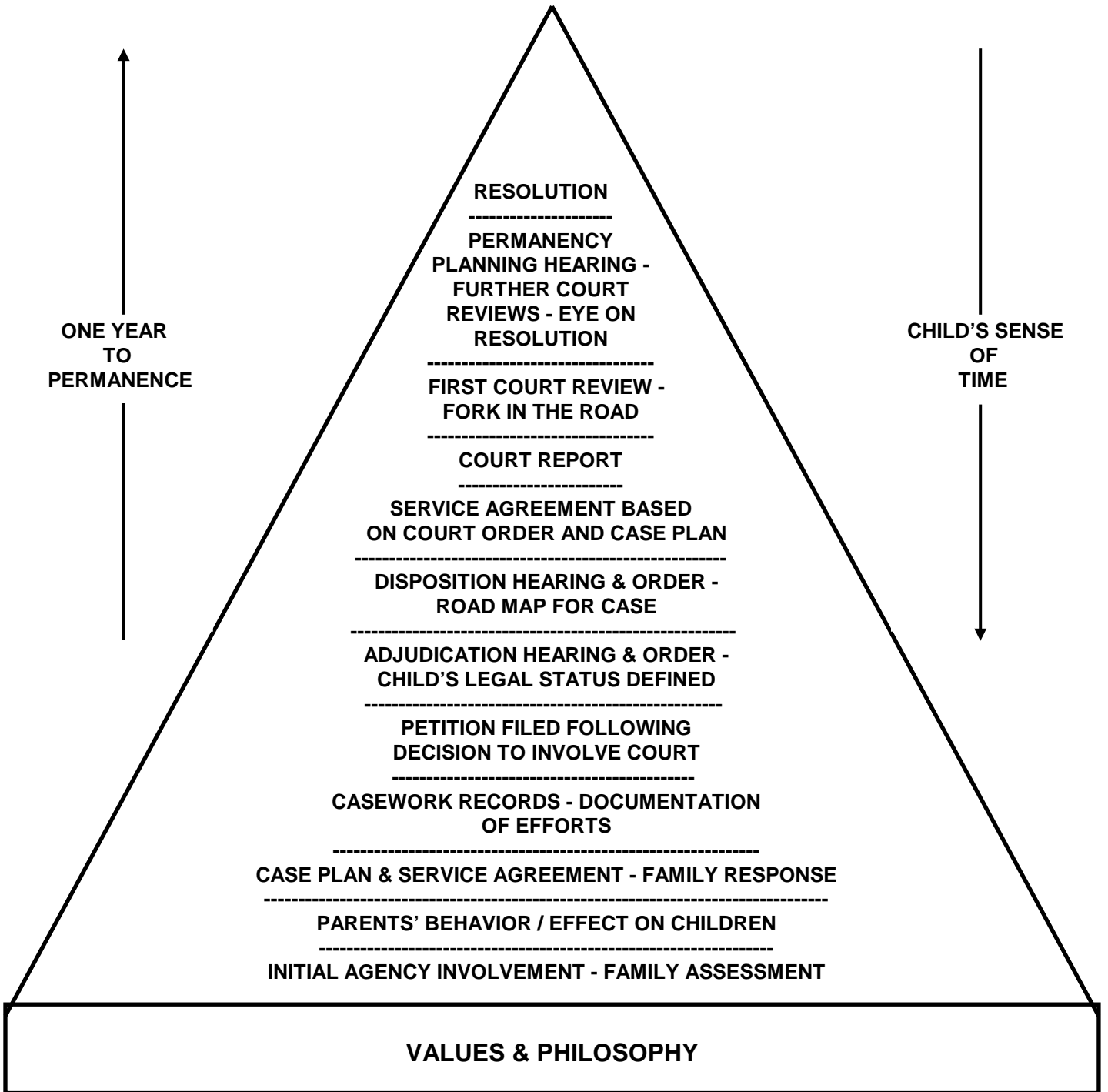
- 5) What happens to permanence if this placement fails?**

WHAT THE GAL/CASA CAN DO TO ASSURE PERMANENCE

- Constantly examine your own value system. Understand the difference between poor parenting and abuse and neglect. Make sure that you can accept a variety of adequate parenting styles.
- Carefully examine the record – understand the issues that brought the child into foster care, ask about anything that does not make sense.
- Ask the parents why they think they lost custody of their child – do not assume that they understand or agree with the agency’s reasons.
- Recognize that we should be operating on the child’s sense of time – help others to hear the clock ticking that childhood away.
- Understand grief and what moves and waiting do to children – keep permanent resolution as the focus of your efforts.
- Keep child centered and family focused – the child needs a permanent family now – theirs if possible – but not if it means the loss of their childhood.
- Recognize parents’ strengths, but do not ignore their failings. Advocate to return the child when the parents have “fixed” what brought the child into care. Advocate for another permanent home if the parents cannot or will not change.
- Be a team player when possible – continue to investigate and assess – share with the social worker and the court what you learn.
- Aggravate the system and the community if you have to – be a catalyst for change.
- Work for justice – act with mercy.

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CASEBUILDING TO PERMANENCE



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CORE VALUES IN CHILD WELFARE SERVICES

- ◆ **Every child has the right to a safe, permanent home at a minimum level of care.**
- ◆ **A range of parenting styles and practices is acceptable, if minimally adequate care is provided.**
- ◆ **Our focus must not be on parental behavior alone, but on whether that behavior has a harmful effect on the child.**
- ◆ **We must work to remove risk from children, not children from risk.**
- ◆ **People have the right to decide not to change, but must accept the consequences of that choice.**
- ◆ **Permanence is achieved only when the child has a legal relationship with an attachment figure.**
- ◆ **We should have the same standards for intervention and expectations for change throughout our involvement with the family.**
- ◆ **Our major challenge is to balance the responsibility for family preservation and the mandate of child protection with a commitment to permanence.**

GRIEF AND LOSS

THE HALLMARK OF CHILDREN IN THE CHILD WELFARE SYSTEM IS GRIEF – GRIEF OVER THE LOSS OF AN ATTACHMENT FIGURE.

THE STAGES OF GRIEF:

SHOCK/DENIAL	CHILDREN MAY BE SHUT DOWN OR COMPLIANT
GUILT	CHILDREN FEEL RESPONSIBLE
BARGAINING	CHILDREN TRY TO WORK IT OUT AND SOMETIMES TO GET OUT
ANGER/DEPRESSION	CHILDREN ACT OUT OR TURN INWARD
SADNESS/DESPAIR	CHILDREN BEGIN TO FACE LOSS OR GIVE UP
RESOLUTION	CHILDREN CAN BEGIN TO BUILD ACCEPTANCE

While children experience the same stages of grief as adults, they do so without the emotional and intellectual resources of adults. Moreover, they have not just lost their parent or parents, they have often lost their whole world – home, siblings, relatives, friends, school, pets, neighbors. The result – normal grief in children often looks abnormal - which often leads to “labeling” the child and disrupted placements.

From the initial shock at the removal from the primary attachment figure to the point where a child may be able to reach resolution can be expected to take two years. Unfortunately, many children in the child welfare system move three or more times in these two years. The result is layers of unresolved grief with no resolution.

CHILDREN CANNOT SURVIVE MULTIPLE PLACEMENTS

- THEY ARE CONTINUALLY DEALING WITH GRIEF WITHOUT REACHING RESOLUTION
- THEY ARE CONSTANTLY FACING THE LOSS OF ATTACHMENT FIGURES
- THEY LOSE HOPE FOR PERMANENCE AND CANNOT TRUST

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WHAT CHILDREN NEED

ALL children need:

CARE – the basic need for physical safety, adequate food, clothing, shelter and hygiene. This also includes the provision of necessary medical and remedial treatment.

STIMULATION – the emotional and physical interaction that helps the child learn about himself and the world.

CONTINUITY – the assurance that the care and stimulation will be provided by the same people over time, that these people will always be there for the child.

RECIPROCITY – a reciprocal relationship with a significant person through which a child comes to view himself as a valued person. The child is not only able to receive love, but can also give love

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POSSIBLE ROLES FOR RELATIVES

At abuse/neglect investigation: Is the relative able and willing to protect the child?

- ◆ The relative must be assessed by DSS prior to placement of the child.
- ◆ A written safety plan must be signed by the parents and relative.
- ◆ The placement must be monitored by DSS.

At treatment/case management: Is the relative able and willing to protect the child AND cooperate with the DSS plan for return home of the child?

- ◆ The relative must be able and willing to care for and protect the child for a longer period of time.
- ◆ Will the relative sabotage the agency's plan either by returning the child too soon or setting up roadblocks to any return?
- ◆ Will the relative return the child when the parents do improve?
- ◆ If the child cannot return home and the relative remains an appropriate placement, how will the relative obtain legal rights to the child?

At foster care: Is the relative able and willing to protect the child AND cooperate with any initial reunification plan AND commit to providing a safe, permanent home for the child if return home is not possible?

- ◆ Will the relative expect for the parents to improve and resume a parental role even after a "permanent" placement with the relative?
- ◆ Does this relative have a substantial connection with the child? Must the child break attachments to foster parents willing to provide permanence in order to be placed with this relative? Could the relative retain a relationship after the child is adopted by others?
- ◆ Does this relative placement have the support of the parents and the child?
- ◆ Is the relative related to and willing/able to take all the siblings, if appropriate? Can each child's special needs be met?
- ◆ Do problems exist with the relative's care, as existed with the parents?
- ◆ Would this relative consider adoption?

CASEBUILDING WITH COURT HEARINGS

TEMPORARY CUSTODY HEARING – determining the child's placement prior to adjudication and “jumpstarting” the case

- ◆ Begin or continue process of identifying parents or possible parents of all children and their whereabouts.
- ◆ Begin or continue process of identifying all relatives who could be placement/information resources.

ADJUDICATION – finding the facts of the case and the appropriate status of the child under the juvenile code.

- ◆ Start with a petition alleging all material facts of the case.
- ◆ End with an adjudication order that “tells the story” of the case.

DISPOSITION – could be at same time as adjudication or a later time. Focuses on placement of child and necessary services for child and family.

- ◆ Start with a court report that recommends a “road map” for the case based on history of case and information about all parents and appropriate relatives.
- ◆ End with disposition order that addresses placement and mandates a “road map” for the case that targets why the child is in care

REVIEW HEARINGS – required at certain intervals during the case to review progress of the case and determine what must happen next.

- ◆ Start with court report that informs the court what changes have been demonstrated by the parents and what remains to be done.
- ◆ End with court order that mandates next “road map” for the case with “an eye on the clock”.

PERMANENCY PLANNING HEARING – to determine the permanent plan for the child and how to effectuate it.

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ESSENTIAL ELEMENTS OF A CASE PLAN

For Parents:

GO to an appropriate, available accessible community resource

LEARN relevant parenting or self-assessment information and skills

DEMONSTRATE appropriate parental behaviors

For Agency:

ASSIST by providing services or appropriate referrals and access to services

ASSESS by monitoring compliance, evaluating improvement and diagnosing problems – condition, conduct, community issues

WHAT DO WE NEED TO PROVIDE?

Viable, appropriate opportunities to succeed as a parent

WHAT DO WE NEED TO SEE?

Results, not activities

Outcomes, not effort

Progress, not process

BEST INTEREST AND VISITATION

Visitation is not only a parental right, but also a prime opportunity to build a case for permanence. Frequent and creative visitation serves many important purposes:

CHILDREN NEED VISITS TO

- Keep a connection to their family
- Mitigate their grief
- Have their worth affirmed
- Have the assurance that their parents “exist”
- Reestablish a relationship with their parents

PARENTS NEED VISITS TO

- Remain attached to their children
- Stay motivated to work for reunification
- Practice what they have learned in treatment
- Understand the unique needs of their child
- Mitigate their grief
- Reestablish a relationship with their child
- Demonstrate their attachment and abilities

AGENCIES NEED VISITS TO

- Assess the parents’ ability to meet their child’s needs
- Assist parents in understanding the child’s needs and behaviors
- Guide and observe parents’ responses to child’s behaviors
- Observe changes in parents’ behavior over time
- Observe child’s reactions and responses to parents
- Document all of the above and thus have evidence to support the present permanent plan or change it

We have the obligation to preserve the child’s relationship with the parents unless and until we have eliminated the parents as a placement option. Parents who are given the opportunity for liberal, purposeful visitation, and who take advantage of it, are more likely to keep their attachments strong and to work to have their child returned. Parents who do not follow through on the chance to visit, or who continue to demonstrate their needs come before the child’s needs, show us their connection to that child is weak, and neglect and abuse are likely to continue if the child is returned.

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