

MRS Conference Call Notes  
November 13, 2008

Counties Participating: Cumberland, Brunswick, Gaston, Jackson, Lee, Northampton, Tyrrell, Yadkin

Introductions

News from Raleigh

Discussion of Conference Call Format

Court Chapter X

News from Raleigh

- Some reorganization at the Division. Former Work First and CPS Policy team has been changed. The Work First policy folks have moved with the other Work First people. This is largely due to the Deficit Reduction Act, which is setting some very high goals which can be best implemented if all Work First folks are together. The Division is still very committed to close collaboration between work First and CPS .
- Still dealing with budget cuts, and the travel freeze will likely not be lifted anytime soon.

Other news from Counties

- Gaston county has reorganized so that they could have blended units and it seems to have worked very well. (Foster Care, Assessments, and In-Home Services are all together.)

Conference Call Format

- Think during the call if anything doesn't seem to work or is awkward, will talk afterwards about what worked and what didn't.
- Working on how to do these meetings, trying to balance how much to put on the agenda, without keeping us on the phone too long.
- People found handouts very helpful.

Court Chapter

Holly pulled these highlights out of the court chapter, in an effort to point out some of the new pieces in this comprehensive policy. These highlights are not a substitute for reading and understanding the policy as a whole, but hopefully will assist in knowing what is there, and where to find it. You will find that along with the very important bottom line policy, there is also good practice guidance within this chapter, and some of these will also be highlighted.

We built into Chapter X a lot of practical and policy guidelines. Have recognized that it is difficult to separate policy and practice so hopefully some of this information will be more helpful the way it is presented.

- Despite the adversarial nature of the court process, the Principles of Partnership, and the values of System of Care, can be used to balance the adversarial. The principles and values should be used in interactions with

all partners, including family, court, community and agency partners.  
(Page 1)

- We can still use these principles and this can soften the hard edges of some of these interactions.
- By building and maintaining positive relationships with respondent attorneys, GAL volunteers and attorney advocates we become models for partnering despite differences. (Page 1)
  - Constantly need to think about building and maintaining these relationships – we can't just do it once, have to maintain them to work well.
- Agencies are encouraged to develop a Memorandum of Agreement or Understanding (MOA or MOU) with their local court system to help establish a collaborative relationship between all the participants within the court process. (Page 2)
  - Does anyone have those? Brunswick has something as a result of doing Day 1 Conferences – have to develop an MOA as a result of doing these.
  - Question for Brunswick about who is there - judge is not there and they modified the process because the DSS attorney is not here, but the parents attorney is. The idea is to explain the court process, talk about potential family resources and placements and visitation
  - These MOAs are living documents which means that once they are written they are not set in stone, can be revised, or should be broad enough originally that it is flexible so that it can be useful, but is not too restrictive.
  - This is what happened as Brunswick – originally it was signed by a judge and set the guidelines, but then they had a new judge and he was not completely comfortable with the way things had been going so they modified the document.
- Counties shall, throughout **the life of the agency's involvement** consistently explore with the family any American Indian Heritage that the family may have. (Page 9)
  - Realize that folks have heard this over and over lately, but want to emphasize that we are doing a good job checking on this. Maybe they didn't tell us things the first week they knew us, but later after they are more comfortable with DSS, new information may be revealed.
- A tool to assist counties in following all of the provisions of ICWA is the DSS-5291. (Page 10)
  - This is a checklist to make sure that you are hitting all the requirements of ICWA. Mostly used in foster care but you can certainly start using it beforehand.
  - Used to be a booklet "Understanding Foster Care" that the Division printed – wanted to know if any more would be printed. Probably

won't print this anymore, but will check and see if this is on-line, and if not, if we can get it posted.

- A court timeline can be found beginning on Page 10.
- Information regarding training for court issues can be found beginning on page 11. Along with the required and suggested training offered by Division, are some suggestions for how agencies can supplement the state training.
  - At this time travel restriction are influencing the training that is being offered, so just keep aware of what is going on.
- Except for cases in which the immediate safety of the child would be compromised, a CFT meeting shall be held before any court action is taken. (Page 13)
  - Does that mean before every review? No, just new court action like being taken into custody.
  - Do these require a facilitator? If they are high risk, and probably if they are going to court they are high risk (but it is the risk, not the court piece that required a facilitator.)
- On Page 14 you will find guidance on working with families who are initially resistant to DSS involvement. Every effort should be made to educate and engage the family before court action is considered.
  - Making sure that we do our work before we decide that a family is non-compliant and take them to court. Sometimes we just need to figure out what they are scared of, or what their particular barrier is, and addressing that.
- Page 15 provides guidance around working with families who are resistant to interventions or are minimally participating. Again, it is pointed out that Family Centered Practice should be used to try to address these issues before court is considered.
  - Similar to the information on Page 14. Be sure that we have done all we can.
- Page 17 points out the in cases where little or no progress is being made, but the child isn't in imminent danger, a CFT shall always be held before a petition is filed.
- Page 18 provides language from statute not only allowing, but requiring that a petition be filed, even if non-secure is not needed, in cases where the family is not participating or making progress after all efforts have been exhausted.
  - Goes back to those petitions where there is no non-secure. Counties have asked for this.
  - Brunswick has used this – it has been helpful.
  - Brunswick and Yadkin have shared with their attorney. In Gaston not only has the attorney read it, but their judges have read it as well.
- Expunction/RIL information beginning on page 19.

- Page 23 contains guidance on how to proceed if you have an allegation that would fit into either abuse or neglect or if you have multiple allegations.
  - Gives guidance on resisting the temptation to pile everything and the kitchen sink on, be specific on what we are alleging. Otherwise we lose credibility.
- Information on Child Planning Conferences begins on Page 28.
  - Similar to Day 1 Conferences, usually held before first court appearance and allow things to be put on the table and hashed out.
- Information on Mediation services begins on Page 30.
- Discussions should be held with children about “how” they will be involved in the court process, not “if” they will be involved. (Page 39)
  - Similar to CFTs in that we want to get that child’s voice heard even if that child does not come to court.
  - Just want to make sure that the child’s voice is heard, and we are all remembering that the child is who this is all about.
  - What level of notification (notice of the court of a hearing, or visit to the child, or letter??) do we need to give the child? Holly recommends that there be something in writing, and then probably some discussion. The specifics of the discussion depend on the age of the child. Depends on the child and the relationship with the GAL who will have this conversation, may be better to have with the Social Worker or the GAL.
  - Sheriffs deputy does not have to deliver this letter.
  - If they are delinquent wouldn’t that notice be sufficient? Yes, we are not responsible for that.
  - The statute requires that the parent and the juvenile be given notice prior to every court date.
  - Question regarding serving children with TPR notices. One county on this call was talking to another county who said they did not give children notice of a TPR hearing. Holly said it is pretty clear that it is a requirement; it is possible that the court in that county is sending out the notices and just the DSS is not doing it.
  - What if you have a child that would not understand the notice no matter how you explain it? You do what you can. You can only do so much with a very low functioning child or a 1 year old, but you do what you can and work with partners that this child is already comfortable with. Ask their therapist, school, etc. what the best way to have this discussion with the child will be, those people know the child and their level of functioning better.
- Discussion of permanent plan options, begins on Page 41.
- Page 44 contains information regarding adoptions involving a parent or custodian who is an American Indian.

- Another Planned Permanent Living Arrangement (APPLA) is discussed at length beginning on page 53.
- Statutes regarding TPR are summarized on Page 57.
- Guidance regarding when a TPR is appropriate are on Page 59.
- The types of court reports and when to use them are specifically set out beginning on Page 67.
- Beginning on Page 70 an array of Special Issues are discussed.
- Page 76 discussed the placement of juvenile by a civil court, or after a delinquency hearing. It should be noted that when a child is placed by a civil court a CPS assessment must be completed.

### Other Discussion

If you have a situation where child is in foster care and FP refuses to do SP, there is no safety issue, the FP is just refusing to do it, what do you do?

- Starts in the beginning, you must make clear that SP will be a requirement.
- Ask why? Usually when people refuse to do something they have a reason and if you know the reason you might be able to address it.
- Don't necessarily want to disrupt a placement just because of this, but need to let the family know that.
- Similar to a foster parent saying that they won't take a child to the doctor - it is an expectation.
- See if they would start small – if not willing to do a face to face meeting, would they exchange letters, have a conference call?

Normally we do not meet in December, since it is a busy/crazy month. Since we are only doing phone calls and no travel would be involved, would people want to have a call?

- Gaston = too crazy
- Lee, Brunswick = OK
- Cumberland = OK if in the first half 1<sup>st</sup> half of month.

### Future Calls

In January we will have these calls, dates are: 15<sup>th</sup> 20<sup>th</sup>, 28<sup>th</sup>