



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

Division of Social Services

North Carolina Department of Health and Human Services Permanency Planning Services Track Training

Participant Workbook Day One

August 2026



**PUBLIC
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Instructions

This course was designed to guide child welfare professionals through the knowledge, skills, and behaviors needed to engage with families in need of child protection services. The workbook is structured to help you engage in the lesson through reflection and analysis throughout each week of training. Have this workbook readily available as you go through each session to create a long-lasting resource you can reference later.

If you are using this workbook electronically: Workbook pages have text boxes for you to add notes and reflections. Due to formatting, if you type in these boxes, blank lines will be “pushed” to the next page. To correct this, when you are done typing in the text box, you may use the delete key to remove extra lines.

Course Themes

The central themes of the Permanency Planning Track Training are divided across several course topics.

- Purpose, Practice Standards, and Legal Aspects
- Disproportionality in Child Welfare Services
- Indian Child Welfare Act of 1978 (ICWA)
- Communicating
- Family Engagement
- Assessing in Permanency Planning Services
- Trauma-Informed Practice
- Permanency Plans and Concurrent Planning
- Attachment
- Family Engagement: Family Time and Shared Parenting
- Working with Relatives
- Partners in the Permanency Planning Process
- Permanency Planning with the Family
- Permanency Planning Family Case Plan
- Child and Family Team Meetings
- Authentically Engaging Children and Youth
- Family-Centered Permanency Planning
- Quality Contacts
- Preparing for Permanency
- Engaging Relatives
- Placement
- Placement with Relatives
- Monitoring the Permanency Planning Family Case Plan
- Achieving Permanency
- Termination of Parental Rights
- Adoption
- Documentation
- Worker Safety

Training Overview

Training begins at 9:00 a.m. and ends at 4:00 p.m. If a holiday falls on the Monday of training, the training will begin on Tuesday at 9:00 a.m. This schedule is subject to change if a holiday falls during the training week or other circumstances occur. The time for ending training on Fridays may vary, and trainees need to be prepared to stay the entire day.

Attendance is mandatory. If there is an emergency, the trainee must contact the classroom trainer and their supervisor as soon as they realize they will not be able to attend training or will be late. If a trainee must miss training time in the classroom, it is the trainee's responsibility to develop a plan to make up missed material.

Pre-Work Online e-Learning Modules

There is required pre-work for the Permanency Planning Track Training in the form of online e-Learning modules. Completion of the eLearnings is required prior to attendance at the classroom-based training. The following are the online e-Learning modules:

1. North Carolina Worker Practice Standards
2. Safety Organized Practice
3. Understanding and Assessing Safety and Risk
4. Understanding and Screening for Trauma

Transfer of Learning (TOL) Tool

The Permanency Planning Track Training Transfer of Learning (ToL) tool is a comprehensive, collaborative activity for workers and supervisors to identify worker goals, knowledge gains, and priorities for further development throughout the training process. In four distinct steps, the worker and supervisor will highlight their goals and action plan for participating in training, reflect on lessons and outstanding questions, and create an action plan to support the worker's growth. The tool should be started prior to beginning the Permanency Planning Track Training and revisited on an ongoing basis to assess growth and reprioritize actions for development.

- Part A: Training Preparation: Prior to completing any eLearning and in-person Track Training sessions, the worker and supervisor should meet to complete Part A: Training Preparation. In this step, the worker and supervisor will discuss their goals for participating in training and develop a plan to meet those goals through pre-work, other learning opportunities, and support to address anticipated barriers.
- Part B: Worker Reflections During Training: There is space in each topic for workers to record their notes. For many slides, questions prompt workers to reflect on why the materials matter and how they will apply them in their practice. Some, but not all, of these questions may be asked by the training facilitator during the training. Each section has a "Reflections & Check-In" at the end, where the worker will document their thoughts, takeaways, and outstanding questions regarding each section. This level of reflection serves two purposes. First, the practice of distilling down a full section of training into three takeaways and three remaining questions requires the worker to actively engage with the

material, subsequently forming cognitive cues related to the information for future use in case practice. Second, prioritizing takeaways and questions by section allows workers to continually review information to determine if questions are answered in future sessions and supports the development of an action plan by requiring workers to highlight the questions they find most important.

- Part C: Planning for Post-Training Debrief with Supervisor: The worker considers the takeaways and questions they identified in each section and creates a framework to transfer those takeaways and questions into an action plan.
- Part D: Post-Training Debrief with Supervisor: Provides an opportunity for the supervisor and worker to determine a specific plan of action to answer outstanding questions and to further support worker training.

While this ToL is specific to the Track Training in North Carolina, workers and supervisors can review the takeaways and questions highlighted by the caseworker in each section of training on an ongoing basis, revising action steps when prior actions are completed, and celebrating worker growth and success along the way.

Training Evaluations

At the conclusion of each training session, learners will complete a training evaluation tool to assess satisfaction with the training content and methods. The training evaluation tool is required to complete the training course. Training evaluations will be used to determine the need for revisions to the training curriculum.

All matters as stated above are subject to change due to unforeseen circumstances and with approval.

Day One Agenda

Permanency Planning Services Track Training

I. Welcome and Introductions

Purpose, Practice Standards, and Legal Aspects

II. North Carolina Practice Model

III. Purpose and Overview of Permanency Planning Services

IV. Roles and Responsibilities of Permanency Planning Caseworkers

V. Case Transfer

VI. Legal Definitions and Legal Aspects

VII. Reasonable Efforts

VIII. Family-Centered Practice

Disproportionality in Child Welfare Services

IX. Institutional Racism and Disproportionality in Child Welfare

X. NC Core Values Guide Our Work

XI. Identifying and Addressing Bias

Indian Child Welfare Act of 1978 (ICWA)

XII. Indian Child Welfare Act of 1978 (ICWA)

XIII. Relationships with Tribes and Nations

Communicating

XIV. Communicating Skills

XV. Crucial Conversations

Family Engagement

XVI. Family Engagement

Assessing in Permanency Planning Services

- VII. Safety and Risk
- /III. Safety and Danger

Homework Reminder

End-of-Day Values Reflection

Day One Learning Objectives

Purpose, Practice Standards, and Legal Aspects	
•	Learners will be able to define permanency.
•	Learners will be able to define emotional and relational permanency and describe the benefits of each type of permanence.
•	Learners will describe the interconnection of legal, relational, and cultural permanence.
•	Learners will be able to distinguish permanency planning roles and responsibilities from other child welfare system job roles.
•	Learners will be able to describe where their roles and responsibilities fall within the case process.
•	Learners will be able to utilize associated placement forms:
•	Eligibility, payment, and reporting forms
•	Determination of Foster Care Assistance Benefits form
•	Learners will be able to describe the case transfer process.
•	Learners will be able to initiate information gathering to support case transfers that provide them with a clear understanding of case and family characteristics.
•	Learners will be able to develop a clear plan for case transfer processes so all necessary information is collected prior to finalizing case transfer.
•	Learners will be able to explain the policy requirements for case transfers.
•	Learners will be able to outline federal and state laws that govern child welfare policies related to children and families.
•	Learners will be able to access relevant state and federal laws to inform their case decisions.
•	Learners will be able to discuss how state and federal laws impact child welfare case practice.
•	Learners will be able to describe the behaviors and elements that encompass family-centered practice and how they impact safety, permanency, and well-being outcomes.

• Learners will be able to explain the various types of court hearings involving children and families and their roles in each of the hearings.
• Learners will be able to explain their roles and responsibilities related to the court and court-related activities.
Disproportionality in Child Welfare Services
• Learners will be able to explain the history of institutional racism in child welfare and its impact on disproportionality in child welfare.
• Learners will be able to discuss the impact of institutional racism in child welfare on safety, permanence, and well-being outcomes for children and families.
• Learners will be able to describe how marginalized children and families have been historically overrepresented in child welfare.
• Learners will be able to identify institutional racism in assessment and decision-making processes.
• Learners will be able to define and recognize underrepresentation and overrepresentation in the child welfare system and identify the underlying causes.
• Learners will be able to recognize how disproportionality leads to inequitable service provision and disparate outcomes for children and families
• Learners will be able to discuss methods of self-reflection and self-awareness to uncover biases that may influence their ability to engage children and families.
• Learners will be able to explain the importance of professional curiosity when conducting assessments and making decisions with and for families.
• Learners will be able to demonstrate an understanding of professional curiosity and bias awareness as a lifelong process of self-awareness and learning from others.
• Learners will be able to share examples of advocating for fair and family-specific Permanency Planning Services for children and families.
• Learners will engage in supervisory coaching to explore and mitigate biases in their role as child welfare caseworkers.
Indian Child Welfare Act of 1978 (ICWA)
• Learners will be able to determine when tribal involvement is required based on family history and federally required standards.
• Learners will be able to independently initiate contact with tribal representatives for required notices and for case planning purposes.
• Learners will be able to defend the need for tribal involvement in case processes and prioritize tribal voice in decision-making.

• Learners will understand how to comply with legal and practical Notice to Tribes of placement, case status, and court-related activities for children who are identified as an “Indian child” under ICWA.
• Learners will be able to differentiate between reasonable efforts and active efforts.
• Learners will be able to apply active efforts to Permanency Planning Services for ICWA-involved children and families.
Communicating
• Learners will be able to engage in difficult conversations with parents and other important adults with confidence and empathy.
• Learners will be able to demonstrate engagement techniques that support families through crucial case conversations.
Family Engagement
• Learners will be able to describe the behaviors and elements that encompass family-centered practice and how they impact safety, permanency, and well-being outcomes.
• Learners will be able to demonstrate family engagement skills when permanency planning with caregivers.
Assessing in Permanency Planning Services
• Learners will be able to identify safety threats and risk factors when working with children and families.
• Learners will be able to describe their responsibilities to ensure child safety.

Permanency Planning Services Track Training Day One

Welcome & Introductions

Training Resources

- Follow lecture
- Record notes
- Complete activities

Participant
Workbook



- Appear in order of use

Handouts



- North Carolina
Child Welfare
Policies &
Procedures

Policy
Manual



The Participant Workbook can be used electronically or printed and is designed to help participants follow the lecture in class and record notes.

Handouts or job aids will appear in the Participant Workbook in their order of use.

Throughout training, we will reference policy, found on the NCDHHS website.

Team Agreements

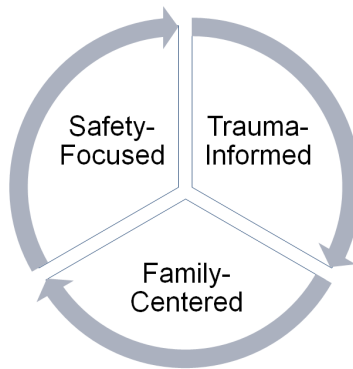
Team Agreements are supportive of a strong training environment. Team Agreements are participant-generated based on individual and group needs to co-create a psychologically safe learning environment. Part of keeping team agreements is agreeing to call out when they have been violated.

What do you need for this environment to be a safe space to learn and practice new skills?

Purpose, Practice Standards, and Legal Aspects

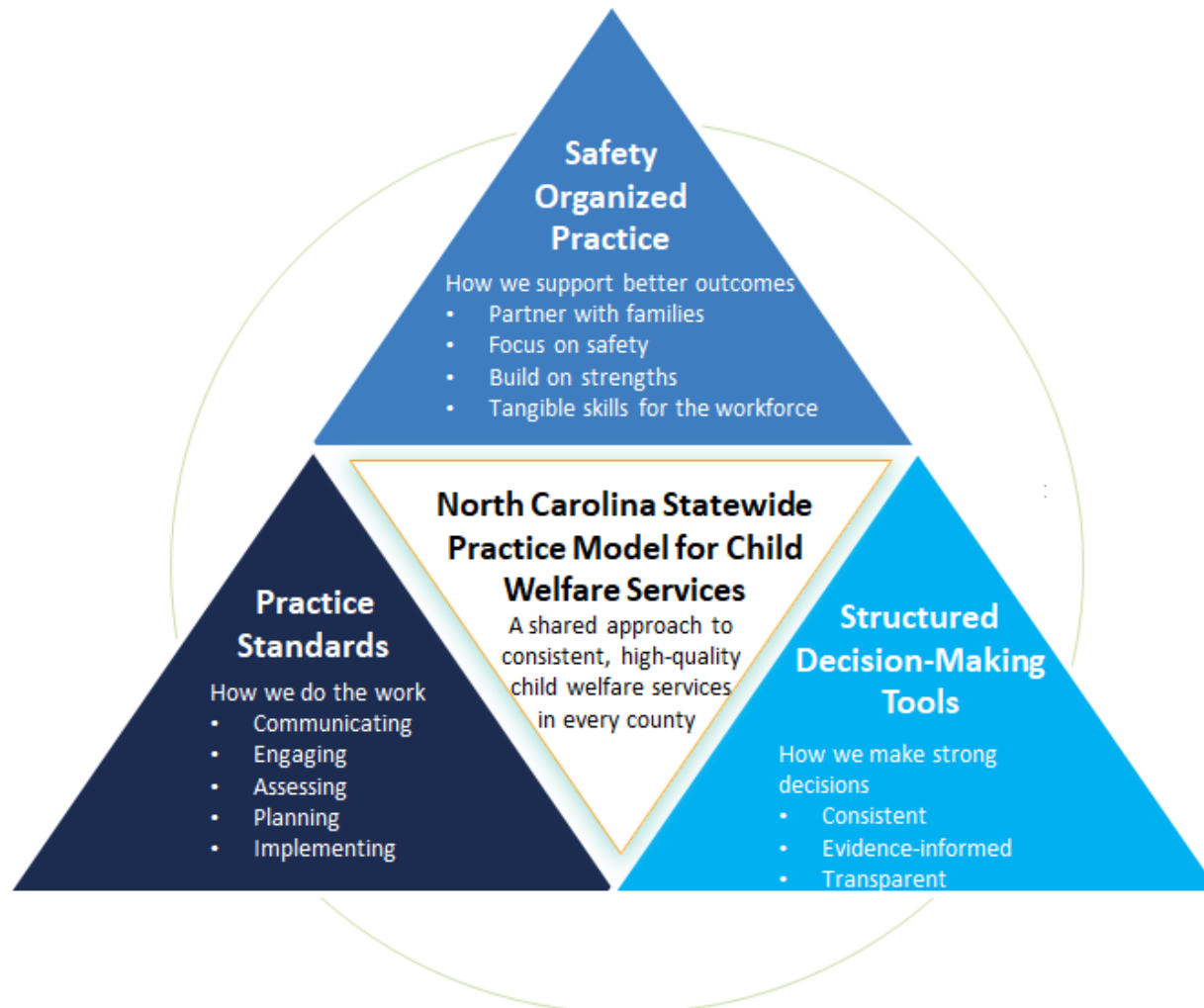
North Carolina Practice Model

Core Values



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North Carolina Child Welfare Practice Model



- Core Values provide the foundational principles on which child welfare practice in North Carolina is based.
- Values can be challenging to put into practice, as they are often conceptual rather than measurable. The practice model brings the Core Values to life and is comprised of several components:
 - Practice Standards, including five Essential Functions: communicating, engaging, assessing, planning, and implementing
 - Safety Organized Practice and Structured Decision Making (SDM) tools
- The outcomes for the practice model include the overarching goals of the child welfare system: safety, permanency, and well-being.
- The practice model provides a foundation for this course.

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Permanency Planning Values

Guiding Principles	Core Values
• Individualize every plan • Develop & maintain lifelong connections • Work together	• Every child deserves a permanent family • Maternal & paternal family connections matter • Safe & timely reunification is the best outcome • Parents and children have the right to be heard • Trauma must be addressed • Caregivers need support

Permanency Planning Guiding Principles:

- Individualize every plan: Each child and family is unique and deserves support that fits their needs
- Develop and maintain lifelong connections: Support relationships that last beyond child welfare involvement
- Work together: Everyone involved in the child's care should act as one team to help the child and family

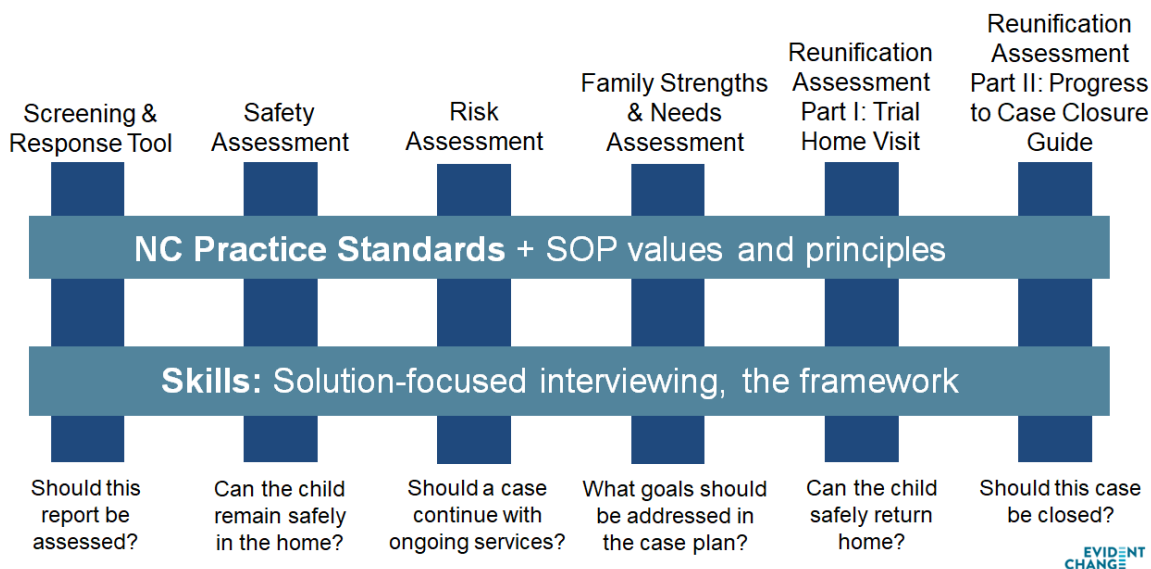
Permanency Planning Core Values:

- Every child deserves a permanent family, and planning for permanency should start early and occur without long delays
- Family connections matter, both maternal and paternal
- Reunification is the best outcome when safe and timely
- Parents and children have the right to be heard
- Trauma must be addressed
- Caregivers need support

Think about a child or family you have worked with or observed. Which permanency planning core value would have been most important to keep at the center of decision-making, and what would that value look like in a caseworker's day-to-day actions?

When permanency planning feels pressured by timelines, court expectations, or competing needs, how can caseworkers continue to individualize the family's plan, maintain lifelong connections, and ensure parents and children are heard?

All Components Working Together

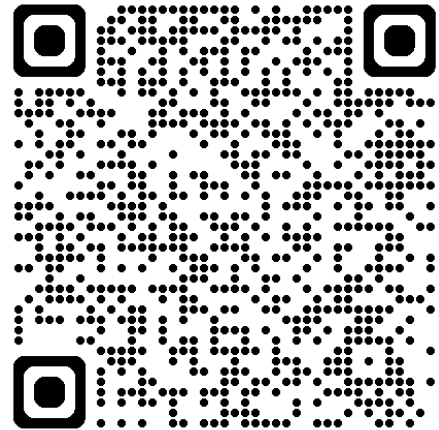


- The fence analogy illustrates the ways in which the components of the Practice Model work together
- Structured Decision Making® (SDM) Tools are used at key decision points and support answering key questions
- NC Practice Standards and Safety Organized Practice (SOP) offer key activities and behaviors to support and stabilize quality casework practice
- Skills and tools that align with SOP also stabilize practice

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Reflections

- Use the QR code to navigate to the “North Carolina Practice Standards Worker Assessment” in the Appendix of their Participant Workbooks OR access the assessment at: <https://www.ncdhhs.gov/cw-worker-north-carolina-worker-assessment-all-practice-standards/open>
- Take nine minutes to complete the self-assessment
- Use the space below to record your notes



Communicating

Engaging

Assessing

Planning

Implementing

What?

Consider the specific services provided to children and families in Permanency Planning Services. Also, consider the specific tasks and roles of Permanency Planning Social Workers.

Family-Accessible Language

Why?

Consider the goals, outcomes, and objectives of Permanency Planning Services.

Family-Accessible Language

When?

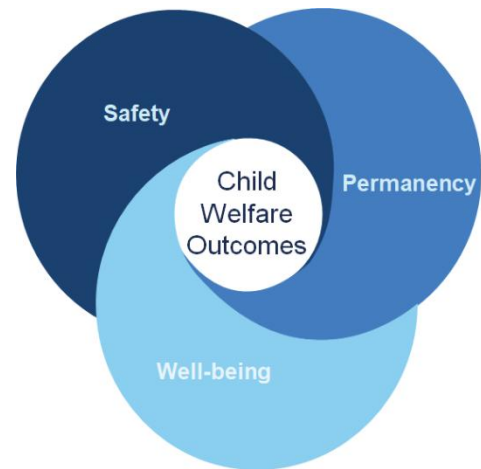
Consider the timeframes for which Permanency Planning Services are delivered. HINT: review the “required timeframes” section.

Family-Accessible Language

Goals of Permanency Planning Services

Child Welfare goals are set by the United States Department of Health and Human Services, Administration for Children and Families:

- Safety
- Permanency
- Well-Being



What do safety, permanency, and well-being mean to you?

Permanency Activity

Activity: What is Permanency?

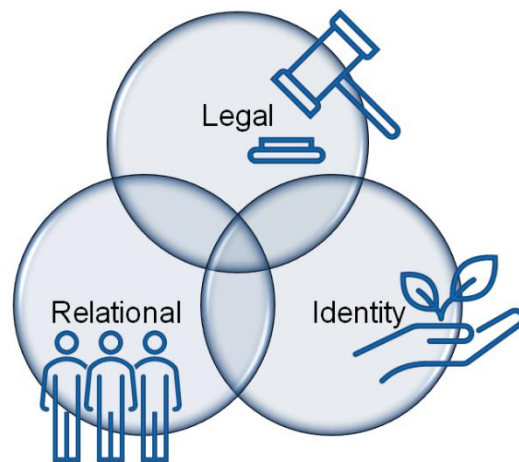
What to do:

- Create your own visual of “What is Permanency?”
- In making your visual, you may:
 - Use words
 - Draw pictures
 - Write a poem
 - Or otherwise express your definition of permanency

Legal, Relational, and Identity Permanence

There are three elements to permanency:

- Legal: a legally established relationship through reunification, custody, adoption, or guardianship OR a child's relationship with a parenting adult as recognized by law
- Relational: an emotional attachment between the child and caregivers and other family members and kin OR recognizing the many types of important long-term relationships that help a child feel love and connected
- Identity: a continuous connection to family and family perspective



Policy focuses on legal permanence, and caseworkers must work to build permanency in all areas.

Use this space to record notes

Roles and Responsibilities of Permanency Planning Caseworkers

Caseworker Roles in Permanency Planning

Caseworker Roles in Permanency Planning include:

- Directing the flow of permanency planning efforts
- Engaging family in the behavioral change process
- Communicating, engaging, assessing, planning, and implementing services
- Acting as the legal representative for children in the custody of DSS
- Complying with policy and mandated tasks/timeframes, including documentation
- Promoting permanence

Notes

Safety-Organized Practice (SOP)



Developing good
working
relationships



Using critical
thinking and
decision-support
tools



Building
collaborative
plans to enhance
daily child safety

EVIDENT
CHANGE

Safety-Organized Practice is a component of the NC Child Welfare Practice Model.

The three objectives of Safety Organized Practice also inform caseworker roles and responsibilities:

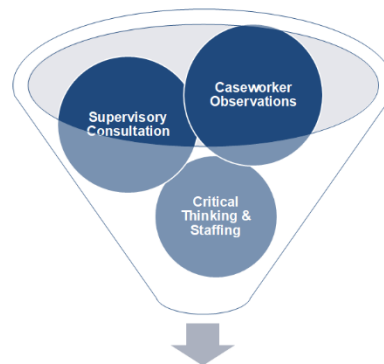
- Developing good working relationships
- Using critical thinking and decision support tools
- Building collaborative plans that enhance daily child safety

SOP tools can support engaging children and families in the child welfare process and focus the conversation on the information needed to support the decision at hand.

Notes

Two-Level Decision-Making

- Two-level decision-making involves the assigned caseworker and their supervisor
- Two-level decision-making ensures that the caseworker follows NC Child Welfare policy, addresses family needs, and monitors risk, safety, and family progress
- Case staffing is a form of two-level decision-making



Two-Level Decision-Making

Activity Worksheet: Two-Level Decision-Making

What to do:

- Think about a time you participated in two-level decision-making with your supervisor
- Talk with your partner about your experience engaging in two-level decision-making with a supervisor:
 - Describe the situation
 - Discuss your supervisor's input and feedback
 - Discuss the final decision
 - Discuss how two-level decision-making impacted the children and family

Notes

Case Transfer

Case Transfer



Knowledge



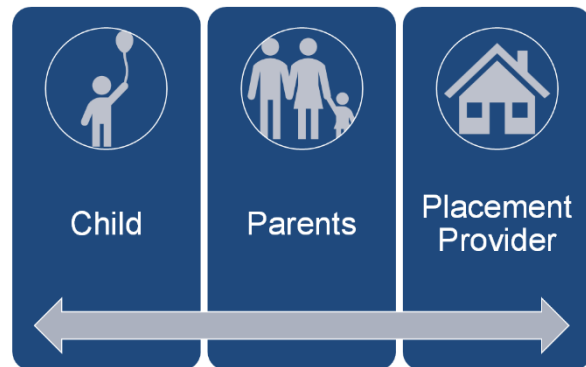
Relationship

- To “transfer” a case means to shift the responsibility from one caseworker to another
- A “warm handoff” is required when a case transfers from one caseworker to the next
- During case transfer, all policy requirements must be met
- During case transfer, the needs of the children and families involved must be considered to ensure continuity of the permanency planning process

What have you seen done, or done yourself, to ensure a warm handoff relationship transition?

Initial Contacts

- Policy and best practice require that face-to-face contact must occur within the first seven days of out-of-home placement and must take place with all parties involved: the child, parent, and placement provider
- Contacts with the family must be meaningful and purposeful



Notes

Legal Definitions and Legal Aspects

Legal Aspects



Federal Laws that guide child welfare services:

- Social Security Act of 1935
- Child Abuse Protection and Treatment Act of 1974 (CAPTA)
- Indian Child Welfare Act of 1978 (ICWA)
- Adoption Assistance and Child Welfare Act of 1980 (AACWA)
- Multi-Ethnic Placement Act of 1994 (MEPA)
- Adoptions and Safe Families Act of 1997 (ASFA)
- Foster Care Independence Act of 1999
- Promoting Safe and Stable Families Amendments of 2001 (PSSF)
- Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections)
- Preventing Sex Trafficking and Strengthening Families Act of 2014
- Families First Prevention Services Act of 2018

NC Laws that guide child welfare services:

- Chapter 110 – Child Welfare
- Article 8 – Child Abuse and Neglect
- Article 10 – Prevention of Child Abuse and Neglect
- House Bill 630 – Rylan’s Law (NCGS 7B-903.1)
- House Bill 612 – Fostering Care in NC Act

Handout: Federal Laws Overview

Federal Law Overview

Federal Child Welfare Legislation**CAPTA** (*Child Abuse Prevention and Treatment Act* - 42 U.S.C.A. § 5106a(b)(2)(B)(viii)-(x))

Enacted in 1974. CAPTA provides federal funding to states in support of prevention, assessment, investigation, prosecution, and treatment activities, as well as grants to public agencies and nonprofit organizations for demonstration programs and projects. CAPTA provided for mandatory reporting of child abuse. Additionally, CAPTA identifies the federal role in supporting research, evaluation, technical assistance, and data collection activities. CAPTA also sets forth a minimum definition of child abuse and neglect. CAPTA, as amended by the CAPTA Reauthorization Act of 2010, defines child abuse and neglect as, at minimum:

- "Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation"; or
- "An act or failure to act which presents an imminent risk of serious harm."

While Federal legislation sets minimum standards for states that accept CAPTA funding, each state provides its own definitions of maltreatment within civil and criminal statutes.

As it relates to GALs, CAPTA provides that if judicial proceedings are necessary to protect a child, then a GAL must be appointed to represent the child's interest. CAPTA, however, does not currently require that the GAL be an attorney. A portion of CAPTA funds may also be used to train professionals, including attorneys, and to improve legal preparation and representation.

AACWA (*Adoption Assistance and Child Welfare Act of 1980* - Public Law 96-272)

AACWA was a response to concerns over the number of children entering the foster care system and the length of time children remained in the system following removal. The goal of the Act was to reduce the number of children entering the system and decrease the amount of time spent in the system for those who did enter. In that regard, the Act mandates that state agencies must make "reasonable efforts" to prevent the removal of children and to facilitate permanency for children after removal. The underlying mandate of AACWA was to preserve families. To comply with that mandate, many state agencies increased their use of "family preservation" services.

AACWA also created Titles IV-B and IV-E of the Social Security Act and established the first federal rules to govern child welfare case management, permanency planning, and foster care

placement reviews. States were also required to develop reunification and preventative programs for foster care and ensure that children in non-permanent settings had either court or state agency reviews at least every six months.

Title IV-B of the Social Security Act

Established by ACCWA as a funding scheme to allow state agencies to prevent and respond to cases of child maltreatment. The purpose was to promote a state agency's ability to develop and expand child and family services programs that utilized community-based services and to ensure that children are raised in safe and permanent families.

NOTE: How a state intends to use their IV-B funds should be detailed in their "state plan" which is accessible to the public. As an attorney for the Children's Department you may want to become familiar with Missouri's state plan so that, among other reasons, you can effectively communicate with the agency about available services and you can be prepared to defend the Department if opposing counsel raises an issue re: the state plan.

TITLE IV-E of the Social Security Act

Established by AACWA as a funding scheme to help states offset the costs of placing abused and neglected children into the foster care system when they cannot be safely maintained at home. It requires that the first court order authorizing removal contain a finding that it is "contrary to the child's welfare" to remain in the home (or in the child's best interests to be removed) and a statement of the reasons for that finding. This is especially important for attorneys who represent the Department to be cognizant of so that they can ensure the Department does not lose funding based on the failure to include that language in the court's order.

Additionally, it requires that every child who enters foster care have a plan that articulates the permanency goal and a schedule of services that the parents and children must receive to facilitate reunification (or if reunification is not the goal, the alternative permanency plan).

ASFA (Adoption and Safe Families Act of 1997, Pub. L. No. 105-89)

Enacted in 1997, ASFA was one of the most sweeping child welfare laws passed in over two decades. It was, in part, a response to concerns about the safety and timely permanence of children. ASFA adds to the reasonable efforts requirement, providing that "in determining reasonable efforts, the child's health and safety shall be the paramount concern." In addition, ASFA does the following:

- Requires states to file for TPR if a child has been in the state's custody for **15 of the most recent 22 months**, with 3 exceptions. The exceptions are established if (1) the



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National Association
of Counsel for Children

child is **placed with a relative**, (2) the state agency documents a **compelling reason** why termination is NOT in the child's best interest, OR (3) the state agency has **not provided adequate reunification services**, even though obligated to do so.

- Requires that permanency hearings be held every 12 months.
- Clarifies when a state agency can forego efforts to reunify families and proceed straight to termination/adoption or an alternative permanency goal. These are "aggravated circumstances" that each state can define.
- Requires states to document efforts to move children toward adoption.
- Extends adoption subsidies.
- Provides incentives to state agencies to finalize adoptions.
- Permits states to use **concurrent planning** in order to expedite permanency.
- Expanded permanency options available to include permanent guardianship and APPLA (Another Permanency Planned Living Arrangement).

NOTE: Before using an APPLA permanency plan, the state agency must document and present to the court **compelling reasons** why a more permanent placement option is not available to the child. Sometimes caseworkers would like to change the permanency plan to APPLA when a child has behavioral or mental health issues that make permanent placement challenging. Attorneys representing the Department should ensure that the reasons the Department asserts to the court are compelling (although this is not defined) and not simply because it's too hard.

FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008 (Pub. L. No. 110-351)

The Fostering Connections Act aimed to maintain a child's ties with family, expedite permanency, and achieve better outcomes for youth once they leave the foster care system. States must "opt-in" to many of the provisions contained in this Act. Some specific provisions include:

- Allows states to establish a subsidized kinship guardianship program.
- Provides for matching grants to assist state agencies with "family finding" efforts.
- Requires state agencies to notify adult relatives within 30 days of a child's removal.
- Allows states to waive non-safety licensing rules for relative placements.



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- Allows states to extend foster care to youth up to age 21.
- Requires that state agencies develop a transition plan for youth within 90 days of their exit from the foster care system.
- Promotes educational stability by requiring state agencies to take the child's education into account when making placement changes and work with the school system to ensure that a child can remain in their home school.
- Requires state agencies to make reasonable efforts to place siblings together, or if not placed together, to facilitate frequent visitation or other on-going interaction.
- Allows tribes to develop their own plans in order to be eligible for federal funds.
- Increases adoption incentive payments to states.

THE FOSTER CARE INDEPENDENCE ACT of 1999 (*Chafee Act*) Pub. L. No. 106-169

Increased funding to enable states to design, conduct, and evaluate independent living programs with the purpose of assisting youth as they transition out of foster care. Encouraged states to create programs that support youth by addressing finances, housing, health, education, and employment. The act also increases support to youth aging out of foster care in other ways, such as allowing states to provide Medicaid coverage for foster care youth until age 21 (** Now extended up to age 26 via the Affordable Care Act).

ICWA (*Indian Child Welfare Act*) 25 U.S.C. §§ 1901-63

Enacted in 1978 to address the disproportionate removal of American Indian children from their homes for purposes of placement into white foster homes or institutions for adoption. ICWA's purpose is to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families." As such, it imposes substantive mandates on the states.

Major provisions of ICWA include:

- **Application:** ICWA applies to cases in state courts only in specific situations:
 - (1) Child custody proceedings - foster care placement, termination of parental rights, pre-adoptive and adoptive placements
 - (2) Involving an "Indian child" - any person under the age of 18 who (a) is a member of an Indian tribe, or (b) is the biological child of a member of an Indian tribe and is eligible for membership in an Indian tribe.

- **Jurisdiction:** Where a Native child resides or is domiciled on a reservation or is the ward of the tribal court, only the tribal court may properly exercise jurisdiction. For all other children, however, state courts have concurrent jurisdiction. The state court is required to transfer the case to tribal court, however, if the tribe or parents request transfer except when: (1) either parent objects to transfer, (2) the tribal court declines transfer, or (3) there is good cause to the contrary.
- **Placement:** No placement (away from the biological parents, adoptive parents, or Indian custodian) can be made without (1) **active efforts** to preserve the family through remedial and rehabilitative services designed to prevent the breakup of the Indian family; and (2) **clear and convincing evidence** that continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. A qualified expert witness is required to establish the clear and convincing standard.
- **Placement Preferences:**
 - **Foster Care Placement:**
 - With a member of the child's extended family;
 - In a foster home licensed, approved or specified by the child's Tribe;
 - In an Indian foster home licensed or approved by an authorized non-Indian licensing authority (such as the state or a private licensing agency);
 - In an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the child's needs.
 - **Adoptive Placement:**
 - With a member of the child's extended family;
 - With other members of the child's Tribe; or
 - With another Indian family.
- **Termination of Parental Rights:** In proceedings to terminate parental rights to an Indian child, there must be: (1) evidence **beyond a reasonable doubt** that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical harm to the child and (2) testimony by a qualified expert witness.

NOTE: Failing to follow the requirement of ICWA may be grounds for a tribe, parent, Indian custodian or a child to ask the court to vacate court orders and require new proceedings.

- **NEW ICWA REGULATIONS:** The Bureau of Indian Affairs (BIA) released new ICWA regulations on June 8, 2016, which are now binding. The intent of these regulations is to clarify and strengthen ICWA's requirement to "ensure that Indian families and tribal communities do not face the unwarranted removal of their youngest and most vulnerable members." Some provisions that specifically relate to practice are as follows:
 - A party must certify on the record whether he or she knows or has reason to know that the child is an Indian child.
 - The "active efforts" requirement is defined, and specific examples are provided.
 - Requirements of a "qualified expert witness" are established.
 - Emergency removal is permitted only as necessary to prevent imminent physical damage or harm to the child. The court must immediately terminate the emergency removal as soon as it receives sufficient evidence that the removal is no longer necessary.

ADA (*Americans with Disabilities Act*)

Enacted to address discrimination against persons with physical and mental disabilities. Relates to child welfare law specifically by guaranteeing that all litigants have reasonable access to legal proceedings and that foster children are not denied services based on a disability.

Recently there has been some case law (Michigan) in which a TPR was reversed and remanded because the Department did not comply with the ADA in providing services to the mother. Attorneys who represent the Department should be aware of this and should insist that when a parent has a disability, the Department is complying with the ADA in its provision of services pursuant to the case plan.

IDEA (*Individuals with Disabilities Education Act*)

Enacted in 1975 to ensure that children with disabilities have access to a free appropriate public education that is tailored to their individual needs. Here are the main principles:

- Every child is entitled to a free and appropriate public education (FAPE).



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- When a school professional believes that a student between the ages of 3 and 21 may have a disability that has a substantial impact on the student's learning or behavior, the student is entitled to an evaluation in all areas related to the suspected disability.
- Creation of an Individualized Education Plan (IEP). The purpose of the IEP is to lay out a series of specific actions and steps through which educational providers, parents, and the student may reach the stated goals.
- The education and services for children with disabilities must be provided in the least restrictive environment, and if possible, those children be placed in a "typical" education setting with non-disabled students.
- The input of the child and his or her parents must be considered in the education process.
- When a parent feels that an IEP is inappropriate for his or her child, or that the child is not receiving needed services, the parent has the right under IDEA to challenge the child's treatment (through due process).

Additionally, the IDEA requires schools to provide transition planning for children and actively engage them in the planning process.

MEPA (Multi-Ethnic Placement Act) & Inter-Ethnic Adoption Provisions

Enacted in 1994, MEPA establishes the following:

- Prohibits discrimination on the basis of race, color, or national origin in foster care licensing and foster/adoptive placements.
- Requires diligent recruitment of foster/adoptive parents that "reflect the ethnic and racial diversity of children in the state for whom homes are needed."
- Prohibits delay in placement on the basis of race, color, or national origin.
- Prohibits states from making placement decisions solely on the basis of race, color, or national origin.

The Inter-Ethnic Adoption Provisions amended MEPA by:

- Establishing that a MEPA violation may result in a loss of IV-E funding.
- Creating a private right of action for MEPA violations.
- Specifying that the provisions of MEPA do not apply to ICWA children.

HIPAA (Health Insurance Portability and Accountability Act)



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This Act and the accompanying regulations provide national standards for protecting health information. It regulates how others may use and disclose health information, gives patients more protection and control over their records, and sets boundaries for the release and use of health records. Doctors, clinics, and psychologists are among the entities covered by the Act. Generally, under the Act, health information may be disclosed only with the consent of the patient.

The Child Abuse Exception:

- Although HIPAA generally overrides state laws, *HIPAA rules do not apply where “state law . . . provides for the reporting of disease or injury, child abuse, birth, or death . . .”* (Section 160.203[c]). Therefore, pursuant to state statute (C.R.S. § 19-1-307), HIPAA allows disclosure to child protection caseworkers where child abuse or neglect is suspected.
- Where disclosure is not otherwise required or permitted, a court may issue a subpoena or order release after the victim/child is given notice and an opportunity to object. Even in this situation, since the victim is a child and notice would otherwise be given to the parent responsible for the abuse or neglect, the notice generally need not be given in advance.
- Disclosure is permitted when consistent with legal and ethical practices, such as when disclosure is necessary “to prevent or lessen a serious and imminent threat to the health or safety of a person or the public.”
- Medical records need not be released to a dangerous parent when there is a “reasonable belief” that the child “has been or may be subjected to . . . abuse or neglect . . . or when release would endanger the child.”

ICPC (*Interstate Compact on the Placement of Children*)

The ICPC is a uniform law enacted by all 50 states, the District of Columbia, and the U.S. Virgin Islands, to ensure that children placed *out of their home state* receive the same protections and services that would be provided if they remained in their home state. ICPC applies to the following types of placements:

- Placement preliminary to an adoption (independent, private or public adoptions);
- Placement in licensed or approved foster homes (with related or unrelated caregivers);
- Placements with parents and relatives when a parent or relative is not making the placement as defined in Article VIII(a); OR



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- Group homes/residential placement of all children, including adjudicated delinquents in institutions in other states.

The ICPC requires:

- The sending state must notify the receiving state and receive back from that state notice that the proposed placement does not appear to be contrary to the interests of the child.
- Approval by BOTH states.
- The sending state retains jurisdiction over and financial responsibility for the child.

NOTE: The ICPC process is very bureaucratic and can take weeks or months depending on the particular states involved. An expedited ICPC evaluation, however, can and should be requested if the child meets any of the following requirements:

- The child is under two years of age;
- The child is in an emergency shelter; OR
- The child has spent a substantial amount of time in the home of the proposed placement recipient.

USA (Uninterrupted Scholars Act of 2013 - Public Law No: 112-278)

Amends the provisions of the Family Educational Rights and Privacy Act (FERPA) of 1974 that prohibit the Department of Education from funding educational agencies or institutions that release student educational records (or personally identifiable information other than certain directory information) to any individual, agency, or organization without written parental consent.

Expands the list of organizations exempt from such prohibitions (thereby permitting the educational agencies or institutions participating in a Department of Education program to release records or identifiable information to such organizations without parental consent) to include an agency caseworker or other representative of a state/local child welfare agency or tribal organization authorized to access a student's case plan when such agencies or organizations are legally responsible for the care and protection of the student.

* Permits the release of such records and information without additional notice to parents and students when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and a court order has already been issued in the context of that proceeding.

PREVENTING SEX TRAFFICKING & STRENGTHENING FAMILIES ACT – Public Law No. 113-183



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Signed into law in September 2014, the Act seeks to protect foster children and improve the child welfare system as it specifically relates to establishing normalcy and permanency for children.

Specific provisions include:

TITLE I:

- Requires that child welfare agencies create policies and procedures by September 29, 2015, for **identifying, documenting and determining** appropriate services for children over whom they have legal responsibility to either provide care OR supervision and who the state has **reasonable cause** to believe are victims or are at risk of becoming victims of sex trafficking.
- Requires that child welfare agencies immediately (within 24 hours) report children identified as sex trafficking victims to law enforcement.
- Requires child welfare agencies to **develop** and **implement** plans to expeditiously locate children missing from foster care.
- Allows foster parents and other trained designated officials to make parental decisions, applying the **reasonable and prudent parent standard**, that maintain the health, safety, and best interest of the child, including decisions about participation in extracurricular, enrichment, cultural and social activities.
- In FY 2020, provides additional \$3 million under Title IV-E ILP to support participation in age-appropriate activities for youth likely to age out of foster care.
- Eliminates APPLA for children under 16 years of age (effective 9/29/15 for child welfare agencies and 9/29/17 for children under the responsibility of their tribe).
- Requires additional case plan and review requirements for youth with an APPLA goal.
- Requires that the child welfare agency engage children who are 14 years and older in their case plan development and modification and allows the child to self-select two individuals to be a part of their case planning team (*Department retains veto power if it determines that the individual chosen by the youth would not act in the child's best interest).
- Requires the child welfare agency include in the child's case plan a "list of rights" that outlines their rights with respect to education, health, visitation, and court participation.



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- Requires the child welfare agency to ensure that youth who are aging out and who have been in care for 6 months or longer receive a copy of their birth certificate, a social security card, health insurance information, medical records, and a driver's license or identification card.

TITLE II:

- Extends adoption incentive program through FY 2016.
- Creates four incentive categories.
- Clarifies that states must use adoption and guardianship incentive payments to supplement, as opposed to supplant, other funds already being used under either IV-E or IV-B.
- Allows a successor guardian to receive kinship guardianship assistance in the event of death or incapacity of the original relative guardian.
- Requires that all parents of siblings are identified and notified within 30 days after the removal of a child from the parents (* This includes siblings whose parent's rights were previously terminated).

ESSA (*Every Student Succeeds Act* – Public Law No. 113-183)

Enacted in 2015, the Act reauthorizes the *Elementary and Secondary Education Act* and focuses its provisions on promoting school stability and success. It also requires collaboration between schools and child welfare agencies.

Specifically, as to foster care, the ESSA:

- Provides that state education agencies must ensure that students in foster care remain in their school of origin, unless it would not be in their best interests.
- Allows children in foster care to immediately enroll in a new school when a change is necessary, even without school records. The new school is required to immediately contact the child's previous school to obtain records.
- Requires local education and child welfare agencies to develop plans for providing cost-effective transportation options that would allow children to remain in the same school (by December 10, 2016).
- Requires state education agency to designate a point of contact for child welfare agencies. This point person would facilitate communication and collaboration with the child welfare agency.



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- Requires state educational agencies to collect data and report annually on student achievement/graduation rates for students in foster care.

FFPSA (Family First Prevention and Services Act- enacted in February 2018)

This act reforms the federal child welfare financing streams, Title IV-E and Title IV-B of the Social Security Act, to provide services to families who are at risk of entering the child welfare system. The bill aims to prevent children from entering foster care by allowing federal reimbursement for mental health services, substance use treatment, and in-home parenting skill training. It also seeks to improve the well-being of children already in foster by incentivizing states to reduce placement of children in congregate care.

Part I. – Prevention Activities under Title IV-E (Sec. 50711, 50712, 50713)

- Sec. 50711. Foster Care Prevention Services and Programs State Option – At the option of the state, the Secretary may make a payment to a State for providing the following services or programs for children who are candidates for foster care or who are pregnant or parenting foster youth and the parents or kin caregivers of the children.

Available Services:

- Mental Health Services
- Substance Abuse Prevention and Treatment services
- In-home Parent Skill-based programs

Who is eligible:

- Children who are identified as candidates for foster care identified in a prevention plan as safe to remain safely at home or in a kinship placement with receipt of services or programs
- Children in foster care who are pregnant or parenting,
- The parents or kin caregivers where services are needed to prevent the child's entry into care.

Duration:

- 12 months beginning at identification of prevention strategy
- New prevention plan may begin another 12 months for children/families identified again as candidates.

State Requirements:

- Must identify and maintain a written prevention plan for the child to remain safely at home, live temporarily with a kin caregiver, or live permanently with a kin caregiver and list the services or programs to be provided to or on behalf of the child (including information about how they will monitor, assess, train workforce etc.)
- For pregnant or parenting foster youth the prevention plan must list the services or programs to be provided to or on behalf of the youth to ensure that the youth is

prepared or able to be a parent and describe the prevention strategy for any child born to the youth.

- Services must be trauma informed and should be promising, supported, well-supported practices as modeled by the California Evidence-Based Clearinghouse for child welfare.
- Must report outcomes for those receiving services and costs associated.
- HHS to issue guidance on practices criteria and pre-approved services and programs no later than October 1, 2018

Federal Payments:

- 50 percent of amount spent for prevention services and programs will be available to states beginning October 1, 2019- October 1, 2026,
- Beginning October 1, 2026 the FFP will be the state's FMAP for the prevention services and programs
- States may use IV-E funds for associated training and administrative costs at 50 percent reimbursement
- Maintenance of effort requirement for foster care expenditures so that states do not substitute their state and local prevention dollars for IV-E prevention dollars

Part IV – Ensuring the Necessity of a Placement that is not in a Foster Family Home (Sections 50741, 50742, 50743, 50744, 50745, 50746)

Sec. 50741 Limitation of Federal funds for non- foster family settings:

After two weeks, federal reimbursement will only be made for group homes if the child is in:

- A qualified residential treatment program (QRTP)
- A setting specializing in providing prenatal, post-partum, or parenting supports for youth,
- Supervised independent living for youth over 18

QRTP requirements:

- Should have a trauma-informed treatment model designed to address the needs of children with emotional or behavioral disorders and be able to implement the treatment identified by the assessment
- Has registered or licensed nursing staff and clinical staff onsite to the extent the program's treatment model requires
- Facilitates outreach to family members of the child
- Documents how family members are integrated into the treatment process for the child
- Provides discharge planning and family-based care support for 6 months after discharge

Family foster home definition:

- Licensed or approved by state where child in foster care resides



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- Adheres to the reasonable and prudent parent standard • Provides 24-hour care for the child
- Provides the care for not more than 6 children in foster care (there is flexibility here: parenting youth, siblings, meaningful relationship with a family, special family training)

Sec. 50742 Assessment and Documentation of the Need for Placement in a Qualified Residential Treatment Program (QRTP)

- Assessment must be conducted within 30 days after placement in QRTP to receive federal payment by a qualified individual (a trained professional or licensed clinician, cannot an employee of the state)
- Assessment will look at the strengths and needs of the child using an age appropriate evidence-based validated functional assessment tool approved by HHS
- Determine which setting is best for the child, ideally the least-restrictive environment
- Develop list of short- and long-term child specific mental and behavioral health goals. Family and permanency team must be assembled to work in conjunction with qualified individual
- State must document in child's case plan what the team decides, who was there, etc.
- A shortage of foster family homes is not an acceptable reason for determining that the needs of the child cannot be met in a foster family home
- Within 60 days of placement in a QRTP, a family or juvenile court will consider the assessment, determine the most appropriate placement of the child and approve or disapprove the placement- state has to demonstrate why child is in QRTP if for an extended period of time
- If the assessment determined that the placement of a child in a QRTP is not appropriate, a court disapproves of the placement or the child is returning to a family home setting, federal funds can be used while the child remains in QRTP during the transition period
- **No federal funds can be used after 30 days of such a determination**

Sec. 50743 Protocols to Prevent Inappropriate Diagnoses

- Establishes protocols to make sure inappropriate diagnoses are not being made to keep child in a QRTP or other non-foster family home



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Legal Impact of Decisions and Liability

Legal Impact of Decisions and Liability

- Legal responsibility for one's acts or omission.
- By assuming custody of a child, caseworkers accept a certain degree of legal responsibility for the child's health, safety, and well-being.
- Liability applies to all child welfare practices, not just when a child is agency custody.



- “Liability” means “legal responsibility for one's acts or omissions”
- Liability applies to all of child welfare practice, not just when a child is in agency custody
- Failing to perform our duties as caseworkers can result in criminal charges or civil court cases
- “Diligent efforts” are persistent efforts by the caseworker to determine the location of the child and family upon initiation of a case
- “Diligent efforts” also refers to the amount of effort put in by the caseworker to find non-custodial parents or caregivers who live outside the home and includes the efforts made by the caseworker to locate relatives and kin to serve as collaterals and potentially to provide safety for the children, such as serving as a temporary safety provider (TPS) or kinship placement

What does “liability” mean?

What does “diligent efforts” mean?

Handout: Liability

Liability means “legal responsibility for one’s acts or omissions.”

- By assuming custody of a child, child welfare workers accept a certain degree of legal responsibility for the child's health, safety, and well-being.
- Liability applies to all child welfare practices - not just when a child is in agency custody.

The failure of a person or entity to meet responsibility leaves them open to a lawsuit for any resulting damages or a court order to perform. Additionally, professional consequences can occur when responsibilities are not met.

Awareness is important, but don't let concerns about potential liability paralyze you. To win a lawsuit, the suing party (also known as the plaintiff) must prove the legal liability of the defendant if the plaintiff's allegations are shown to be true. This requires evidence of the duty to act, the failure to fulfill that duty, and the connection of that failure to some injury or harm to the plaintiff.

Anyone can file a lawsuit. It doesn't mean there's necessarily anything to it or that it has merit. Of course, the fact that a case is frivolous does not diminish inconvenience, frustration, or the possibility of expense, but the good news is that most of the time, you are not personally liable.

Possible actions that can be brought against social workers and DSS fall into several categories. The category is outlined, and examples of violations within each category are given below:

Civil	• Breach of confidentiality / improper release of information (most common) • Sexual misconduct (also common) • Lack of informed consent to treatment • Ineffective treatment/results • Negligence; malpractice (rare)
Civil or Constitutional Rights	• Due process concerns (governmental procedures must be fair) ○ Example: failure to follow the proper procedure for the removal of a child from home • Privacy ○ Example: unauthorized disclosure of information • MEPA/IEP, ICWA, ADA violations
Criminal	• Intentional injuries, such as assault, battery • Other criminal acts, such as sexual exploitation

In addition to lawsuits, there are potential professional consequences when there has been a failure to meet professional responsibility.

Administrative Disciplinary Actions	• Reprimand • Transfer • Demotion • Dismissal
Professional Sanctions	• NASW censure for unethical conduct or unprofessional behavior • Adjudication through professional review • Suspension or revocation of membership • No recourse here for incompetent practice

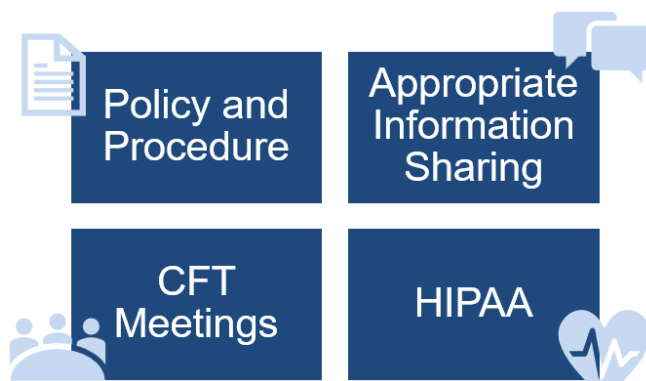
Your biggest liability is not following the law and policy. Adherence to law and policy is what allows your agency to protect you from whatever personal liability you may face.

The best defense is best practice. This means:

- Knowledge of and compliance with laws, policies, & procedures that apply to social work practice.
- Careful, professional, legal practice.
- Adherence to the NASW Code of Ethics.
- Conscientious use of supervision and bi-level review.
- Preservation of confidences & protection of records within legal limits.
- Thorough, accurate, and timely recording of client information.
- Avoidance of illegal behavior and inappropriate behavior toward clients.

Notes

Confidentiality



- Child welfare records contain detailed information about child maltreatment
- Families have a right to privacy
- When providing or receiving assistance with a case, you may at times share oral or written information with community partners
- Substance (alcohol and drug) use disorder treatment patient records are protected under the federal regulations (42 CFR Part 2) and cannot be disclosed or re-disclosed without the patient's written consent unless otherwise provided for in the regulations

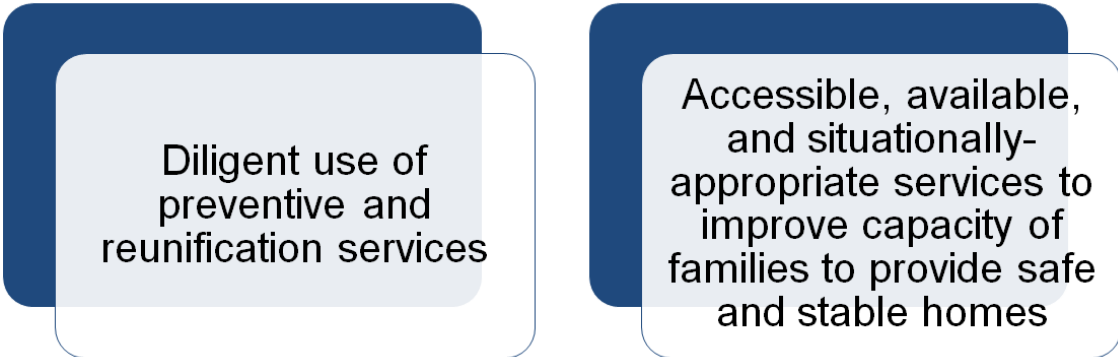
What does “confidentiality” mean in the context of an involuntary intervention like Permanency Planning Services?

When might you be in a situation where you could discuss particulars of maltreatment or case details?

There is an exception to the rule on collaboration and releasing information. What is that exception?

Reasonable Efforts

Reasonable Efforts in Child Welfare Services



Diligent use of
preventive and
reunification services

Accessible, available,
and situationally-
appropriate services to
improve capacity of
families to provide safe
and stable homes

- Reasonable efforts is the legal term to describe that you have met the minimum required level of service provision and followed all the policies and protocols
- The purpose of this concept is to connect the quality of your work to positive family outcomes, as outlined in federal legislation such as Title IV-E and FFPSA
- Reasonable efforts include the daily tasks you perform with and on behalf of the children and family, and describe how you, the child Permanency Planning Services caseworker, provide accessible, available, and specifically appropriate services that support parental behavioral changes in their capacity to provide safe and stable homes for their children
- A court determination that reasonable efforts have been made is related to federal funding for child welfare services

What strikes you about the definition of “reasonable efforts”?

What else would you need to do as a caseworker beyond simply making a referral to demonstrate “reasonable efforts”?

Family-Centered Practice

What is Family?



- Families are unique
- Family-centered practice is one of the core values of child welfare practice in North Carolina

How do the families that you considered define the concept of “family”?

--

What definition of family do you use when working with families?

--

How does policy define family?

--

What are we missing when we make assumptions or limitations on the definition of family?

--

Underlying Beliefs of Family-Centered Practice

Safety of the children is the first concern

Children have a right to their family

The family is the fundamental resource for nurturing children

Parents should be supported in their efforts to care for their children

Families are unique and have the right to be respected

A crisis is an opportunity for change

Inappropriate interventions can do harm

Families who seem hopeless can grow and change

Family members are our partners

It is our job to instill hope

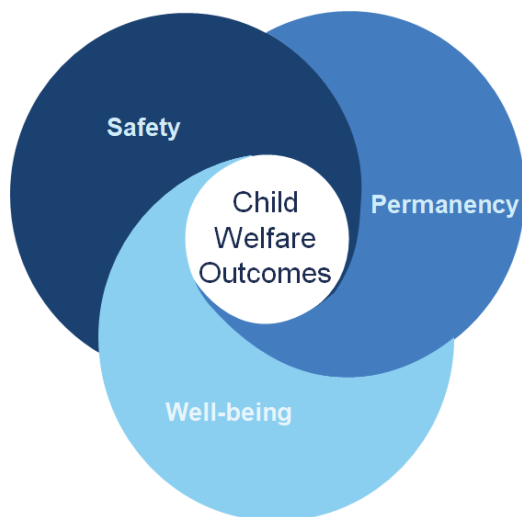
- Family-centered practice is grounded in ten fundamental beliefs (shown on slide)
- All ten must be put into practice together
- The Principles of Partnership provide a framework for how caseworkers deliver family-centered practice and include:
 - Everyone desires respect
 - Everyone needs to be heard
 - Everyone has strengths
 - Judgments can wait
 - Partners share power
 - Partnership is a process
- Family-centered practice does not equate to being "family-friendly"

How do the Family-Centered beliefs connect to the Permanency Planning core values we discussed earlier?

How does family-centered practice differ from "family-friendly" practice?

How will you remember to keep the family as the focus when working?

Family-Centered Practice in Out-of-Home Care



- **Safety:** Children are protected from immediate danger and ongoing harm, and their physical and emotional needs are consistently met
- **Permanency:** Children have a stable home, strong relationships, and a sense of belonging, so they feel safe, connected, and supported as they grow
- **Well-being:** A child's growth, development, and participation in different parts of their life. Including their health, safety, emotions, education, and relationships with important people in their lives

Safety

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Permanency

--

Well-being

--

Disproportionality in Child Welfare Services

Institutional Racism and Disproportionality in Child Welfare

Institutional Racism in Child Welfare Systems

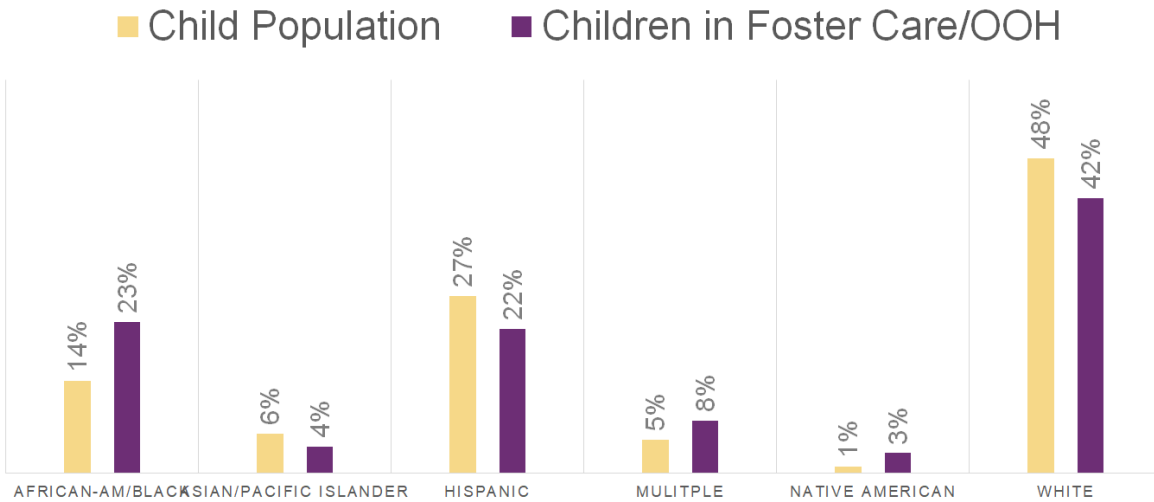
Video: The Racist Roots of the Child Welfare System

The Racist Roots of the Child Welfare System

How does this history impact the work you are doing today?

How does institutional racism show up in your cases or your regions today?

Impacts of Disproportionality Rates on Child and Family Outcomes



Data is from 2024

- Disproportionality in child welfare is a result of racial disparities that occur at every point along the child welfare continuum
- Disproportionality data in North Carolina is like other states in that there is disproportionality, or overrepresentation, of minority populations reflected in child welfare compared to the overall child population
- Reviewing disproportionality in child welfare services helps emphasize the importance of these concepts and supports the integrated learning for caseworker practice

As a caseworker, what's important about recognizing disproportionality in our workplace?

What difference does it make when we recognize disproportionality in our communities?

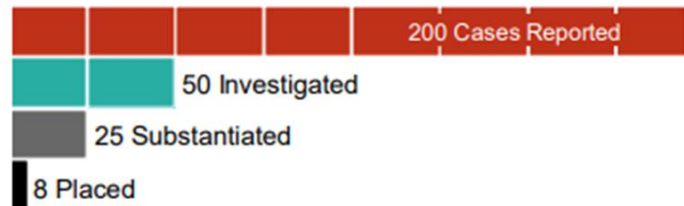
What happens when we do not recognize children and families' traditions and values, or how these differences affect their lives?

How have you been able to implement a practice or seen other caseworkers implement practices that address disproportionality or biases since Pre-Service?

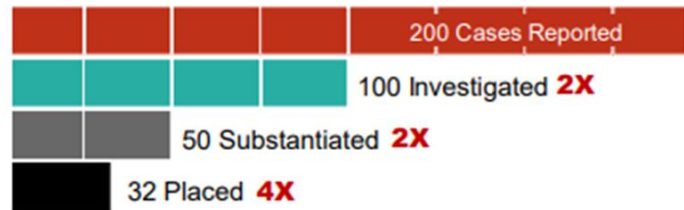
CPS Assessment and Substantiation Disproportionality

Disproportionate Foster Care of AI/AN Children: 15 States with the Highest Rates ³			
State	Disproportionality Rate (2019)	% of children who are AI/AN	% of children in foster care who are AI/AN
Minnesota	14.99	1.7%	25.8%
Wisconsin	5.87	1.3%	7.7%
North Dakota	5.16	8.5%	43.7%
South Dakota	4.52	13.7%	62.1%
Nebraska	4.16	1.3%	5.3%
Iowa	4.14	0.4%	1.8%
Montana	3.45	10.6%	36.7%
Washington	3.16	1.8%	5.6%
Hawaii	3.02	0.2%	0.6%
Oregon	2.98	1.6%	4.7%
Alaska	2.65	21.6%	57.3%
Utah	2.26	1.1%	2.4%
North Carolina	1.74	1.3%	2.3%
California	1.52	0.5%	0.8%
Maine	1.41	1.1%	1.5%

White/Caucasian Children



American Indian/Alaska Native Children



National Indian Child Welfare Association. Disproportionality Fact Sheet, (2021).

- For every 200 cases reported involving White children, 50 are screened in for CPS Assessment
- For Native American and Alaska Native children, for every 200 cases reported involving Native American children, 100 are screened in for CPS Assessment, twice the number of White cases

For more information, please visit https://www.nicwa.org/wp-content/uploads/2025/03/NICWA_11_2021-Disproportionality-Fact-Sheet.pdf

Notes

Impacts of Disproportionality Rates on Child and Family Outcomes

Video: Implicit Bias in Child Protection

[Implicit Bias in Child Protection](#)

Video Discussion Questions

What do you think contributes to or causes disproportionate Child Welfare involvement for some children and not others?

What role do you play in disproportionality rates in NC child welfare services?

How will you develop self-awareness of your own implicit biases?

What are your reflections on this information?

What have you learned since preservice that supports your ability to disrupt institutional racism and implicit bias, and provide family-centered practice?

Give an example of a time when you were able to disrupt institutional racism and/or implicit bias and support family-centered practice

North Carolina Core Values Guide Our Work

NC Core Values Guide Our Work

- North Carolina core values require caseworkers to participate in an ongoing process of self-exploration and self-critique, combined with the willingness to learn from others
- The willingness to learn from others is known as professional curiosity
- Professional curiosity means that caseworkers do not see themselves as experts in others' families or lives, but rather learners



Notes

Professional Curiosity



- The iceberg is a useful metaphor to help us remember that caseworkers can only see what is above the water, while knowing there is so much more that is underneath the waterline
- Families are the experts on their own lives. What they know and can share is well beyond what child welfare knows when first meeting the family

How do you show professional curiosity during interactions with children, families, kin, and placement providers?

How do you center families and include them in the decision-making process?

How might professional curiosity and including families affect your working relationship with them?

What are some ways you can be sure to hear children and include families in the decision-making process?

Exercise: Child Welfare Practice Strategies to Center Families

Activity: Child Welfare Practice Strategies to Center Families

PART 1:

What about your family's beliefs, customs, or traditions would child welfare caseworkers be challenged to understand without explanation or context?

What about your family's beliefs, customs, or traditions might be interpreted negatively without that family context and information?

PART 2:

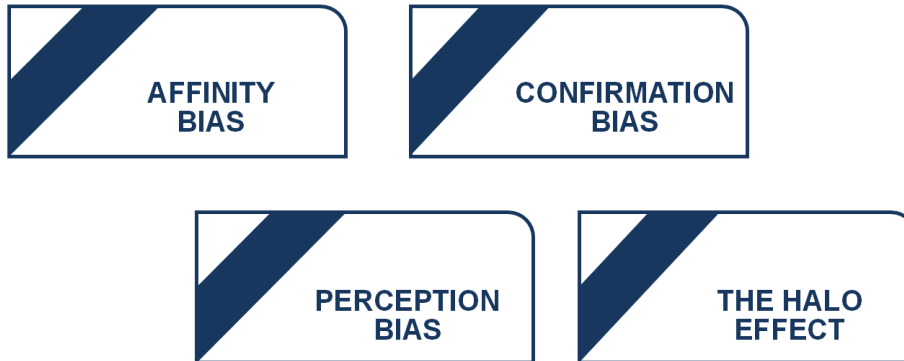
Discuss your answers to Part 1 with your group and answer the following questions:

How would child welfare caseworkers get your family to talk about those topics?

How do you practice professional curiosity with families?

Identifying and Addressing Bias

Bias



- Everyone has biases
- Types of biases include:
 - Affinity: favoring those who have things in common with oneself
 - Confirmation: seeking information that confirms initial perceptions and ignores contrary information
 - Perception: the tendency to form stereotypes or assumptions about certain groups that impede objective judgment about individual members of that group
 - Halo Effect: the tendency to think everything about someone is good because our first impression of them was good
- Explicit biases include biases that are conscious or known, and that an individual is aware of these biases
- Implicit biases are unconscious biases and operate outside of one's awareness

Notes

Exercise: The Learning Edge of Discomfort



- In the Comfort Zone, individuals identify with the beliefs, values, concepts, and/or behaviors they already have and, as such, feel safe
- At the end of the Comfort Zone is the Learning Zone. In the Learning Zone, individuals expand their comfort zone by acquiring new knowledge and gaining a deeper understanding
- The Caution Zone is where individuals may shut down or have strong reactions, which prohibit learning or absorbing new information

What about this work have I found challenging, and what did I do about it?

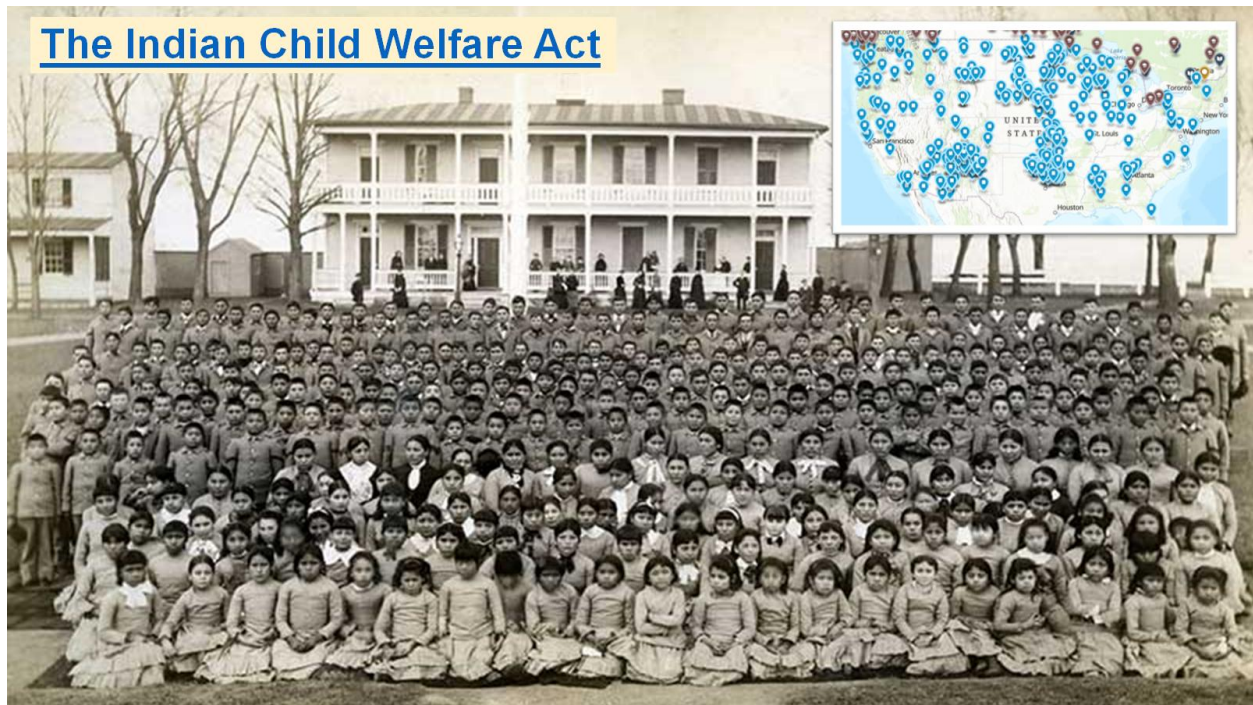
How do I reflect on my own biases?

How do I mitigate or prevent negative impact from my biases?

How will you sit with the discomfort of the learning zone to learn about families?

Indian Child Welfare Act of 1978 (ICWA)

The Indian Child Welfare Act



- The Indian Child Welfare Act of 1978, known as ICWA, was established to correct the centuries-long governmental practice of removing Native children to break apart Native families
- By 1860, the Bureau of Indian Affairs (BIA) mandated removing Native American children from their families and culture with the establishment of Indian Boarding Schools

How do you determine if a child is an “Indian child”?

An Overview of the Indian Child Welfare Act

Video: The Indian Child Welfare Act and recent Supreme Court vote

The Indian Child Welfare Act and recent Supreme Court vote



Additional Resources:

The Heart of ICWA series, National Indian Child Welfare Association

<https://www.nicwa.org/>

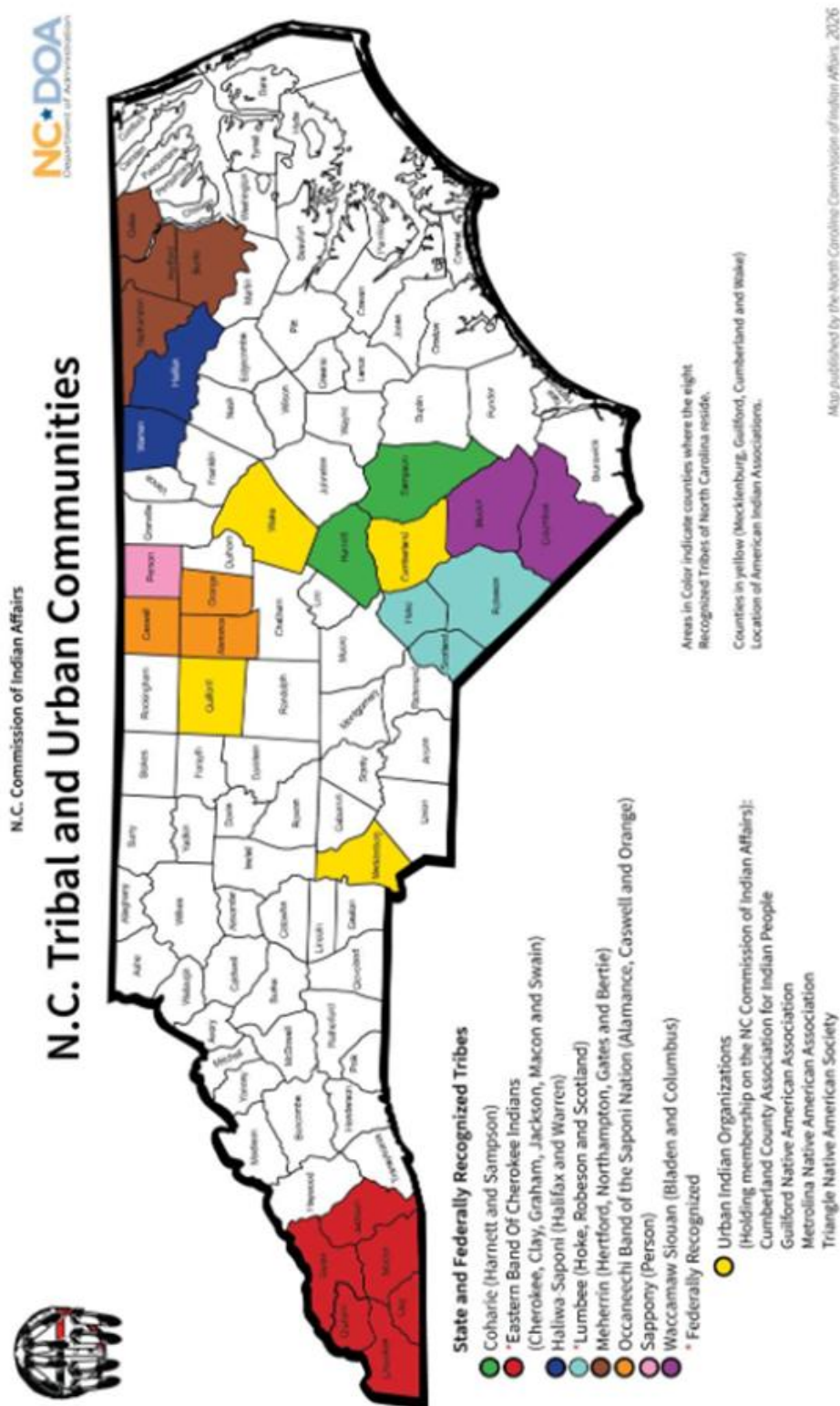
Eastern Band of Cherokee Indians Family Support Services <https://phhs.ebci-nsn.gov/family-support-services/>

Lumbee Tribe of North Carolina <https://www.lumbeetribe.com/>

Notes

Relationships with Tribes and Nations

Tribes in North Carolina



- Caseworkers must contact the tribe as soon as they believe or have been told that a child may be Native or Indigenous
- The tribe determines if the child is enrolled or eligible and may take jurisdiction of the case
- If anyone indicates possible Native heritage, ICWA applies until ruled out by the tribe or Bureau of Indian Affairs
- Collaboration with tribes supports better practice
- Tribes are entitled to all documentation related to the child welfare case involving an Indian child
- There are multiple state-recognized tribes and two federally recognized tribes (Eastern Band of Cherokee Indians and Lumbee Tribe of North Carolina) in NC
- Early, respectful, and consistent engagement with tribes is essential for:
 - Legal compliance (ICWA)
 - Cultural integrity
 - Better outcomes for children and families
- According to the BIA, a federally recognized tribe is “an American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs.” Federally recognized tribes are recognized as possessing certain inherent rights of self-government (called tribal sovereignty) and are entitled to receive certain federal benefits, services, and protections because of their special relationship with the United States. At present, there are 575 federally recognized American Indian and Alaska Native tribes and villages.

There are eight state-recognized tribes in North Carolina and two federally recognized tribes. They are:

The **Coharie** (Co-hair-e), which is headquartered in Clinton and mostly located in the southeastern region of the state, in Harnett and Sampson counties. The Coharie community includes four settlements: Holly Grove, New Bethel, Shiloh, and Antioch. The Coharie have approximately 2,700 members, and about 20 percent live outside the tribal communities. <https://coharietribe.org/>

The **Eastern Band of Cherokee Indians** (which is federally recognized), live on the 56,000-acre Qualla Boundary next to the Great Smoky Mountains National Park. There are over 16,000 enrolled members, and 60 percent of them live on the Boundary. <https://www.ebci.gov/>

The **Haliwa-Saponi Indian Tribe** (Ha-li-wa Sa-pony), whose members are direct descendants of the Saponi, Tuscarora, Tutelo, and Nansemond Indians. The Haliwa-Saponi tribe has 3,800 members, the third-largest tribe in the state, who mostly live in “The Meadows,” which takes up most of the southwestern part of Halifax County and the southeastern part of Warren County. <https://www.haliwa-saponi.gov/>

The **Lumbee Tribe of North Carolina** (which is federally recognized), is the largest tribe in the state, the largest tribe east of the Mississippi River, and the ninth largest in

the nation. The over 55,000 members live mostly in Robeson, Hoke, Cumberland, and Scotland counties. <https://www.lumbeetribe.com/>

The **Meherrin** (Me-hair-in) refer to themselves as “people of the water”, and they share language, traditions, and culture with the Nottoway and other Haudenosaunee Nations. The Meherrin are the only non-reservation Indians in North Carolina who still live on their original reservation lands, near Como. <https://meherrinnation.org/>

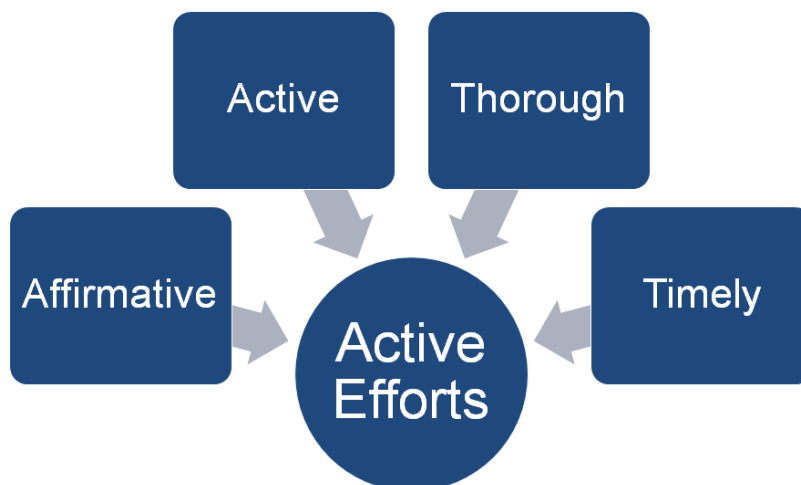
The **Occaneechi Band of the Saponi Nation** (O-ka-knee-chi Band of the Sa-pony) is located in Alamance, Caswell, and Orange Counties, with tribal grounds in the Little Texas Community. The Occaneechi Band of the Saponi Nation has over 1,100 members. <https://obsn.org/>

The **Sappony (Sa-pony) tribe** includes seven core families (or clans), whose 850 members live in the High Plains along the North Carolina and Virginia border, in Person County (and partially in Halifax County, Virginia). <https://www.sappony.org/>

The **Waccamaw Siouan** (Wa-ka-maw Soo-an) moved from northeast of Charleston, South Carolina, to the swamplands of North Carolina, and the tribal office is in Columbus and Bladen Counties. The community has over 2,000 citizens. <https://waccamaw-siouan.org/>

What difference does it make for you if the family tells you that they are tribal?

Active Efforts and ICWA



- ICWA requires “active efforts,” which go beyond “reasonable efforts”
- Active efforts are ongoing and start early
- Active efforts mean working with families, not just referring them to services
- Efforts must include culturally appropriate services, such as involving tribes, extended family, elders, and traditional practices
- Four key elements define active efforts:
 - Affirmative (strengths-based, client-driven)
 - Active (hands-on, participatory)
 - Thorough (no gaps or omissions)
 - Timely (done promptly)

Active efforts are to be tailored to the facts and circumstances of the case and may include, for example:

- Conducting a comprehensive assessment of the circumstances of the Indian child’s family, with a focus on safe reunification as the most desirable goal
- Identifying appropriate services and helping the parents to overcome barriers, including actively assisting the parents in obtaining such services
- Identifying, notifying, and inviting representatives of the Indian child’s tribe to participate in providing support and services to the Indian child’s family and in Family Team meetings, permanency planning, and resolution of placement issues
- Conducting or causing to be conducted a diligent search for the Indian child’s extended family members, and contacting and consulting with extended family members to provide family structure and support for the Indian child and the Indian child’s parents
- Offering and employing all available and culturally appropriate family preservation strategies and facilitating the use of remedial and rehabilitative services provided by the child’s tribe
- Taking steps to keep siblings together whenever possible
- Supporting regular visits with parents or Indian custodians in the most natural setting possible, as well as trial home visits of the Indian child during any period

of removal, consistent with the need to ensure the health, safety, and welfare of the child

- Identifying community resources, including housing, financial, transportation, mental health, substance use or misuse treatment, and peer support services, and actively assisting the Indian child's parents or, when appropriate, the child's family, in utilizing and accessing those resources
- Monitoring progress and participation in services
- Considering alternative ways to address the needs of the Indian child's parents and, where appropriate, the family, if the optimum services do not exist or are not available
- Providing post-reunification services and monitoring

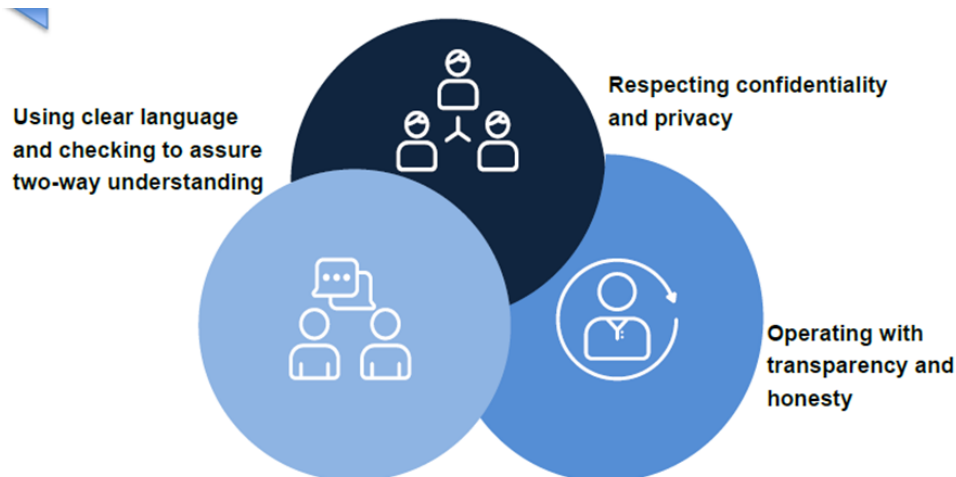
To explore this topic further, view the "Guidelines for Implementing the Indian Child Welfare Act" developed by the United States Department of the Interior, Bureau of Indian Affairs:

<https://turtletalk.files.wordpress.com/2016/12/december2016guidelines.pdf>

Notes

Communicating

Communicating Core Activities



- The three Core activities of communicating include:
 - Using clear language and assuring two-way understanding
 - Respecting confidentiality and privacy
 - Operating with transparency and honesty
- Communicating is foundational to all other practice standards
- Strong communication means families understand both the information being shared and the intent behind it
- Communicating requires clear language, two-way understanding, confidentiality and privacy, transparency, and honesty
- Caseworkers build trust when communication is respectful, consistent, truthful, and adapted to family needs

Think about a recent conversation with a parent, youth, caregiver, or provider. What did you do, or what could you have done, to check that the person understood both the information and the reason behind it?

When communication involves difficult information, what helps you remain honest and transparent while staying respectful, nonjudgmental, and supportive of dialogue?

Crucial Conversations

What is a Crucial Conversation?



- Crucial Conversations can be defined as high stress plus opposing opinions plus strong emotions
- Within the context of Child Welfare work, crucial conversations are likely to occur often simply because of the nature of the work and the importance of what's at stake
- Due to potential consequences that occur in child welfare, responding in and to crucial conversations – for caseworkers and families – is critical
- Crucial Conversations are conversations that are:
 - High Stakes
 - Opposite Opinions
 - Strong Emotions
- When we realize that we are engaging in a crucial conversation, we need to do the following things:
 - Stop the conversation and prepare to have a crucial conversation
 - Be mindful of the tools you have and need to continue the conversation
 - Be conscious and thoughtful

What are some examples of conversations that you think would need to be crucial?

Crucial Conversations

Start With The Heart

Learn to Look

Make it Safe

Master Your Stories

State Your Path

Explore Other's Perspectives

Move to Action

- Start with the Heart is about being genuine and well-intentioned
- Learn to Look means to be observant: look for indicators of stress, conflict, or emotional elevation
- Make it Safe is about noticing when others may not feel safe and knowing when to step out of the conversation to restore safety, apologizing when or if the caseworker has said or done something that disrupted or threatened safety
- Mastering Your Stories is referencing the stories caseworkers tell themselves about why someone is acting the way they are, the caseworker's biases or assumptions about the other person
- State Your Path involves stating specific concerns and a clear explanation of the purpose of the conversation
- Explore Others' Perspectives is just that: using empathy and active listening to understand how the other person sees the situation
- Move to Action is the final step and refers to decision-making

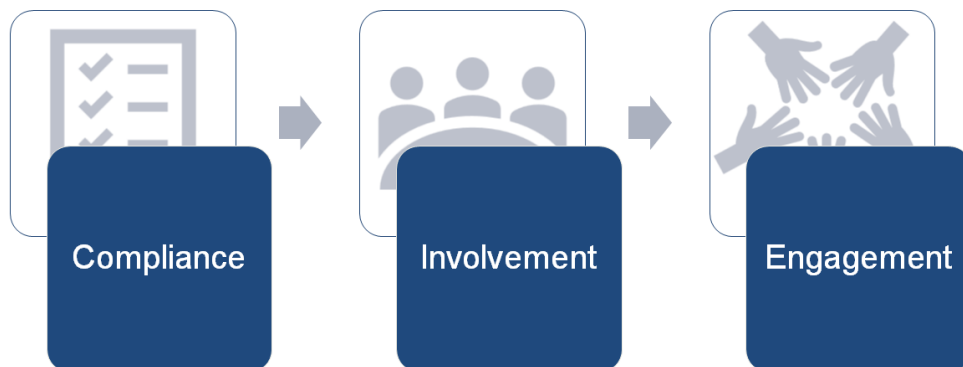
What happens when you can't step out of a conversation?

Think back to a recent crucial conversation you either held or observed. How did you manage it?

What will you do differently in the future?

Family Engagement

Compliance, Involvement, and Engagement



- Compliance, Involvement, and Engagement are three important concepts in child welfare
- Sometimes these terms are used interchangeably, but they are not the same thing, and understanding the difference is essential to the practice of family engagement

Think of a time when a family appeared to be compliant. What helped you determine whether the family was truly engaged, simply involved, or participating because they felt they had to?

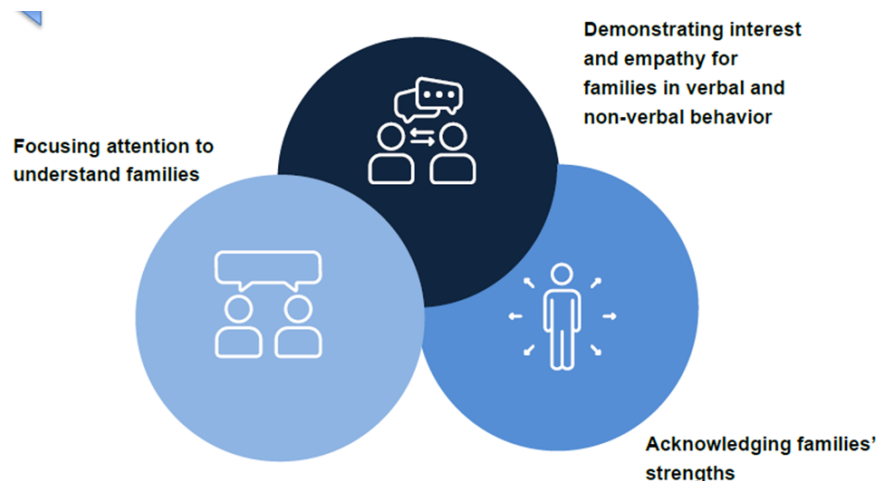
Where do you see the power difference show up most clearly in Permanency Planning: compliance, involvement, or engagement? What can you do to shift more power and voice back to the family while still meeting policy and court requirements?

What is one task or meeting in Permanency Planning where families are often involved but not fully engaged?

What could a caseworker do before, during, or after that task to strengthen engagement?

When safety concerns are high and court or policy requirements are non-negotiable, how can a caseworker communicate expectations in a way that still supports engagement rather than only compliance?

Engaging Core Activities



- Engaging is a core practice standard and essential function of the North Carolina Worker Practice Standards
- Engaging is defined as "Empowering and motivating families to actively participate in child welfare by communicating openly and honestly with the family, demonstrating respect, and valuing the family's input and preferences," per North Carolina Practice Standards
- Engagement at first contact and continues throughout the life of the case, shaping every interaction, meeting, visit, and decision point
- Engagement is different from compliance and involvement
- Engagement can be broken down into three core activities:
 - Focusing attention on understanding the family
 - Acknowledging families' strengths
 - Demonstrating interest and empathy for families

Think about a family you have worked with or observed. What helped build engagement with that family, and what may have kept the family at the level of compliance or involvement?

What is one engagement strategy from the Practice Standards that you already use well, and one that would strengthen your work with families if you practiced it more intentionally?

Family Engagement



- There are both benefits and challenges to engaging families

What are the benefits of family engagement?

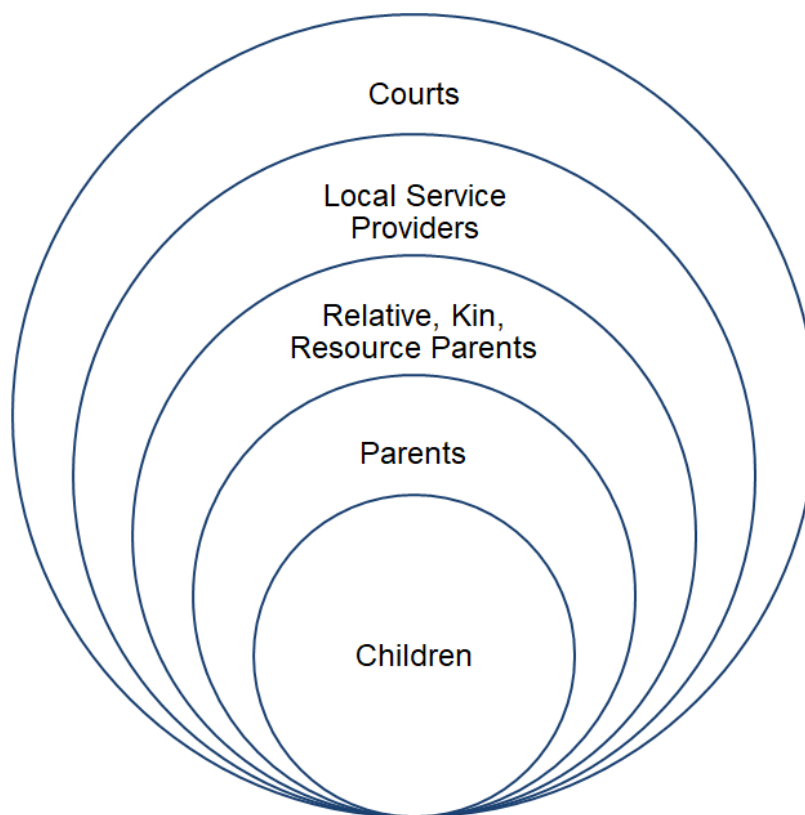
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What are the challenges of family engagement?

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There is a detailed overview of the benefits and challenges in a Child Welfare Information Gateway publication entitled “Family Engagement: Partnering with Families to Improve Child Welfare Outcomes,” available at https://cwlibrary.childwelfare.gov/discovery/delivery/01CWIG_INST:01CWIG/1218705970007651.

Who supports the well-being and development of children?



- While our engagement efforts will always focus on parents and children, relatives, kin, and others involved in a child's safety network must also be engaged

When you think about all the people who were involved in your life when you were being raised and all the people who are engaged in raising the next generation, beyond just parents, who else is involved with or supports the well-being and development of children?

When you think about the people on this list you have made, how might they feel about keeping a family together, supporting a family in becoming safer and healthier?

Who on this list do you think should be part of a formal safety network for a child and family?

What might the people on this list have to say about a family that is struggling to maintain integrity and stay together?

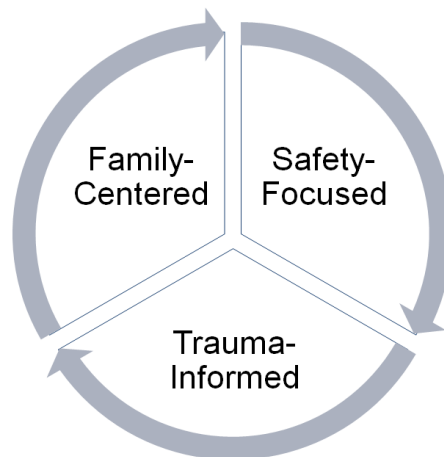
How might this list differ for a child whose primary or concurrent plan is adoption, specifically by including a possible adoption resource in the dynamic?

How do you balance the need to gather information from a family's safety network and the need to maintain a child and family's confidentiality?

Assessing in Permanency Planning Services

Safety and Risk

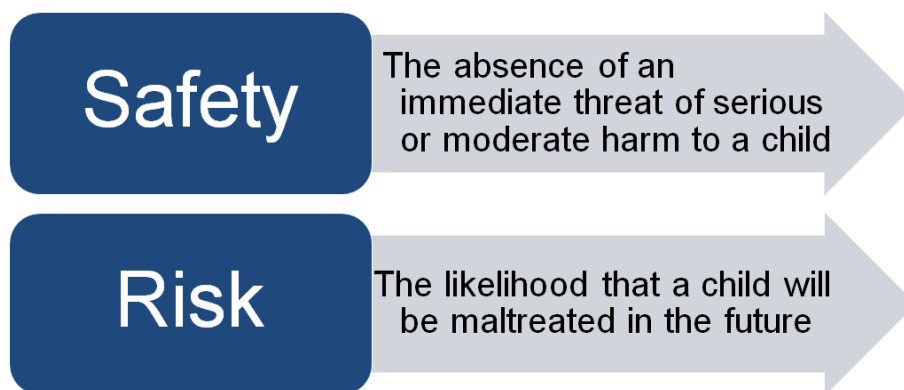
Our Child Welfare Core Values



- Safety-focused is a core value of the NC Child Welfare Practice Model
- Safety is the primary focus of the child welfare system

Notes

Defining Safety and Risk



- Safety means BOTH the absence of danger indicators and the consistent, demonstrated protective actions of the caretaker(s) and their support network over time.
- Determining child safety helps inform the removal decision, and a determination that a child is unsafe requires immediate action
- Risk is the likelihood that a child will be maltreated in the future
- Determining risk creates an opportunity to provide services or interventions that prevent future maltreatment
- Safety and risk are determined by looking at the impact of caretaker behavior on the child and must be assessed to determine a child's safety and the ongoing associated risk

What is the definition of safety?

In child welfare terms, what is "risk"?

How are the concepts of safety and risk connected?

Understanding Child Safety

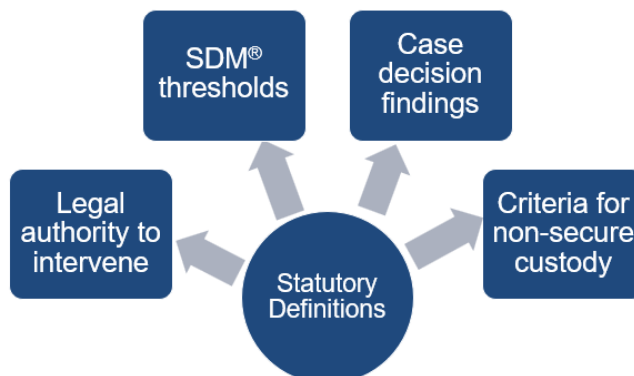


- Safety means BOTH the absence of danger indicators and the consistent, demonstrated protective actions of the caretaker(s) and their support network over time.
- Danger is identified by conditions that are specific, observable, out of control, imminent, and could have a serious effect on the child
- Safety threats or danger indicators can be mitigated by parental protective capacities or other interventions
- Safety Organized Practice way of viewing safety: Actions of protection, taken by the caregiver and network, that address the danger and are demonstrated over time
- A child is safe when there is no safety threat (immediate threat of danger), and when the caretaker possesses sufficient protective capacities to manage any threat.
- A child is unsafe when a safety threat exists within the family, the child is vulnerable to maltreatment, and caretakers have insufficient protective capacities to manage or control threats.

Notes

Safety and Danger

Defining Safety and Danger with Statutory Maltreatment Definitions



- Safety is defined by policy and law; it is not arbitrary or based solely on professional judgment
- The statutory definitions of abuse, neglect, and dependency are the foundation for all work within child welfare
- Children in foster care have experienced maltreatment as defined by general statutes
- Families whose children are in foster care have identified danger indicators that could not be mitigated by family interventions
- Danger is identified by conditions that are specific, observable, out of control, imminent, and could have a serious effect on the child
- Danger Indicators are behaviors or conditions that may be associated with a child being in imminent danger of serious harm

In what ways do you see statutory definitions integrated in your day-to-day work?

What tools or mechanisms exist for you to create alignment with these definitions?

Defining Risk

Risk

- Possibility of loss or injury
- Likelihood a child will be maltreated in the future
- Likelihood of future system involvement

- Risk has multiple definitions depending on the source
- Assessing for risk involves an examination of factors and attempts to address whether the harm may continue, and whether the harm is acute or chronic in nature
- When assessing risk, caseworker judgment supersedes the SDM® Risk Assessment score

How do you assess risk for future maltreatment?

How do you utilize the SDM® Risk Assessment score to inform your assessment of child welfare risk?

Distinguishing Safety from Risk

Safety means BOTH the absence of danger indicators and the consistent, demonstrated protective actions of the caretaker(s) and their support network over time.

Activity Worksheet: Distinguishing Safety and Risk

What to do:

- Read the scenarios below
- For each, discuss with your partner and together decide if the scenario represents a safety threat or a risk factor
- If a risk factor is decided, write one way that a parent or caregiver might mitigate or eliminate the risk.

Scenario One		
A father was arrested for driving while intoxicated (DWI) after he was seen swerving and crossing the center line of the road. The three-year-old was in the car with him on the way to school.		
Circle One:	Safety Threat	Risk Factor
If Risk Factor, one idea to mitigate or eliminate the risk:		

Scenario Two		
The mother is a single mother of five children. Two of the children are under 2 years old. She has limited support and inconsistently takes her medication for depression. Her 12-year-old daughter takes on a parenting role when the mother has a mental health crisis.		
Circle One:	Safety Threat	Risk Factor
If Risk Factor, one idea to mitigate or eliminate the risk:		
Scenario Three		
The mother and father are young parents of a toddler and an infant. They have unrealistic expectations of a two-year-old. They use physical discipline when their toddler does not listen to their directions. The toddler has no marks or bruises. The parents are tired and often have the infant sleep in the bed with them. The infant's crib has stuffed animals and cute blankets in it.		
Circle One:	Safety Threat	Risk Factor
If Risk Factor, one idea to mitigate or eliminate the risk:		

Scenario Four

A mother has a history of substance use disorder involving alcohol. She has several past DWIs, the most recent 6 months ago. She is the only adult in the household, and the 6-year-old has been suspended from the bus for the next two weeks due to aggressive behavior.

Circle One: Safety Threat Risk Factor

If Risk Factor, one idea to mitigate or eliminate the risk:

Scenario Five

The father is a person with Schizophrenia. He is a single father of five children. Two of the children are under 2 years old. He recently moved to North Carolina from Florida and has limited support. His 12-year-old daughter called 911 when her father had a psychosis episode and attempted to drown his 4-year-old son, stating that he was the devil. Emergency technicians verified that the daughter had successfully resuscitated her brother.

Circle One: Safety Threat Risk Factor

If Risk Factor, one idea to mitigate or eliminate the risk:

Activity Discussion Questions

What surprised you when you were making decisions about whether the situation was related to safety or risk?

What additional information did you need to know to be more confident in your answers?

How will this impact your practice with children and families?**Homework Reminder**

In the Permanency Planning Services Track Training Day 2 Participant Workbook:

- Read the Section titled “Assessing: Case Review Activity”
- Review:
 - Lewis Family Continuing Needs and Safety Requirements
 - Lewis Family Case Summary
 - Lewis Family Risk Assessment
 - Lewis Family Strengths and Needs Assessment (FSNA)

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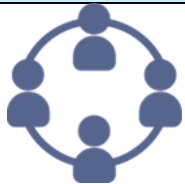
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Appendix

Reflections and Check-In

Reflections and Check-In		
		
Self-Values Reflection	Reasonable Efforts	Two-Level Decision-Making

Reflections and Check-In		
		
Self-Values Reflection	Reasonable Efforts	Two-Level Decision-Making