

THE ROAD TO PERMANENCY A 15 MONTH JOURNEY?



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OPENING COMMENTS

- In the best interest of the child.
- Speed up the process.
- Summarization of a CINC case.



INITIAL INVESTIGATION

- What do you know about the case?
- Guidelines for the investigation.
- Confidentiality issues.
- Obtain copy of the Court File and Social File.
- The only way to know what has transpired is to read and reread the files.



- Indian Child Welfare Act.
 - A tribe must be notified that the child may be of Indian heritage.
 - Definition of an “Indian Child.”
 - Tribe’s options.
 - Intervention.
 - Concurrent jurisdiction.
 - Declined by tribal court.



- During the investigation always keep in mind that minimum sufficient level of care is the benchmark and a vast range of parenting styles are acceptable.
- Determine if the child has been harmed.
- Past history of abuse in this family?
- Is domestic violence an issue? Focus on the effect it had on the child.



- Schedule meeting with Case Management.
 - Obtain a copy of the Case Plan and list of relatives furnished by the parents.
- Check family history with child welfare.
- Set meeting with child and foster parents.
 - Do not overwhelm the child with questions the first visit.
 - How has the child adjust to this home?



- Family Assessment.
 - Secure permission from parent’s attorney to do interview.
 - Why do the parents think their child was removed?
 - Do they accept any responsibility for the problem that caused the child to be removed?
 - Determine stability of employment and housing.
 - Is poverty a factor in this case?



- Is there a physical or mental condition, drug or alcohol problem that needs to be addressed?
- From the list of relatives that you furnished to child welfare, who could raise your child?
- Do these parents have the ability to put the child’s needs ahead of their own?
- Try to complete the interview with the parents in one sitting.



- If either parent is non-respondent:
 - Determine who and where they are.
 - Secure permission from the appointed attorney to do an interview.
 - Would he/she be willing to raise their child?
 - Determine stability of employment and housing.
 - Gather this information now to avoid a delay later when parent cannot be located.



• Relatives / Kin:

- Has any relative offered to care for the child?
- Was any relative considered when child was removed from the home?
- Who else might be able to help?
- Early assessment of all relatives should be completed at this time to avoid one stepping in late in the case.



• Documentation:

- There are some standard guidelines that will assist in helping you arrange your file.
- Do not include any personal comments about a person or situation.



USE OF REUNIFICATION ASSESSMENT:

- One key to achieving permanency in 15 months is to determine what the “odds” for reunification are from the start.
- Assessment is a uniform means to predict the path of greater probability.
- Prepare reunification assessment using family strengths, risk factors and the concurrent planning guide.



CASA COURT REPORT:

- The unbiased recommendation of the advocate can be a real asset to the judge.
- Start working on the Court Report about two weeks before the hearing date.
- Beneficial to contact the Guardian Ad Litem.
- Report is a joint effort between the advocate and CASA director/coordinator.



• Address the following in your court report:

- What brought the case before the court?
- Where and with whom is the child now placed?
- What services are being provided to the family?
- What services are being provided to the child?
- Are additional services needed?
- What efforts were made to find missing parent?



- What is the status of visitation?
- How is child now functioning academically?
- Does the child need an education advocate?
- Does the child have a health problem?
- If in counseling has the child attended all appointments?



- Does the child have any special needs?
- What are the child's wishes?
- Are court orders being complied with? List them in your report.
- What are your recommendations to the court?
- Include a picture of the child in initial report and fairly frequently thereafter.



THE CASE PLAN – A roadmap to success?

- Key document leading to permanency.
- Updated case plan published every 180 days.
- Assert your ideas at the case plan meeting.
- Define; task or activity? Have a way to measure, quantify and monitor success or failure.
- Always try to place the parents in the position to act as parents.
- Define each task very clearly as to what the parents / others must do to succeed.



- Establish a visitation schedule that parents must keep.
 - This is a key step in evaluation of the parent's desire for reintegration.
- The Case Plan builds a road map all the way to permanency.
 - Establish the overnight visit as soon as it is safe.
 - Establish provisions for the 30 day trial reintegration.



CONCURRENT CASE PLANNING:

- Concurrent case planning is advantageous for some cases.
- Permanency predictions are 80-85% accurate when the family assessment, including the concurrent planning guide, is used, according to recent research.
- The child benefits by spending less time in custody when concurrent case plan is already in place.



PERMANENCY HEARINGS:

- Hearing will take place about 1 year after the child has been removed from the home and 30 days after the judge rules that reasonable efforts have been made but reintegration has failed.
- State the efforts that have been made to reunify the child with the parents in your report.
- State your opinion on whether the case plan was a success or failure.



- Describe the parent's participation or failure to comply with court orders.
- Determine if parent's failure to progress is a product of unwillingness, inability, poverty or lack of resources.
- Make strong concise recommendations:
 - Return child to the parents.
 - Other permanency options that were pursued concurrently.
 - Termination of parental rights.
- The Child should be aware what the plans are for their future.



TERMINATION OF PARENTAL RIGHTS:

- Options to reach eventual permanency goal.
 - Parents elect to sign voluntary consent for permanent custodianship.
 - Parents elect to sign voluntary relinquishment of parental rights.
 - Older youths may elect OPPLA (other planned permanent living arrangement)



If parents decline to sign voluntary consent or relinquishment:

- Permanency Hearing will be held.
 - If enough evidence is presented the judge will find that reintegration with the parents is no longer viable and will order the filing of a severance motion.
 - The case is then often referred to district court. (always if appeal is likely)



- Evidentiary hearing on motion for termination of parental rights.
 - Judge terminates parental rights.
 - Defense attorney may file notice of appeal.
- Appellate Court reviews the case.
 - Finds no merit and dismisses the case.
 - Appellate Court elects to hear case and calls for written briefs.



- Await Appellate Court ruling.
- Court upholds lower court ruling.
 - Parents will be offered “one last visit.”
 - In Kansas, the rights of other family members are derived from the parents.



PLANNING FOR THE FUTURE:

- Reports indicate that Colorado has been successful with their Expedited Permanency Planning Program.
- Utilize Concurrent Case Planning.
- As CASA's we have decided to become part of the solution in seeking speedier resolutions to CINC cases.




