

# Developing a Local Memorandum of Agreement

## INTRODUCTION

A Memorandum of Agreement (MOA) is used to capture how a group of people or agencies agrees to work together. While it often is a community leader that brings forth the idea of a local MOA, it is essential that the MOA be developed through a collaborative process and guided by a neutral party.

This document is intended to guide the development of a local MOA that helps key players in dependency court understand and appreciate each other's responsibilities and collaboratively decide local policies and procedures.

This document is intended to be used in conjunction with the Model MOA that was developed by a state-wide committee comprised of representatives from the following agencies and organizations:

- Unified Family Courts, Family Drug Treatment Courts, Custody Mediation, the Court Improvement Project and the GAL Services Division, all within the **Administrative Office of the Courts**;
- The NC **Division of Social Services** within the NC Department of Health and Human Services; and
- The **Office of Indigent Defense Services**

### **How do we know our community is ready to develop an MOA?**

Communities that are concerned about addressing child safety, permanency and well-being are excellent candidates for creating an MOA. Communities with a history of collaboration will have a foundation upon which to build. It is important to note, however, that even in those communities that experience strained relationships, the MOA writing process provides an opportunity to address misperceptions and differences and to work together to resolve service delivery gaps.

### **What strategies should we undertake as we begin the MOA process?**

It is strongly recommended that the chief district court judge designate a small steering committee comprised of leaders within the dependency court system. The steering committee should meet and determine who should be involved in the MOA process, who will be the neutral facilitator of the MOA development process and over what period of time the process will occur.

### **What are the potential problems that arise during the MOA process?**

Problems may arise concerning misperceptions about each other's goals, missions, and philosophy. MOA meetings can help increase understanding of each other's language and history and provide a context to view each other's philosophy and mission.

## **PARTICIPANTS AND PROCESS**

All of the agencies and organizations that have a role in dependency cases should have a representative in the development process of a local MOA. These might include, but are not limited to:

- Juvenile judge
- Juvenile clerk
- Sheriff deputy responsible for service of summonses, notices and writs in dependency cases
- Family Court Administrator
- Drug Treatment Court personnel
- Court Custody Mediation personnel
- Permanency mediator/administrator
- DSS Director and supervisors
- Parent attorneys
- Guardian ad Litem Program Administrator
- Guardian ad Litem Attorney Advocate
- Former foster child/youth advocate
- Health Department
- Local Mental Health Entity
- School system

While this document is written as if the MOA process will be completed in one meeting, experience suggests that multiple meetings are often necessary to complete the agenda.

## **MEETING AGENDA**

### **1. Getting Started**

- Assemble flip chart paper, masking tape, markers and enough copies of the Model MOA for distribution to all who are coming to the meeting.
- Tape flipchart paper to the walls with the following headings:
  - Petition and Summons
  - Child Planning Conference (if applicable)
  - Non-Secure Custody and Pre-trial
  - Adjudication
  - Disposition
  - Review/Permanency Planning
  - Termination of Parental Rights
  - Judge
  - Department of Social Services
  - DSS/County Attorney
  - Parent Attorney
  - Guardian ad Litem
  - Clerk
  - Family Court Staff
  - Treatment Providers
  - DTC Coordinator
  - Case Planning
  - Collaboration
  - Training
- Provide a sign in sheet to get everyone's names, title, e-mail address and phone number.
- Have everyone wear a nametag.
- Have some kind of drinks and snacks arranged before hand and/or have people order their lunch as they arrive to minimize confusion and delay during the meeting.

### **2. Introductory Information**

#### Introduction of Facilitator(s)

- Name, title

#### Meeting logistics

- Agenda overview with plan for breaks every 60 – 90 minutes.
- Bathroom locations, snacks, etc.

#### Introduction of Participants

- Name, title and quick overview of role in dependency court

### 3. What is an MOA and what does it mean to us?

- What is an MOA?
- Is any participant currently operating under an MOA?
- Has anyone been part of creating one or used an existing one as part of their job?
- Was it helpful?
- Are there any questions?

Some possible definitions of an MOA:

An MOA is used to capture how a group of people or agencies agrees to work together. It is intended to help a group understand each other's responsibilities.

MOAs are used to describe roles and responsibilities, train and orient new staff and clarify questions of policies, procedures and tasks.

Writing an MOA describes existing procedures but also presents an opportunity to discuss those procedures and mutually decide how to change the way things are done. Once you have created your MOA, you can reference it to ensure that you are following the procedures agreed to or to discuss the need to make changes if necessary.

### 4. Determining the Court's Current Practice

Ask the community members to describe the current system. Using the flipchart papers on the wall

- Capture the process of how a child enters and eventually leaves the court system ('Petition and Summons' through 'TPR' flip chart papers),
- Track responsibilities ('Judge' through 'Case Planning' flip chart papers). **Make sure that you write each task and who is responsible for accomplishing the task.**
- Discuss participants' needs individually and as a dependency court team ('Case Planning' through 'Training' flip chart papers).

As the participants describe the current process and each player's role, it may become obvious to the facilitator(s) and/or participants that

- certain tasks are not being accomplished; or
- certain tasks are being completed by more than one person (and shouldn't be); or
- some people are doing tasks that are not within the scope of their jurisdiction or job description

These discrepancies need to be diplomatically brought to the attention of the group. Sometimes a participant will point them out. Sometimes the facilitator will need to do it.

Help participants discuss discrepancies in a respectful manner and to listen to each other's concerns.

## **5. Getting it Down on Paper**

Present the participants with the Model MOA.

Facilitate the participants discussing how the Model MOA compares to the current local process.

Mark out and add things as participants review and compare the Model MOA to their court practice. There will likely be some changes that are reflective of the local culture and priorities but the tasks and responsibilities should not be significantly different from those described in the Model MOA.

## **6. The Finishing Touches**

When it seems there is consensus, help the participants identify who will make the necessary changes to the Model MOA to make it reflective of the local MOA. Set a clear deadline for the proposed local MOA to be e-mailed to participants and signatories for review and final approval.

Participants and signatories should be given a reasonable time to read and respond to the proposed local MOA, generally two weeks. Set a clear deadline for responses.

Signatures can be accomplished at a set meeting or by having a volunteer travel from office to office to get it signed. Sending it via interoffice mail or US Mail is NOT a good method for signature.

Once the MOA is signed, make sure all participants and signatories receive a final copy.

## **7. Follow up**

A committee to begin implementing the local MOA must be established and the first meeting scheduled soon after the local MOA is signed.