

MRS Conference Call Notes
September 2009

Counties Participating 9/16: Alexander, Bladen, Brunswick, Burke, Buncombe, Craven, Davidson, Franklin, Gaston, Graham, Guilford, Harnett, Mecklenburg, Mitchell, Randolph, Robeson, Rockingham, Sampson, Surry, Warren, Wake, Yancey.

Counties Participating 9/17: Heather was not able to be on this call and therefore at this time the list of counties on this call is not available.

Counties Participating 9/29: Alleghany, Anson, Beaufort, Caldwell, Camden, Chatham, Clay, Columbus, Durham, Edgecombe, Gaston, Gates, Guilford, Halifax, Hoke, Iredell, Johnston, Macon, McDowell, Nash, Northampton, Orange, Pasquotank, Pender, Perquimans, Pitt, Rowan, Rutherford, Stanly, Surry, Transylvania, Washington, Watauga, Wilkes, Wilson, Yadkin.

Agenda

Announcements from Raleigh

Court reports, orders and other court related questions

Parent as a safety resource

News from Raleigh

Letters:

- 8/31 Regarding process to meet CAPTA requirement for citizen review panel
- 9/1 regarding foster care rates and participating providers
- 9/1 regarding smoking in foster homes (survey)
- 9/1 regarding info on maternity funds and how those are changing
- 9/28 information about plans for your use of TANF/DV funds. Includes a sample plan

Getting Word Versions of forms:

- If you want to get a word version of a form you must request from dssweb. That email address has changed. It is now dssweb@dhhs.nc.gov.
- If you change the form for use in your county, that is ok, but you need to take the form number off the bottom cause when you change it, it is not longer the official state form

Court Issues

Kirk Randleman and Tom Smith from the Division presented. Angie Stephenson was not able to be with us on 9/16, but was on the other two calls.

- The model court reports that came out in December were a result of what we learned when we did the CFSR as well as the IVE review last year. The large majority of our orders were really inadequate. The goal of the committee that developed these model reports was to collect all the pertinent info that the court would need to enter a proper order. The committee had a wide range of participants including: 4 or 5 juvenile court judges, 7 or 8 attorneys, (attorneys for parents, DSS, guardian ad litem), Division staff, and then some county folks. There is a lot of info in these model reports but will help to ensure that you are including all the info that the court will need.
- Ended up with a consensus but not necessarily the ideal for anyone, which is why these are *model* court reports that can be fine tuned locally, particularly if the judge wants additional information. But this is a solid foundation and is the bare minimum. We want

to ensure that if you change the formatting or add information you do not exclude any information

- Every report should be crafted to reflect the current situation in the case. Not just a copy of the last report with one sentence added. The current situation needs to be more than just one sentence. History is important, and includes the visitation plan. It is never acceptable to have visitation at the discretion of the caregivers.
- No more boilerplate language in court reports!!
- Division is also working with attorneys who are drafting these orders, but we can help them by getting good information to them!
- When poor court reports are entered into a file, the social worker is the one who gets the short end of the stick. Your work is not reflected. Nothing is too trivial to include. Do not hesitate to include everything you have done – this will show all the efforts you have made.
- Models that Kirk did – these are ones he used when he was a county DSS attorney – he is not saying that they are perfect or are the best ever, but they do cover the things that are required. Kirk would appreciate any suggestions – they are a work in progress. As long as you have a template to make sure you have covered the requirements for each type of hearing, it is ok to customize them for your own county.
- This is a big issue in NC. It has some financial consequences if we do not get them correct, and we are in no position to forfeit funds!!!

Model Court Report for Disposition and Review Hearings (5310)

- Likes the fact that it breaks out who all the players are and the specific requirements.
- Placements – good that it breaks out days in care.
- Prompts to discuss Indian child welfare act as well as to be thinking about relatives.
- Talks about the child's needs and situation and also the situation of the parents. Sometimes we tend to gloss over the parent's situation particularly if they are an 'inactive' parent.
- We need to report the strengths of the parents, everyone has some strengths. Many reports Kirk has read don't give parents credit for things they have done and this prompts us to do that.
- Progress in achieving the service plan – a chance to break down exactly what has happened in the case.
- CFT meeting section. Kirk urges you to report these to the court. First may need to explain what they are because they judge may not know! Then talk about the good things that happen there.
- Visitation plan – statute requires that there must be a stated visitation plan. Cannot be left up to the foster parents, must be laid out, and any issues with the plan need to be addressed here as well.
- Efforts by DSS – probably the most important and the area that we do the poorest job with. Need to specifically address what direction DSS is going in (plan) and specific efforts by DSS to achieve that plan. By specific, we need to talk about how things we are required to do were tailored to meet the needs of this case, not just stuff we checked off a list. We need to tell the court everything we have done. Sometimes when we are close to the case, we do things we don't realize and don't document.
- Reasonable efforts – be sure when we are thinking about this, we are thinking outside the box. List the informal things that we are doing as well. For example: Assisted family in finding transportation with friends or relatives – all these things document casebuilding.

- Barriers – also need to keep court informed of the barriers and what we are doing to address those. Kirk and Angie were surprised in the review because the efforts discussed did not seem to make sense. But in the reports that listed barriers, the efforts (that were addressing those barriers) then made sense. If you don't state that something is a problem, it's hard to understand why you are putting forth a lot of efforts to work toward something.
- Recommendations – although judges sometimes like to read this first, try to encourage them to read the rest of the report first and this section will make more sense.
- People are getting confused between court report and court order.
- Kirk cautions that if you are tweaking be sure not to put any less information in it. Out of the hundreds they read before, they only saw a few good ones that included everything. No problem with changing the format but be sure that the information is in the one you customize for your county. This is the stuff that needs to be in there for IVE funding and to hit the federal requirements.

Model Court Report for Permanency Planning Hearing (5311)

- The Permanency Planning orders were the weakest in stating reasonable efforts and also in stating the plan. Lots of stating activities, but not so much what the actual plan was.
- Provides a checklist of when things occurred.
- Number of months out of the last 22 the child has been in care.
- Mentions Indian child welfare act and relatives again.
- A third of the ones Kirk saw did not say what the permanency plan was! There was a lot of talk, but no actual plan. The plan should be the first sentence and the rest should elaborate.
- Second page of Permanency Planning Court report has a really good section about "Is child's return home likely in the next 6 months?" We were not addressing that. We need to. And if not, why, and what are we doing about that. What other permanent plan living arrangement are we working on? We have a lot of teenagers in care and we are just slapping a label such as custody with relative and not really looking into a permanent placement for them. (This is also what our federal partners said).
- Plain old long term foster care is not a permanent plan! For our older teens we really need a plan and not just let them age out (something to actively prepare for living as an adult on their own). This is a bit of a philosophy shift. We used to try to stay away from long term care. This is a way of being honest. Custody with a relative or guardian is not realistic so we are just being honest about the child's future.
- County wanted to clarify that APPALA is with an individual or couples but not a plan applicable to a group setting. Have had children who are happy in group settings and don't want to move.
 - This is a slippery slope. Depends on the plan more than where it is taking place. However realize that regardless of APPALA, some children may be in a better environment in the group setting.
 - However we all agree that APPALA was not intended for group settings.
- Question – then what is an acceptable plan if there is no family available for a child? They have done records mining, cannot find any family for this child.
 - This is something that you come back to over and over. You do not have to be using this to find a full time placement, but just someone to use as a connection that is not a paid professional. Also important to be creative and take a broad view of family. Define the family according to the child's conception of family.

May not be a blood relative at all, but someone that the child looks up to and has been in their life.

- But the question is still – what is the permanency plan?
 - In this situation (which hopefully is the exception not the norm) probably need to call policy team. Danielle McConga has taken over for Joan McAllister and can be reached at 919-334-1110. Can't really give a cut and dry answer.
- If a county is willing to make the necessary findings for a perm plan hearing, are there any other barriers to every review hearing after the dispositional hearing being termed a permanency planning hearing.
 - Don't think so but be sure not to cut the parents off.
- If you have 5 different children do you have to do 5 separate reports or can you incorporate them all on one report
 - Depends on 1) if they have separate court files and 2) if their situations are similar or they have different issues.
 - Tom said the intention was one for each child, but if everything is truly the same, you can do one for all three. But the concern is that it may get sloppy and you blur the differences and don't accurately reflect each child's situation.
 - One county had a suggestion where you do one report overall and then have one page or section that you detail the differences to avoid forcing the judge to read 8 reports!
 - This is ok but just be sure that you don't lose the distinctions between the children.
- If DSS does a review and a permanency planning hearing at the same time, which court report should they complete?
 - Tom said the Permanency Planning report – that will cover everything.
- Plan should clearly state what the goals are before the next hearing. Everyone should know what is happening before next hearing. If we don't know what we are doing and where we are going, how do we expect the family to know.
- Concurrent Planning – Make sure the two plans are clearly distinct. Have each one in a separate paragraph and clearly specify which is the primary and why. Suggestion was to use the same language all the time to build consistency so that people outside of DSS can easily understand it. For example always say "primary/present" plan and "concurrent plan" rather than "secondary, alternate", etc.
- Permanency Plan hearings should always be within 12 months of the last one. Not adhering to this schedule can cause you to lose reimbursement. Reviews continue while the case is on appeal or until the adoption is granted (does not stop when TPR filed).

Model Court Report for Post Termination of Parental Rights Hearing (5312)

- The focus has shifted at this point and the purpose is to demonstrate what we are doing to move this child along once we have done TPR.
- Need to be very specific, particularly when talking about any barriers to adoption – why are these barriers and how will we try to overcome.
- Very focused form – presumably if you TPRed you are working toward adoption.

General Questions Regarding the Court Reports:

- One county wants to know if they can tweak it in conjunction with their county attorney. Feel that some parts are not user friendly for social worker and not reader friendly for their judges and attorney.
 - Tom said these are models; they include the bare minimum that we feel needs to be included. If locally you want to add things and move things, that is ok as long as you are including the minimum and your local judges and attorneys are happy with the info you are including.
- Is there one for TPR?
 - There is not one for TPR (the 5312 is after TPR).
- For adjudication?
 - There is not one for adjudication and you can't turn in a court report until the adjudication is done, and then that would be the disposition court report.
- The orders include 1st and 2nd order for nonsecure custody – does anyone feel the current AOC form is inadequate?
 - These are ok if you specifically state for the 2nd one what has happened since the first one; don't just rehash the info in the first one.
- The model court reports – are we talking about reports that have form numbers, or are these different?
 - Talking about the 5310, 5311, and 5312.
- 5310, 5111, and 5312 – are we required to use these or can we use something else?
 - You are not required to use these, you just need to include this information, but you have to tailor it to your local situation. However the Division suggests that this be the bare minimum in the report.
- One county does a 7 day court report – is that ok?
 - Yes – it is really important when getting initial finding this gives a lot of information. There are some districts that have said it is not appropriate to have a court report at that point, but you have to go with what your district permits.
- Understanding is that the statute only requires a dispositional report, but DSS requires the others – is this correct?
 - DSS policy is that we require them for all hearings.
- Do we always have to make reunification the first plan?
 - No, but if not you must have good documentation of why not. And the circumstances truly need to be extenuating circumstances.
- Can we use boiler plate language on reasonable efforts?
 - Clearly, NO you may not. You must be case, family, and situation specific.
- What kind of order do we need to get for compliance or slow petition?
 - Need a regular order.
- Timing with RIL. Which one waits for which?
 - The case decision does not wait; you make a case decision even if you have filed a petition (this is a change from initial guidance when RIL first came out) and once you make it, that may put that person on the RIL and when the adjudication happens, that will decide if they stay on the RIL.
- Practical use of court reports – the areas you write in do not expand and not enough room.
 - This may be because they are using the adobe version. Need to request Word version through dssweb@dhhs.nc.gov.
- One county took custody of a sibling group and one went to live with grandma and custody was given to grandma. Other one went to live with her grandma but DSS

retained custody. Then had to pick up children because grandma overdosed. Wanted to know the correct paperwork for all children since some were in DSS custody and some not.

- For IVE purposes, the children that you did not have custody of, a nonsecure was needed. On the child that you had custody of, it doesn't matter because you already had custody. Even though a non-secure was not needed but it was not inappropriate.
- Question on the Visitation Section – When a child is in custody, the visitation plan must be specific. In cases where DSS does not have custody but is asking court to give custody to a relative and the parents are not present due to SA or something, what are suggestions as to the visitation plan?
 - Once you have given custody to someone else, it then becomes the custodian's call about visitation, but it is always a good idea to talk about what the probable plan will be, but it will be the final decision of the legal custodian (because at that point it is their child.)

Parent as Safety Resource

Holly asked, when you use the non custodial parent as a safety resource do you complete the Kinship Care assessment, check criminal and CPS history? Referring to situations where a non-custodial parent steps up to help out while the custodial parent works on the Service Agreement, or those cases where custody has never been legally established and there is no allegations against this other parent.

- Several counties just do criminal records, CPS, not Kinship Assessment.
- One county checks to see if there are other children in the home check to see if they have child on child sexual history. They have a local program where they can check or ask the family. (This is something that you would not always think to ask!)
- One county said they always do a CPS and criminal background check, but if it is a non-custodial parent that had not been having regular contact with the child; they do a kinship care assessment as well.
- Do not need to do a separate safety assessment on the non-custodial parent. There is no statutory mandate to be involved in the non-custodial parent if there are no allegations against them. They should just sign the safety assessment for the case as the safety resource.
- Use SEE-MAPS that will cover all the issues, regardless of the forms that you put the results on!
- Some counties would like some consistency from the state as to what info should be collected and where it should be recorded. Holly will take this back however realize that the more rules the State puts in place, the less flexibility we have to tailor the services to the specific needs of the case. Also note that while some folks like the narrow direction but some folks like having the flexibility. Robert and some of the other counties on the line are part of the Supervisory Work Group and they will take it there.
 - Part of the issue is that if County A asks County B to do a kinship care assessment for a non-custodial parent sometimes county B has said “no” because they don't do it in those situations. Even if your county does not usually do things a certain way if another county asks you to do something (within reason) because they do it that way, you should make every effort to do that.

Additional questions or items to discuss at future meetings:

From 9/16 call:

- Question was asked about what codes people use for CFT's particularly if it one is done during an assessment. Do you just code it 210?
 - Most people just coded it 210 if it was during the assessment, but one county used 219 even during an assessment.
 - 219 – Instruction for 219 say it can be used “on behalf of children for whom there has been a substantiation.”
- If the facilitator and the worker are both billing – does that mean double dipping?
 - Holly would say no because they are serving different functions during the meeting. Some counties the facilitator codes 219 but the worker may still code 215.
- Are people just using 219 or are people using the different codes for 019, etc for the different stages?
 - Some counties just code under 210, 215, 109 or whichever service is open.
- Kinship placements and criminal records check – a child was initially placed thru kinship and then criminal records check turned up later on, and they are at the point of adoption. What do they do? A child has been placed there for some time but found a criminal record that was old.
 - Holly would have to do some research. CPR may know.
- What do you do if other counties are requesting you do a Kinship or Safety Assessment?
 - It is not wrong to do a Kinship assessment, it is just not required. Many of these items will come up in conversation anyway. Safety assessment really should only be used when there has been an accepted report or abuse or neglect. This goes to our statutory right to be intrusive into people's lives. This does not mean we can't check for safety in the noncustodial parent's home, just don't do the assessment.

From 9/17 call:

- Gaston is developing a training on Kinship Placement versus a Temporary Safety Placement. They have also developed something around TPRs that Holly can send out.
- Question: How long are counties leaving children in kinship care as a safety resource before taking some legal action?
 - One county 90 days – any more any you are leaving child in limbo.
 - Have a Family Services Agreement specifically stating what parents will do and by when so that if they don't the timeline is already out there.
 - Policy says – want to give parents the opportunity to address issues but at 90 days we need to reassess. Is child safe to go home, and if not, need to have a CFT where court is mentioned and set intervals for examining and addressing progress. At 6 months need to strongly consider court.
- What is another county places kids into your county with their grandparents. That they say they can't file a petition because the kids aren't in their county anymore.
 - Kirk says that county that started it has jurisdiction. Have the 2 county attorneys talk as well as the CPRs and Directors (because Directors were clear that they wanted to be made aware of cross-county issues).
- Jurisdictional Question – When you have someone from Jackson and they are placed in emergency housing in Swain, which county has jurisdiction?

- Status on the changes to the Strengths and Needs Assessment?
 - Very soon, staff development is meeting next week to discuss training.

From 9/29 call:

- For the 7 day hearing (non-secure) any suggested court report they should use for that?
 - Not all counties do reports for the 7 day, so it is not specified in the statute, but you could come up with one from the models provided. Want to keep the 7 day focused on determining if the allegations in the petition are true and not get into the whole evidentiary process or trying the case at that point.
 - In other words, there is not a court report required for the 7 day and the Division will not be working on a model one.
- Someone asked about the legal challenges to RIL
 - These are still working through the courts.
- Question was asked of Mental Health calls a CFT does DSS have to complete a CFT tool?
 - No, the tool was to document the meetings that are required by DSS policy. You can certainly use it if you like, but if it is a CFT called by another agency you do not have to use it.
- Question – if you switch tracks how does that effect your deadline for the decision?
 - You are bound by the timelines for the track you switched to.