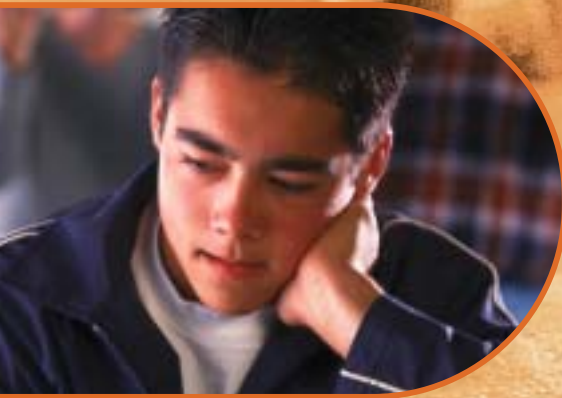


A Family's Guide to the Child Welfare System



A COLLABORATIVE EFFORT AMONG

National Technical Assistance Center for
Children's Mental Health at Georgetown University
Center for Child and Human Development

Technical Assistance Partnership for Child and Family
Mental Health at American Institutes for Research

Federation of Families for Children's Mental Health

Child Welfare League of America

National Indian Child Welfare Association

A Family's Guide to the Child Welfare System

Jan McCarthy
Anita Marshall
Julie Collins
Girlyn Arganza
Kathy Deserly
Juanita Milon

A COLLABORATIVE EFFORT AMONG

National Technical Assistance Center for Children's Mental Health at
Georgetown University Center for Child and Human Development

Technical Assistance Partnership for Child and Family Mental
Health at American Institutes for Research

Federation of Families for Children's Mental Health

Child Welfare League of America

National Indian Child Welfare Association

DECEMBER 2003

Funding Information

This document is supported with funding from the Children's Bureau, Administration on Children, Youth, and Families of the Administration for Children and Families (ACF) in the U.S. Department of Health and Human Services; through a cooperative agreement with the Child, Adolescent, and Family Branch, Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration; and from the National Child Welfare Resource Center for Family Centered Practice through a cooperative agreement with the Children's Bureau at ACF.

This document reflects the thinking of many individuals and organizations, as well as information from valuable resource documents and documents describing federal laws and policies. It does not necessarily represent official policy or positions of the funding source.

Document Available from:

Georgetown University Center for Child and Human Development
3307 M Street, NW, Suite 401
Washington, DC 20007
202-687-5000 voice
202-687-1954 fax
Attention: Mary Moreland
deaconm@georgetown.edu

Also available on the web at www.gucchd.georgetown.edu

Technical Assistance Partnership for Child and Family Mental Health
American Institutes for Research
1000 Thomas Jefferson Street, NW, Suite 400
Washington, DC 20007
202-298-2612 voice
202-944-5454 fax
Attention: Anita Marshall
TAPPublications@air.org

Also available on the web at www.air.org/tapartnership

Also available on the web sites of the other sponsoring organizations (see p. 122)

Notice of Non-Discrimination

In accordance with the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and implementing regulations promulgated under each of these federal statutes, Georgetown University does not discriminate in its programs, activities, or employment practices on the basis of race, color, national origin, sex, age, or disability. The statutes and regulations are supervised by Rosemary Kilkenny, Special Assistant to the president for Affirmative Action Programs. Her office is located in Room G-10, Darnall Hall, and her telephone number is 202/687-4798.



Acknowledgments

A Family's Guide to the Child Welfare System was developed through the efforts of many individuals, organizations, and groups. A wise and knowledgeable work group advised us on the direction and content of the *Guide*, as well as on the questions that families want to have answered. We received continuous feedback from the work group on various drafts to make sure we were staying on course. Birth, foster, and adoptive parents; child welfare administrators and direct service workers; providers; lawyers; national organizations; mental health workers; national child welfare clearinghouses; federal agencies; researchers; and advocates from a variety of states, communities, and cultural backgrounds were represented in the work group.

Family members from around the country offered feedback and ideas through focus groups and workshops. We conducted a number of workshops on the *Guide* at several national conferences to obtain feedback from stakeholders who would be using the *Guide*. Family members who made presentations with the authors brought a voice of reality to those workshops. Barbara Huff and other staff at the Federation of Families for Children's Mental Health helped us remain focused on the issues families care about most.

An additional group of child welfare administrators identified by the American Public Human Services Association provided feedback to help ensure that the *Guide* would be accurate and applicable in different states across the country. Several child and family-focused organizations—American Bar Association's Center on Children and the Law, Child Welfare League of America, National Child Welfare Resource Center for Family-Centered Practice, and Street Law—shared their expertise and offered valuable suggestions.

We relied on federal policies and laws, as well as on many valuable resource documents, to answer accurately the questions that parents posed. While we chose not to footnote or reference all of these sources, in hopes of making the *Guide* more reader friendly, their contribution was invaluable. During our research process, we also reviewed a number of very useful parent handbooks developed by specific communities or states.

A special thanks goes to Anna de Guzman at the Georgetown University Center for Child and Human Development for her assistance in revising the many drafts of the *Guide*, to Ellie Abrams at the American Institutes for Research for her editing services, and to Kylee Breedlove for her talent and hard work in designing and formatting.

Most of all we are indebted to the families and youth who shared with us their stories about involvement with the child welfare system. While their names are not listed in the *Guide*, their stories appear as voices throughout the *Guide*.

The persons listed below assisted in the development of the *Guide* as described above or in other ways. We acknowledge and thank all of them.

Alexandra Ashbrook	Kim Ford	Valerie Oliver
Albertine Atkins-Childress	Mary Giliberti	Jennifer Renne
David Berns	Gail Haulenbeek	Nancy Rollins
Carol Biddle	Kim Helfgott	Mattie Satterfield
Joe Bock	Karen Hebert	John Shaw
Stephany Bryan	Lela Hernandez	Meridith Shotwell
Caren Kaplan	Steve Hornberger	Patricia Sokol
Elena Cohen	Mimi Laver	Linda Spears
Jennifer Crawford	Sarah Leftler	Liz Sweet
Gail Daniels	Bob Lindecamp	Michael Terkeltaub
Howard Davidson	Norah Lovato	Gretchen Test
Debbie Dimon	Sheri McMahan	Conni Wells
Theresa Elisoff	Barbara Needell	Dana West
Doyle Evans	Mary Nelson	Lavelle Williams
Sonya Ferreiro	Trina Osher	Millicent Williams
	Cathy Overbagh	

The Authors



Table of Contents

Introduction	3
▶ SUSAN'S VOICE	3
Welcome to A Family's Guide—Purpose of the Guide	3
How do I find information in the Guide?	4
Family Voices	6
Practical Tips for Families	6
How can I use the Guide to help my family?	6
Can this Guide be used by people other than family members?	6
Will all of the information in the Guide apply to the way things work in the state or community where I live?	7
SECTION 1: What Is the Child Welfare System?	11
What does the child welfare system do?	11
Why does the child welfare system get involved with families?	12
SECTION 2: Learning about Child Protective Services	13
▶ THELMA'S VOICE (<i>continued on p. 96</i>)	13
What is Child Protective Services?	14
What is child abuse and neglect?	14
REPORTING CHILD ABUSE AND NEGLECT	15
▶ A GRANDMOTHER'S VOICE	15
How would CPS get a report about my child?	16
Does CPS respond to all reports of suspected abuse and neglect?	16
Does CPS respond to all reports of abuse and neglect in the same way?	16
How does the agency decide which type of response to use?	17

Section 2: Learning About Child Protective Services continued

HOW INVESTIGATIONS WORK17

► TROY’S MOM’S VOICE17

 Who conducts an investigation? What are their qualifications?.....19

 If CPS responds to a report about my family, what happens during the investigation?19

 Will the worker tell me who made the report?19

 What are the possible outcomes of a CPS investigation?19

 If there is evidence that my child has been abused or neglected, what could happen?20

 If there is evidence that my child was abused or neglected, is a record kept?.....20

 If my child is *not* found to be abused or neglected, is a record kept?21

 How are my rights as a parent affected or changed during an investigation?.....21

 Can I be present when my child is interviewed?21

 Do I have to allow the CPS worker into my home?21

 Will there be a court hearing if my child is removed
 from my home during a CPS investigation?22

 Will I have a lawyer for this initial hearing?22

 How are my rights as a parent affected after this initial hearing?.....22

 What has to happen for CPS to no longer be involved with my family?22

 What laws guide CPS?22

 What does CAPTA provide for?.....23

 How does CAPTA affect families?23

SECTION 3: The Nuts and Bolts of Service Planning25

► JOYCE’S VOICE25

 What is a service plan?26

 When will my service plan be developed and reviewed?27

 Is a service plan the same thing as a case plan?27

 What are the benefits of a service plan?27

 Who is involved in developing the service plan?27

 Can my family have more than one service plan?28

 How do I handle more than one service plan?.....29

 What does a good service plan look like?29

 Is there any other type of planning process that I might be involved in?30

 What is concurrent planning?.....30

 Do all families whose children are in foster care participate in concurrent planning?31

 Is concurrent planning used with teens?31

 How will I know if my family is involved in concurrent planning?.....31

SECTION 4: Learning About Services for Your Family in Your Own Home	33
► LISETTE’S VOICE	33
What are in-home services? What is their purpose?.....	34
Are there different types of in-home services?.....	34
How can I get in-home services?	35
What happens if I refuse in-home services?	36
Are there any circumstances in which in-home services would not be provided?	36
Do child welfare agencies have funds to pay for in-home services?	37
SECTION 5: Learning About Out-of-Home Placement Services	39
► DARREN’S MOM’S VOICE (<i>continued on p.64</i>)	39
What is “foster care” or “out-of-home placement”?.....	40
Why would my child be placed in foster care?.....	40
What do the terms safety, permanency, and well-being mean in the child welfare system?	41
What does “safety” mean for me and my child?	41
What does “permanency” mean for me and my child?.....	42
What does “well-being” mean for me and my child?	42
THE PLACEMENT EXPERIENCE	43
How is it decided where my child will be placed?.....	43
Will all of my children be placed together?.....	43
Who are the people that will take care of my child?	44
What information do I need to give to the child welfare agency about my child?.....	44
Why does the agency need to have this information?	45
Will I need to sign special forms?	45
Will I be able to visit my child in foster care?.....	46
Where can I visit with my child?	46
THE COURT EXPERIENCE	47
What hearings will be held after my child is placed in foster care?.....	47
What is the purpose of an “adjudicatory hearing,” and when is it held?.....	48
What is the purpose of a “dispositional hearing,” and when is it held?	49
What is the purpose of a “review hearing,” and when is it held?	49
What is the purpose of a “permanency hearing,” and when is it held?	50
What is the purpose of a “termination hearing,” and when is it held?	50
Why would the court hold a hearing to terminate parental rights (TPR)?	51
Under what conditions would the agency decide not to try to terminate parental rights?.....	51
Is there a chart that shows when all these hearings take place?.....	51

Section 5: Learning About Out-of-Home Placement Services continued

Who participates in all of these hearings?.....53
 Will I be able to have my say in these hearings? Can I present my side?.....53
 What do I do if I can't come to a hearing?53
 Will I be able to have a lawyer? Do I have to pay for a lawyer?.....53
 What is my lawyer's job?.....54
 Who advocates for the best interests of my child?.....54
 What is a guardian ad litem?.....55
 Will my child have a separate lawyer in addition to the Guardian Ad Litem?55
 What are court appointed special advocates? How will they relate to me and to my child?.....55
 Can I give information to or ask questions of the judge?55

SECTION 6: Placements to Obtain Treatment and Services for Children.....57

► **JOHN'S MOM'S VOICE**57
 Do children who have not been abused or neglected, but who need treatment services, ever get placed in the child welfare system?.....58
 Is it okay to place children in foster care for these reasons?.....58
 Are there some other ways to get treatment services for my child?.....59
 Can Medicaid be used to help get mental health services for my child?59
 What can we do if our family is not eligible for Medicaid?59
 What would happen if I felt that I had to place my child to get treatment services for him?60
 Do *federal* laws require parents to relinquish custody to get out-of-home placement services for their children?60
 Do *states or local agencies* require parents to relinquish custody to access out-of-home placement services?60
 If my child is placed just to get treatment services, would the federal laws about termination of parental rights apply?61
 If I place my child voluntarily, will I be able to bring him home at any time, even if the agency worker or court does not recommend this?61

SECTION 7: What Are the Possibilities After Out-of-Home Placement?.....63

Where could my child go after foster care?63
REUNIFICATION64
 ► **DARREN'S MOM'S VOICE** (*continued from p. 39, continued on p. 91*).....64
 What does "reunification" mean?.....65
 How can I help make reunification happen?65
 What responsibility does the child welfare agency have to help me so that my child can come back home?65
 Does the agency have to provide services for me and for my family?.....65

Can my child return home even if the judge decides the agency does not have to make “reasonable efforts”?	65
How will the decision be made for my child to return home?	66
Will I get custody of my child once she returns home?	66
When will the child welfare agency and the court no longer be involved with my family?	66
ADOPTION	67
► ELENA’S VOICE	67
What does “adoption” mean?	67
Under what circumstances would my child be adopted?	67
If my parental rights are terminated, will my child be adopted?	68
Are many children who enter foster care eventually adopted?	68
Who might adopt my child?	69
If my child is going to be adopted, will she have a say in the decision about being adopted?	69
Will I be able to have a relationship with my child after she has been adopted?	69
How can I obtain an open adoption for my child?	69
If my child is adopted, will there be any services and supports provided to the adoptive family?	69
GUARDIANSHIP/KINSHIP CARE	70
► ESTEFANIA’S GRANDMOTHER’S VOICE	70
What does “guardianship” mean?	71
Why would legal guardianship be selected as the permanent plan for my child?	71
Can I select my child’s guardian?	71
Can a relative become my child’s legal guardian?	71
How would my family benefit from a guardianship arrangement?	72
Will my child still have an agency worker after a guardian is appointed?	72
INDEPENDENT LIVING	73
► SINORA’S VOICE	73
What does “independent living” mean?	74
When is a youth considered an adult and ready to leave the foster care system?	74
Will the child welfare agency help prepare my youth for independent living?	75
What is the Chafee Foster Care Independence Program?	75
► ANTHONY’S VOICE	76
If the agency offers independent living services to my youth, does this mean it will not try to find a permanent home for him?	76
If my youth receives independent living services, can he still return home?	76
How many youth leave foster care to live independently?	77

SECTION 8: How Child Welfare Works with American Indian Families	79
▶ THE VOICES OF ZAK’S AUNT AND UNCLE	79
What is the Indian Child Welfare Act (ICWA)?	81
What does the Indian Child Welfare Act do for tribes?	81
How does the child welfare agency know when ICWA applies?	81
What rights does the Indian Child Welfare Act give Indian families and what responsibilities does it give state child welfare agencies?	81
What happens if my child is placed in foster care?	82
What happens if my tribe gets involved?	82
SECTION 9: Summary of Your Rights and Responsibilities as a Parent in the Child Welfare System	85
▶ NANCY’S VOICE	86
What are my rights related to service planning?	86
What are my rights related to child protective services?	86
What are my rights related to out of home placement?	87
What are my responsibilities as a parent involved with the child welfare system?	88
What are the rights of my child or youth in foster care?	89
SECTION 10: Some Approaches Used by Child Welfare Agencies to Help Families Reach Their Goals	91
▶ VOICES OF DARREN’S MOM, KATE, AND FOSTER MOM, SALLY <i>(continued from p. 64)</i>	91
What is discussed in this concluding chapter?	93
What values and principles are these approaches based on?	93
What are the names of some of the approaches that are based on these principles?	94
How do these approaches work?	94
Where can I get more information about these approaches?	94
Has the federal government encouraged states and communities to use these approaches?	94
How can I help make improvements in the child welfare system?	95
▶ THELMA’S VOICE <i>(continued from p. 13)</i>	96
Terms You May Want to Know	99
Relevant Federal Laws/Policies	111
Helpful Resources for More Information	119