

WELCOME AGENDA

- Kevin Campbell: Family Find Project
- Short Break (5-10 minutes)
- Sam and Walt: Diligent Efforts and Relative Contacts
- ❖ Featuring: Law, Agency Policy, Scenarios, and Small Group Work focused on making Findings and Recommendations

Housekeeping: Restroom Locations, Breaks, asking Questions, Notes, Gifts for your favorite Field Manager

- **FAMILY FINDING PROJECT**



**WITHOUT
FURTHER ADO
THE AWARD
WINNING
KEVIN
CAMPBELL**

- THANKS TO KEVIN CAMPBELL
- ANY QUESTIONS OR COMMENTS BEFORE WE TRANSITION TO DILIGENT EFFORTS and RELATIVE CONTACTS

DHS has made diligent efforts to place the child with a relative or a person who has a caregiver relationship

**CRB FOCUS IS OFTEN EARLY IN THE CASE,
BUT THIS FINDING IS OFTEN APPLICABLE
THROUGHOUT THE LIFE OF THE CASE.
MAKE THE FINDING EVERY REVIEW.**

**Key words: Diligent Effort; place with a relative;
place with a person who has a caregiver
relationship.**

DILIGENT EFFORTS

*** Legally Undefined: Generally, a higher level of effort than "reasonable effort" and less effort than "active effort".**

Example: Pretend you are at a nursery and ask "where are the roses"? The attendant points and says, "the roses are that way about 100 yards". The "effort" is probably Reasonable. If the attendant has a golf cart and drives you to the rose bush section, and answers your questions, and carries your purchase to your car, that effort is probably Active.

- Diligent is somewhere in the middle.**

- “NEW” DHS DEFINITION
WORKING WITH RELATIVES
TOWARD PLACEMENT OF CHILDREN
- **DHS PURPOSE:** Relatives are the DHS placement preference for children. DHS will search for and work with the relatives of children in substitute care to develop placements and alternate* permanency plans. Relatives will be considered as the placement of preference, but in making placement decisions the agency is guided by best interest of the child. Federal law requires “consideration of relatives as a placement preference”.

DHS Policy Definition: **Diligent Efforts**

- 1. DHS must exercise due diligence to identify and provide notice to a child's adult relatives when a child has been removed from the legal custody of the parent**
- 2. DHS must make diligent efforts to place the child or young adult in substitute care with his or her siblings and to place children with a relative or person with a caregiver relationship**

Note: Due Diligence (bullet #1) and Diligent Efforts (bullet #2) are not equal terms

Diligent Efforts Continued

3. Purpose to engage relatives or persons with a caregiver relationship, include:

- ... Manage the child/young adult's safety**
- ... Provide a substitute care resource**
- ... Provide a permanent placement resource**
- ... Develop and maintain family relationships and cultural connections with the child or young adult in care**
- ... Gather family information or family history in order to plan for meeting the child/young adult's needs**

NOTE: Importance of Contacts regardless of placement question and diligent efforts

Diligent Efforts DHS Procedure:

- Starts as soon as "reasonable" ("immediate" and within 15 business days of entry)
- Applies to dependency cases, **voluntary** placement agreement cases, and **voluntary** custody agreement cases
- Exception: Supervisor may authorized no contact with a relative due to domestic violence, or if the contact may compromise the child or young adult or another child's safety

Contact With A Relative Includes:

- Notice in primary language
- Whether the child was removed for safety reasons or if the case is voluntary
- Whether the child/young adult is currently residing with a relative
- The criteria to be considered for placement
- Relative rights regarding placement and other contacts
- DHS must respond to inquiries within 15 business days (phone = preference)
- Keep records of contacts and diligent efforts made

Consideration of Relative or Person with a Caregiver Relationship Includes:

- Safety, permanency, well-being
- Input from child/young adult and parents
- No contact (ordered or part of case plan)
- Physical, emotional, educational needs
- If more than one request, then the one with the closest relationship with the child
- Ability to also provide for siblings
- Best interest of child
- Certification process including criminal records check

On-going Contact and Support:

- A relative may not become a placement resource but can provide contact and support
- Assist with safety, permanency, well being
- Offer appropriate on-going support or assistance
- Help develop and maintain Family Relationships and Cultural Connections
- Policy includes out-of-state and out-of-country relatives

RELATIVE Search Can Include:

- Talk with the parent or guardian
- Talk with the child or Young Adult
- Speak with a person “known as a relative” to the family (Kith and Kin)
- Person considered a relative by DHS definition
- Utilize Oregon data information system
- Utilize internet search
- Utilize collateral contacts and community resources
- **Utilize the Family Find Steps**

Who is a RELATIVE?

Person that is:

- **Blood or half-blood and grand, great, great-great**
- **Sibling**
- **Aunt, uncle, nephew, niece, first cousin, first cousin once removed**
- **When marriage terminated by death or divorce, must have had a relationship with the child prior to entering care**
- **Stepparent, stepbrother, stepsister**
- **Adoptive parent of sibling**
- **Unrelated legal/bio parent of half-sibling if living there**
- **Any Tribal relative as defined by the specific Native American or Alaskan Native Tribe or Community**

NOTE:

- DHS Policy and DHS definitions
- Statutory definitions
- If a definition conflict occurs, the statute definition wins

Legal Definition of Relative

- A person connected with another by blood or affinity.
- A blood relative shares an ancestor with another.
- A collateral relative is a relative but not in the direct line of inheritance, a cousin for example.
- A relative by affinity is a blood or adopted relative of one's spouse.

There might be lots
of relatives, but don't
forget the Finding
also asks about a
person with a
caregiver relationship

What is a Caregiver Relationship

- Non-relative person with a relationship that existed for 12 months immediately preceding care
- 6 or more months during dependency proceeding (*)
- Half of the child's life if infant
- Had custody of child or resided with child
- Provided love, nurturing, necessities for psychological and physical needs
- Child depended upon the relationship

(*) **NEW**: FC provider must be 12 months or more (was 6 months)



- **Relative is an expansive term, lots, and lots of people**
- **For example, First Cousin Once Removed is the son or daughter of the child's first cousin. A cousin is the son or daughter of an aunt or uncle.**

RELATIVE CONTINUED

ICWA is even more expansive: For example, if the child is an Indian Child, then parent means any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child...

WORKING WITH RELATIVES is a MULTI-STEP PROCESS

- **1. Identify the child's needs**
- **2. Search for relatives**
- **3. Identify the interest of relatives in providing care**
- **4. Help the family assess the most appropriate role of the relatives in the child's life based upon the child's needs and best interests**
- **5. Assess the suitability of those relatives who express interest in providing care for a child**
- **6. If adoption is the plan, schedule a home study, then start adoption committee process**
- **7. Determine what the permanent placement will be**

SCENARIO

- **At the first review of 10 year old Susie, the Board inquires about diligent efforts and the relative search. DHS reports they only have paternal information and that the mother refuses to provide maternal information. The Caseworker says she believes there is a maternal aunt in Washington, but so far only knows her first name, Mary. The mother reports that she does not want her sister (Mary) to be considered as a resource.**

SMALL GROUP:

- **DESIGN One QUESTION TO ASK THE PARTIES (MOTHER, DHS, FATHER, child)**
- **DESIGN One RECOMMENDATION**
- **Make the Diligent Efforts finding (yes, no, why)**

SCENARIO

- **A 10-year old child, Bob, was placed in non-relative family foster care 6 months ago. The father's whereabouts are unknown. The mother told DHS her only relative is the child's maternal grandmother who lives in Texas. The mother told DHS she does not know any of the father's relatives. Three months into the case, DHS sent the grandmother a letter asking if she wanted to be a resource.**

Small Group:

- **Make the Diligent Efforts Finding (yes, no, why).**
- **Design One Recommendation**



- A Diligent Effort is more than a reasonable effort. Sometimes it takes a real detective to locate relatives.
- Ask questions to make an informed finding
- Make Recommendations that remedy problems and move the case forward

SCENARIO

Three children are placed in non-relative family foster care in Eugene. The primary permanency goal is return to parent. The concurrent goal is adoption. The parents are making sufficient progress in treatment and services in Springfield. The parents gave DHS the names of relatives in Pendleton and in Wyoming. A Home Study of the Pendleton relatives concluded they are fit and willing and capable of being an immediate placement resource. DHS has no intention of moving the children to relative care at this time.

Small Group:

- ❖ Design one question to ask the caseworker**
- ❖ Make the Diligent Effort Finding**
- ❖ Design one Recommendation**

Some Possible ISSUES:

- What other diligent efforts were made?
- Was one Home Study enough?
- Balance parent progress with relative placement
- Best interest of the children
- If parents become noncompliant or are incapable of safely parenting, next step?
- If Wyoming relatives are considered what is the ICPC process?
- What happens if both relative placements are fit and willing?
- ASFA timelines

SCENARIO

Two children (4 and 6) were placed in non-relative family foster care six months ago. The parents never engaged in any services, are frequently whereabouts unknown and reportedly have on-going drug issues. Three weeks into the case, DHS located a paternal uncle and his wife that live 101 miles away. The home study was positive and the relatives immediately accessed services. Three days before the CRB Review, DHS moved the children to the relative's home.

Goals: RTP; APPLA

Small Group:

- ❖ Make the Diligent Effort Finding**
- ❖ Make the finding “the permanency plan is most appropriate”**
- ❖ Make “the concurrent goal” finding**

Scenario:

Two children (7 and 15) have been in relative permanent foster care for four years. They are well behaved and satisfactory students. They participate in counseling. They have contact with maternal and paternal relatives.

New: The placement with the maternal grandmother disrupted four months ago due to the grandmother's health. The children were moved to foster care. DHS plans to change the goal to APPLA Permanent Foster Care with the current provider.

Small Group:

- ❖ Design one question to ask any of the parties (DHS, paternal aunt, 15-year-old)
- ❖ Make the Diligent Effort Finding
- ❖ Make one recommendation

SCENARIO

- **A 10 month old child entered care six months ago due to his mother's drug abuse. The child does not have a legal father. The mother is incarcerated but will be paroled in 6 months. The mother's live-in boyfriend of 16 months is employed, has provided financially for the family, and is the only father figure the child has known. The boyfriend is not a criminal, not a drug user, and he wants to be a resource.**

Small Group:

- **Make the Diligent Effort Finding**
- **Design one Recommendation**



No Magic involved in making the Diligent Efforts finding. But don't get hooked by rubber chickens or unsatisfactory case work. Be prepared to ask specific questions and hard questions to answer the Finding.

Make a recommendation for every NO Finding

Diligent Efforts

What Have We Learned

- **The DHS duty starts “immediately” and always within 15 days**
- **Should be complete by first CRB Review, but can be on-going and “reopened” as needed**
- **The effort should be more than just asking one parent a question or two**
- **Diligent effort includes an Absent Parent Search and inquiry with relatives**

Diligent Efforts Continued

- **Okay to ask the child and parents for names and addresses**
- **Okay to ask relatives and people at a Family Decision Meeting**
- **A Family Tree is more comprehensive than just asking general questions or creating a list of names**
- **Make sure both maternal and paternal relatives are identified, located and contacted**
- **Make sure siblings are considered**
- **Do not forget about a Person with a Caregiver Relationship**
- **DHS must document effort and the people contacted**

ICWA CASE

- **Active Efforts to reunify the family**
- **Diligent Efforts includes contact with the child's Tribal Social Service Program, a search of all county and state listings of available Indian homes, and contact with local, regional, and nationally known Indian Programs that have placement resources available for Indian children**
- **Parent means any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child...**

ICWA CASE CONTINUED

Extended Family is generally a person 18 years of age or older who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent

Placement Preference: a member of the Indian child's extended family; a Tribal approved foster home licensed by the Tribe; an Indian foster home licensed by a non-Indian authority; Institution approved by the tribe

ICWA: Highlights

- Definition of “Relative” is a little different than a non-ICWA case
- Diligent Efforts Apply
- Tribal Placement if possible
- Cultural ties and Tribal Contacts are part of the case plan, the APPLA Plan, Youth Transition Plan, and the ILP Plan

Diligent Efforts: SCENARIO

Three children, each with a different father, have been in care for 6 months.

If the Board determines diligent efforts were made referencing two children (Huey and Duey) and their respective fathers, but not for the third child (Louie) and Louie's father.

Small Group:

Make the Diligent Efforts Finding



Asking questions of the appropriate person(s) builds a bridge to making solid findings and exceptional recommendations. What case parties can be asked about relatives?

QUESTIONING TIPS

- **ASK SPECIFIC QUESTIONS TO ANSWER THE FINDING (need to know questions, not want to know questions)**
- **ASK GUIDING QUESTIONS TO LEARN DETAILS**
- **BE RESPECTFUL NO MATTER HOW DISFUNCTIONAL OR RUDE A PARTY IS**
- **ASK THE "RIGHT PERSON(S)" the appropriate question**
- **TALK TO CHILDREN**
- **Talk to all parties**
- **Regarding relatives: ask questions about possible contacts and placements**
- **During preparation, design questions for the appropriate finding**
- **Utilize Lead Reviewer format and continue to incorporate Team Work and Collaboration to answer findings and make recommendations**

- **RELATIVES ARE VERY IMPORTANT and relative placements and contacts helps children maintain family ties**
- **Diligent Efforts is a critical and evolving finding**
- **RELATIVES ARE IMPORTANT AS PLACEMENT OPTIONS AND AS CONTACTS AND OTHER SUPPORT**



**CRB Board Members
use teamwork and
collaboration to
review the case plans
of children in
substitute care, and
to work for system
change that helps
children and families**

CRB BOARD MEMBERS:

- ARE SKILLED AT ASKING TOUGH QUESTIONS**
- MAKE FAIR AND OBJECTIVE FINDINGS**
- MAKE CASE IMPROVING RECOMMENDATIONS**
- REPRESENT THEIR COMMUNITY WITH HONOR AND PRIDE**
- MAINTAIN SANITY EVEN WHEN THE CASE IS SAD OR COMPLEX**
- ARE ABLE TO KEEP SMILING**



**Each Participant
in this Workshop
Earns an "A"**

Every CRB Board Member Graduates With Honors

THANK YOU CRB VOLUNTEERS

THANK YOU VERY MUCH

**ENJOY THE REST OF THE
CONFERENCE**

Walt Gullett, CRB Field Manager
Sam Tazumal, CRB Review Specialist