

# 2009 JCIP Road Show

A collaboration of the:  
Oregon Judicial Department: Juvenile Court Improvement Program  
Oregon Judicial Department: Citizen Review Board  
Department of Human Services  
Juvenile Law Resource Center  
Office of Public Defense Services  
Local JCIP Model Court Teams

## Agenda & Table of Contents:

			Page
9:00	New Legislation	DHS/JCIP	1
9:30	Structured Decision-Making for Child Safety	DHS/JCIP	4
10:30	Break		
10:45	Relative Placements		
	Fostering Connections to Success & Increasing Adoptions Act of 2008	JCIP	14
	Philosophy & Research Supporting Relative Placements	JCIP	18
	New DHS Policies & Resources for Relative Placements	DHS	26
11:30	Program Improvement Plan (PIP) – Reducing APPLA Placements	DHS	27
12:00	Courts Consulting with Children	JCIP	33
12:15	Lunch (provided)		
1:00	Session A: For Community Stakeholders	DHS/JCIP	
	Session B: For Attorneys Representing Parents	Juvenile Law Resource Center	
3:30	Conclusion & Evaluations		

**LEGISLATIVE ROAD SHOW  
2009-2011**

Mickey Serice  
Deputy Assistant Director  
CAF Program and Policy

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**THEMES**

Mandatory Reporters  
CPS Record Sharing  
Relatives  
Foster Care  
Adoption  
General

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**Mandatory Reporters**

- HB 2063 - Adds Teachers Standards and Practice Commission to Mandatory Reporters  
- Effective 6-2-09
- HB 2686 - Adds Pharmacists to Mandatory Reporters  
- Effective 1-1-10

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## CPS Record Sharing

– SB 123 – Requires DHS to release records related to child abuse to the Teachers Standards and Practice Commission  
– Effective 6-18-09

– HB 2207 – Authorizes metro service districts to access Child Division Central Background Registry  
– Effective 1-1-10

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## Relatives

– HB 2050 – Increase from 6 months to 12 months the time required to establish caregiver relationship  
– Effective 1-1-10

– HB 2897 – Requires court to list why court refuses to place a foster child with a relative when DHS recommends that relative  
– Effective 1-1-10

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## Foster Care

- SB 125 – Requires ODOT to reimburse DHS for drivers ed for foster children  
- Effective 6-1-09

- HB 3114 – Guidelines regarding Psych Meds for foster children

- Requires a MH assessment before prescribing more than one psychotropic medication or for any antipsychotic medication
- Requires monitoring and annual reviews for two or more medications of if the child is under 6 years of age
- Psych meds cannot be prescribed unless indicated for that age  
- Effective 6-30-10

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## Adoption

- SB 10 – Requires DHS to write rules for international placements
  - Effective 6-23-09
- HB 3471 – Requires DHS to work with the US Dept. of State to develop a case plan for each international placement
  - Effective 6-24-09

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## Adoption HB 3471 cont'd

- Develop minimum requirements for placement and supervision
- Require written reports
- Establish minimum requirements including visits:
  - In adoptive parent's home;
  - With child;
  - With prospective adoptive parents;
  - With other persons living in prospective adoptive home; and
  - With other persons with information about the child

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## General

- HB 2123 – Work Load Reports to Legislature
- HB 2144 – Codifies "WrapAround" services in Mental Health
- HB 2449 – Clarification to "Karly's Law"
- HB 3273 – Permits DHS to outstation DV Advocates in offices – No funding
  - All effective 1-1-10

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## Safety Decision Making

Working Together to Improve Dependency Practices Using  
Model Court Teams

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**Goals:**

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- ▶ Implement best practices in child-safety focused interventions
- ▶ Enhance or develop a local process for ongoing improvement and coordination of juvenile court and child welfare practices
- ▶ Determine the need for technical assistance and support
- ▶ Collect input on possible statutory changes to more effectively integrate the OSM practices with juvenile court procedure
- ▶ Provide updates about current and upcoming trends that will effect juvenile court and child welfare practices

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**JCIP Model Court Teams**

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- ▶ Do you have an existing JCIP Model Court Team?
- ▶ Do you have another local court improvement team that meets on a regular basis to discuss dependency matters?
- ▶ Has your team discussed the Oregon Safety Model?
- ▶ What, if any issues, have surfaced regarding Court Procedure and OSM child welfare practice?
- ▶ Could your team enhance or develop local processes for ongoing improvement and coordination of juvenile court and child welfare practices?

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## Determining if the Child is Safe

### Safety Threats

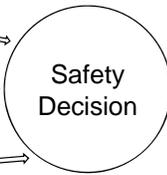
- Present Danger
- Impending Danger  
(future oriented – 16 safety threats)

### Protective Capacities

- Environmental, cognitive, behavioral, emotional  
(higher they are, lower the risk)

### Child Vulnerability

- Characteristics that make the child vulnerable (inability to communicate, medical condition, disability, ability to remove self from danger, ability to ask for help).
- Characteristics that trigger (inconsolable crying, inhibited temperament, feeding problems, difficulties in toilet training, challenging, confrontational behavior).




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## Determining Parental Protective Capacities

**Environmental**  
(Living situation – can include resources, # of children in the home, substance abuse, caretaker mental illness)

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**Cognitive**  
(Understands danger – asks grandma/neighbor to take child to grandma when drinking)

+

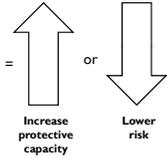
**Behavioral**  
(Action taken – asks abuser to leave home)

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**Emotional**  
(Healthy attachment – emotional support, connections, family)

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Protective Capacities




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## Determining Child Vulnerability



•Increase visibility (school, day care)	•Know the role the child has in the family system and address risk factors if the child is a targeted child or has prior victimization issues
•Increase access to others (kin, neighbors, church, support groups)	•Reunify children on at a time to lower parental stress
•Increase parental supports	•Decrease the number of placements (a child who has had more than 5 placements is 11 times more likely to be a victim of repeat maltreatment.)
•Provide services to address physical, emotional, developmental, and challenging/confrontational behavioral needs	•Decrease the length of time in foster care (children in care 3 years or more are 8 times more likely to be a victim of repeat maltreatment.)
•Increase the child's ability to ask for help and/or recognize danger	<i>*However, children in care less than 3 months also have a higher risk of maltreatment.</i>

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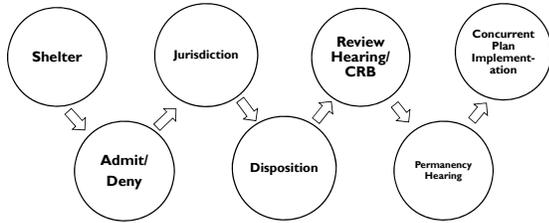
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# Dependency Hearings




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**Shelter**

- Reasonable efforts
- Best Interest
- Petition legally adequate
- Each legal parent addressed
- ICWA
- Probable cause
- Appointment of counsel
- Restraining order
- Appointment of CASA
- Placement—diligent efforts (relatives/siblings/caretaker)
- Visits

**Child Welfare Day 1**

- Initial determination of need for a Protective Action
- Determine if other children in the home are unsafe
- Put Protective Action in place-in-home if possible
- Visitation Plan if child/ren placed
- ICWA determination
- ID legal parents
- Begin search for relatives or others with a caregiver relationship

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**Admit/Deny**

- Receive "plea"
- Settle the case/admissions
- wording of petition
- action agreement
- services
- case plan
- conditions for return
- safety services
- Complete discovery (define discovery—what's local practice—what's legally sufficient)

**Child Welfare Days 1 to 30**

- CPS assessment
- Safety Analysis
- Develop Conditions for Return
- Child Safety Meeting
- Start Protective Capacity Assessment
- Visitation Plan
- Assess sibling issues
- Absent parent search
- Father's questionnaire
- Continue relative search
- ID legal parties
- MH & EI for child
- Determine permanency goal

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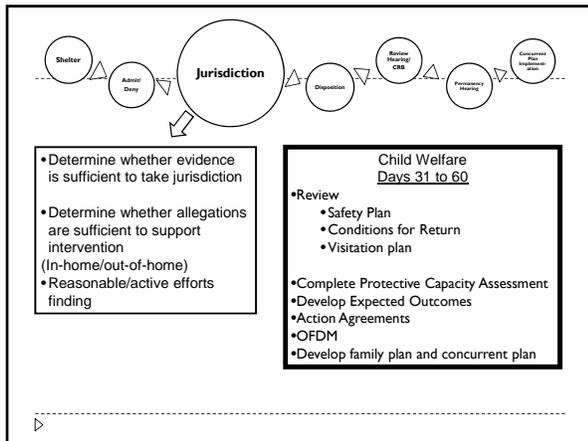
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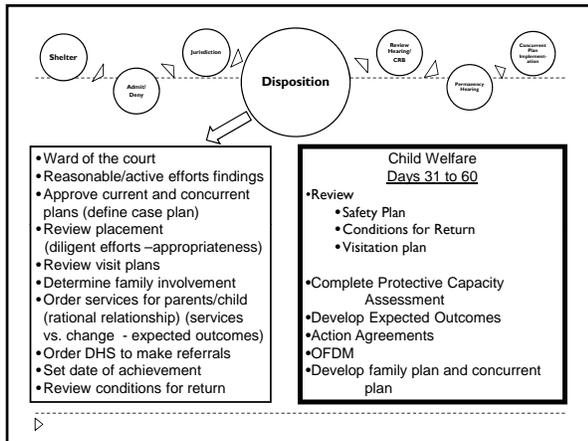
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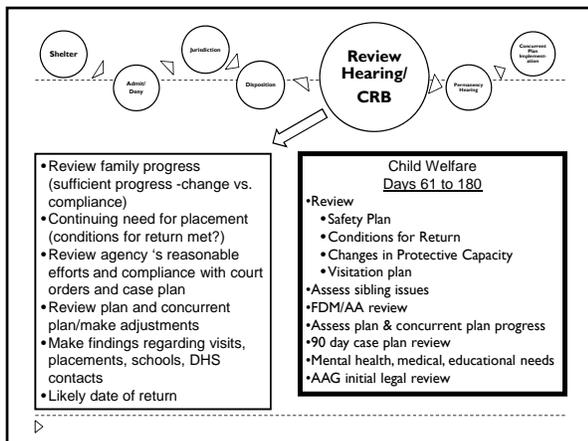
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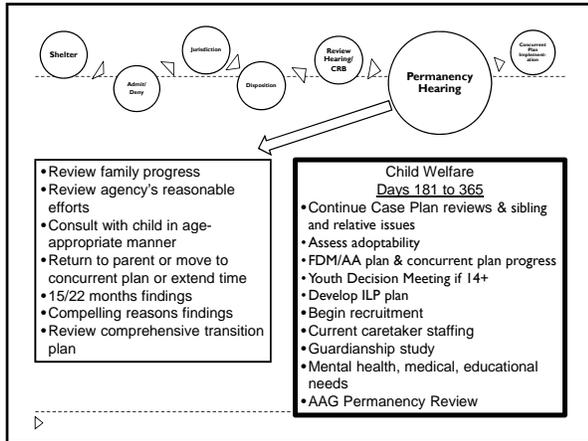
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**Important Issues for Your Team to Consider**

- Does your local process have a minimum standard for information collection that is comprehensive enough to make good decisions?
- Do you use that information to make decisions or do you focus primarily on the allegation of maltreatment?
- Do you have clear definitions and consistent criteria for making safety decisions?
- Is safety confused with risk?
- Are safety plans confused with Case Plans/ Expected Outcomes/ Action Agreements?
- Do you have any in-home safety plans? Is a safety plan seen only as placement?
- Is reunification achieved when safety in the home can be controlled, rather than when all treatment issues are resolved?
- Does court jurisdiction terminate when the children are safe?

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# 16 Safety Threats

<p>1) Family situation results in no adult in the home performing parenting duties/responsibilities that assure child's safety.</p>	<p>2) Caregivers' behavior is violent and/or they are behaving dangerously.</p>	<p>3) Caregivers' behavior is impulsive or they will not/cannot control their behavior.</p>	<p>4) Caregivers' perceptions of a child are <u>extremely</u> negative.</p>
<p>5) A family situation or behavior exists so that the family does not have or use resources necessary to assure child's safety.</p>	<p>6) Caregivers' attitudes, emotions, behavior are such that they are threatening to severely harm a child or are fearful they will maltreat the child and/or request placement.</p>	<p>7) Caregivers' attitudes or emotions are such that they intend (ed) to seriously hurt the child.</p>	<p>8) A situation, attitudes and behavior exist so that caregivers' lack parenting knowledge, skills, and motivation necessary to assure child's safety.</p>
<p>9) Caregivers' attitudes and behavior result in overtly rejecting CPS intervention, refusing access to child, or some indication that the caregivers will flee.</p>	<p>10) Caregiver attitude, behavior, perception result in the refusal and/or failure to meet a child's exceptional needs that affect his/her safety.</p>	<p>11) The family situation is that living arrangements seriously endanger the child's physical health.</p>	<p>12) The situation is that a child has serious physical injuries or serious physical symptoms from maltreatment.</p>
<p>13) The situation is that a child shows serious emotional symptoms and/ or lacks behavioral control that results in provoking dangerous reactions in caregivers.</p>	<p>14) The situation is that a child is fearful of the home situation or people within the home.</p>	<p>15) Because of perception, attitude or emotion, caregivers cannot/will not/do not explain a child's injuries or threatening family conditions.</p>	<p>16) One or both parents or caregivers has a child out of his/her care due to child abuse or neglect, or has lost a child due to termination of parental rights.</p>

## Jurisdictional Basis & Safety Threats

This document is divided into each jurisdictional category 419B.100(1)(a-e) and provides jurisdictional language followed by Safety Threats that may be related.

Jurisdictional Basis	Possible Related Safety Threat(s)
<p><b>(a) Who is beyond the control of the person’s parents, guardian or other person having custody of the person.</b></p>	<ul style="list-style-type: none"> <li>▪ The situation is such that a child shows serious emotional symptoms and/or lacks behavioral control that result in provoking dangerous reactions in parents or caregivers.</li> </ul>
<p><b>(b) Whose behavior is such as to endanger the welfare of the person or of others.</b></p>	<ul style="list-style-type: none"> <li>▪ The situation is such that a child shows serious emotional symptoms and/or lacks behavioral control that result in provoking dangerous reactions in parents or caregivers.</li> </ul>
<p><b>(c) Whose condition or circumstances are such as to endanger the welfare of the person or of others.</b></p>	<ul style="list-style-type: none"> <li>▪ The family situation is such that no adult in the home is routinely performing parenting duties and responsibilities that assure child safety.</li> <li>▪ One or both parents’ or caregivers’ behavior is violent and/or they are acting (behaving) dangerously.</li> <li>▪ One or both parents’ or caregivers’ behavior is impulsive or they will not/cannot control their behavior.</li> <li>▪ Parents’ or Caregivers’ perceptions of a child are extremely negative.</li> <li>▪ A family situation or behavior is such that the family does not have or use resources necessary to assure a child’s safety.</li> <li>▪ One or both parents’ or caregivers’ attitudes, emotions and behavior are such that they are threatening to severely harm a child or are fearful they will abuse or neglect the child and/or request intervention.</li> <li>▪ One or both parents’ or caregivers’ attitudes or emotions are such that they intend(ed) to seriously hurt the child.</li> <li>▪ A situation, attitudes and/or behavior is such that one or both parents or caregivers lack parenting knowledge, skills, and motivation necessary to</li> </ul>

	<p>assure a child's safety.</p> <ul style="list-style-type: none"> <li>▪ Parents' or Caregivers' attitudes and behavior result in overtly rejecting CPS intervention, refusing access to a child, and/or there is some indication that the caregivers will flee.</li> <li>▪ Parents' or Caregivers' attitude, behavior, perception result in the refusal and/or failure to meet a child's exceptional needs that affect his/her safety.</li> <li>▪ The family situation is such that living arrangements seriously endanger the child's physical health.</li> <li>▪ The situation is such that a child has serious physical injuries or serious physical symptoms from abuse or neglect.</li> <li>▪ The situation is such that a child shows serious emotional symptoms and/or lacks behavioral control that result in provoking dangerous reactions in parents or caregivers.</li> <li>▪ The situation is such that a child is fearful of the home situation or people within the home.</li> <li>▪ Because of perception, attitude or emotion, parents or caregivers cannot, will not or do not explain a child's injuries or threatening family conditions.</li> <li>▪ One or both parents or caregivers has a child out of his/her care due to child abuse or neglect, or has lost a child due to termination of parental rights.</li> </ul>
<p><b>(d) Who is dependent for care and support on a public or private child-caring agency that needs the services of the court in planning for the best interest of the person.</b></p>	<ul style="list-style-type: none"> <li>▪ The family situation is such that no adult in the home is routinely performing parenting duties and responsibilities that assure child safety.</li> <li>▪ Parents' or Caregivers' attitude, behavior, perception result in the refusal and/or failure to meet a child's exceptional needs that affect his/her safety.</li> <li>▪ The situation is such that a child shows serious emotional symptoms and/or lacks behavioral control that result in provoking dangerous reactions in parents or caregivers.</li> </ul>

**(e) Whose parents or any other person or persons having custody of the person have:**

- A. Abandoned the person;**
- B. Failed to provide the person with the care or education required by law;**
- C. Subjected the person to cruelty, depravity or unexplained physical injury; or**
- D. Failed to provide the person with the care, guidance and protection necessary for the physical, mental or emotional well-being of the person;**

- **The family situation is such that no adult in the home is routinely performing parenting duties and responsibilities that assure child safety.**
- **One or both parents' or caregivers' behavior is violent and/or they are acting (behaving) dangerously.**
- **One or both parents' or caregivers' behavior is impulsive or they will not/cannot control their behavior.**
- **A family situation or behavior is such that the family does not have or use resources necessary to assure a child's safety.**
- **One or both parents' or caregivers' attitudes or emotions are such that they intend(ed) to seriously hurt the child.**
- **A situation, attitudes and/or behavior is such that one or both parents or caregivers lack parenting knowledge, skills, and motivation necessary to assure a child's safety.**
- **Parents' or Caregivers' attitude, behavior, perception result in the refusal and/or failure to meet a child's exceptional needs that affect his/her safety.**
- **The family situation is such that living arrangements seriously endanger the child's physical health.**
- **The situation is such that a child has serious physical injuries or serious physical symptoms from abuse or neglect.**
- **Because of perception, attitude or emotion, parents or caregivers cannot, will not or do not explain a child's injuries or threatening family conditions.**

### Guideline to Achieving Permanency

	1-31 Days	31-60 Days	61-180 Days (2-6 Months)	181-240 Days (6-8 Months)	241 – 365 Days (8-12 Months)	366-540 Days (12-18 Months)
<b>DHS</b>	<ul style="list-style-type: none"> <li>• CPS assessment,</li> <li>• Safety Analysis</li> <li>• Develop Conditions for Return</li> <li>• Child Safety Meeting</li> <li>• Visitation Plan</li> <li>• Assess sibling issues</li> <li>• Absent parent search</li> <li>• Father's questionnaire</li> <li>• Begin relative search</li> <li>• ICWA</li> <li>• ID legal parties</li> <li>• MH &amp; EI for child</li> <li>• Determine permanency goal.</li> </ul>	<ul style="list-style-type: none"> <li>• Review               <ul style="list-style-type: none"> <li>○ Safety Plan</li> <li>○ Conditions for Return</li> <li>○ Visitation plan</li> </ul> </li> <li>• Engage in the Protective Capacity Assessment</li> <li>• Develop Expected Outcomes</li> <li>• Action Agreements</li> <li>• OFDM</li> <li>• Develop family plan and concurrent plan</li> </ul>	<ul style="list-style-type: none"> <li>• Review               <ul style="list-style-type: none"> <li>○ Safety Plan</li> <li>○ C4R</li> <li>○ Protective Capacity</li> <li>○ Visitation plan</li> </ul> </li> <li>• Assess sibling issues</li> <li>• Conclude initial relative search</li> <li>• FDM/AA review</li> <li>• Assess plan and concurrent plan progress</li> <li>• 90 day case plan review</li> <li>• Mental health/medical/educational needs</li> <li>• AAG initial legal review</li> </ul>	<ul style="list-style-type: none"> <li>• Review               <ul style="list-style-type: none"> <li>○ Safety Plan</li> <li>○ C4R</li> <li>○ Protective Capacity</li> <li>○ Visitation plan</li> </ul> </li> <li>• Assess sibling and relative issues</li> <li>• Assess adoptability</li> <li>• FDM/AA plan and concurrent plan progress</li> <li>• Youth Decision Meeting if 14+</li> <li>• Develop ILP plan</li> </ul>	<ul style="list-style-type: none"> <li>• Review               <ul style="list-style-type: none"> <li>○ Safety Plan</li> <li>○ C4R</li> <li>○ Protective Capacity</li> <li>○ Visitation plan</li> </ul> </li> <li>• Assess sibling &amp; relative issues;</li> <li>• Begin recruitment;</li> <li>• FDM/AA plan and concurrent plan progress;</li> <li>• Current caretaker staffing</li> <li>• Guardianship study</li> <li>• Complete home study;</li> <li>• Mental health/medical/educational needs</li> <li>• AAG Permanency Review</li> </ul>	<ul style="list-style-type: none"> <li>• Review               <ul style="list-style-type: none"> <li>○ Safety Plan</li> <li>○ C4R</li> <li>○ Protective Capacity</li> <li>○ Visitation plan</li> </ul> </li> <li>• Assess sibling and relative issues;</li> <li>• Achieve Guardianship or PFC</li> </ul> <p>If there is compelling reason not to return home or achieve adoption;</p> <ul style="list-style-type: none"> <li>• File TPR Mediation;</li> <li>• Secure relinquishments</li> <li>• Adoption committee</li> </ul>
<b>Court</b>	<p>Shelter hrg (24 hrs):RE/ Best Interest findings; petition legally adequate; each legal parent; specificity; probable cause; appointment of Counsel, CASA; placement (rel/sibs);visitation plan; services; ICWA</p>	<p><u>30 days</u>: Admit deny/settlement conference (wording of petition/SA), discovery  <u>60 days</u>: Jurisdiction: evidentiary hearing, preponderance of evidence; RE Disposition: approve visitation plan, placement, permanency and concurrent plan; family involvement; rational relationship, order SA/LOE/AA</p>	<p>Court and/or CRB review ; review continuing need for placement; review plan and concurrent plan, determine DHS compliance and sufficiency of parental progress, RE finding; likely date to return</p>	<p>Review hearings?</p>	<p>CRB Recommend permanent plan;</p> <p>Court Permanency Hearing: determine permanent plan</p>	<p>TPR Trial</p>

# Fostering Connections to Success and Increasing Adoption Act of 2008

P. L. 110-351 / 42 USC 673  
OCT. 7, 2008

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## Supporting Children in Foster Care by:

- Increasing support for relative placements
- Requiring “reasonable efforts” to co-place sibling or provide for ongoing contact
- Expanding adoption and placement resources for older and special needs children
- Promoting educational and health stability for children in protective custody
- Enhancing adoption incentives
- Creating direct Title IV-E eligibility for Indian Tribes

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## Promoting Relative Placements

- Permits Title IV-E funding to be used to provide kinship guardian assistance payments
- Requires state agencies to exercise “due diligence” to identify adult grandparents and other relatives within 30 days of child’s placement
- Allows states to waive non-safety related foster parent certification requirements for relatives
- Authorizes funding for Kinship Navigator Programs, intensive family finding, family group decision making, family based AD Treatment (matching grants)
- Creates a \$2,000.00 reimbursement for caretaker expenses related to establishing legal guardianship

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### Supporting sibling attachment

- Requires state to make “reasonable efforts” to place siblings in same foster care, kinship guardianship, or adoptive placement
- If group placement is not possible, requires “reasonable efforts” to provide sibling visitations or other ongoing interactions
- Provides new grant funding to increase “family” involvement in child’s life and case planning

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### Resources for older children in care

- Requires CW to create a “personal transition plan” for older youth (14 to 21 yrs) within 90 days of their exit from foster care
- Allows continued federal (IV-E) support for children in foster care/adoption/guardianship payments until age 21 (State option starting Oct. 2010) if the youth is:
  - Completing HS or equivalency program
  - Enrolled in post-secondary or vocational school
  - Participating in an activity designed to promote or remove barriers to employment
  - Employed at least 80 hrs per month
  - Disabled

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### Adoption Resources for Children with Special Needs

- Removes requirement that adoption assistance payments be linked to a biological parent’s pre-placement eligibility for AFDC (TANF)
- Doubles adoption incentives for children with special needs
  - Eligibility expansion to be phased in over 9 years.

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## Educational Stability for Children in Care

- Requires CW to include a plan to ensure the educational stability of a child entering foster care unless not in their best interest
  - Considerations include:
    - Child's ties to their school
    - Appropriateness of academic program
    - Distance of commute
    - Personal safety of student
    - Service capacity of the school
    - Anticipated length of placement
  - Requires proof that any school age child is attending school

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## Health Stability for Children in Care

- Requires coordination with the state's Medicaid agency, pediatricians and other experts to develop a plan for ongoing oversight and coordination of health care services for children in foster care
- Plan must describe:
  - How initial and follow up screenings will be provided
  - How ongoing health needs will be treated and monitored
  - How medical information will be shared and updated
  - Assurances of continuity of care
  - How prescription will be monitored

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## New Adoption Incentives

- Requires that CW document discussion of Adoption Tax Credit with prospective adoptive parents
- Removes link between birth family's income and adoption subsidy criteria

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**New Tribal Resources**

- Offers direct access to federal IV-E funds for foster care and adoption assistance
- Requires HHS to provide technical assistance and implementation services to improve permanency outcomes for Indian children
- Makes available implementation grants

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**General Provisions**

- Expands the number of stakeholders eligible to use IV-E training funds (CW, Relative Guardians, and Court Personnel)

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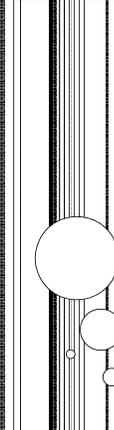
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# WHY ALL THIS FUSS ABOUT RELATIVES???

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### NEED TO BELONG

- Children and youth of all ages, regardless of the complexity of their needs and circumstances long for a loving and lifelong connection to family.
- Those who are separated and disconnected from family often experience frequent mental health and behavioral issues, placement disruptions, school failures and risks to health and safety.



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Research shows that children placed with relatives:

- do better overall
- are more likely to maintain family connections and to be placed with siblings
- are more likely to be placed in their community
- experience fewer placement moves
- are less likely to run away
- report feeling more loved, accepted and happier, and
- are at a lower risk for maltreatment

- Casey Family Programs
- Center for Law and Social Policy
- Journal of Contemporary Family Services



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## IDENTITY

- As children grow and develop, a sense of identity begins to form.
- Much of that identity is rooted in family identity.
- While the youth is struggling to form a healthy sense of identity, he or she may end up ultimately identifying with individuals who influence negatively, as the need to belong to someone – anyone is so overpowering at this stage of development.



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“The greatest disease is  
to be nobody to  
anybody.”

Mother Teresa



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Research shows that placement  
with relatives:

- helps children to maintain connections to their culture and cultural practices
- inform their identity and
- experience less stigma as a child in foster care

- Casey Family Programs
- Race Matters Consortium



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**BEHAVIORAL ISSUES**

- o Youth sometimes act out instead of expressing their feelings.
- o Many times through these nonverbal behavioral expressions the youth is crying out for some kind of a connection to their families.
- o Typical behavioral expressions include depression, runaway, aggressive outbursts, and suicidal behaviors.
- o A youth's placement may become in jeopardy because of demonstrated troubled behavior.



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Studies have shown that children placed in kinship care have fewer behavioral problems than those in general foster care and are 6 times less likely to be involved in youth corrections

- o Center for Law and social Policy
- o Archives of Pediatric and Adolescent Medicine
- o Social work Resource Center - Colorado



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**PLACEMENT STABILITY**

- o Children who journey from foster home to foster home, hospital to residential care, and in and out of juvenile detention facilities are displaced and in crisis.
- o They lack family, a permanent home, a school with friends and a neighborhood.
- o Without the stability of a permanent family they are missing the "anchor" that family can provide. Often they have lost not only their parents but also brothers, sisters, grandparents, aunts, uncles and cousins.
- o A pattern of placement disruption becomes apparent as the length of stay in each foster home decreases. One can almost predict the length of stay in the current foster home based on the pattern of the previous placement(s).



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Studies have demonstrated that relative or kinship placement can increase placement stability and that children are more likely to remain in the same school.

- o Center for Law and Social Policy
- o Casey Family Programs
- o Journal of Contemporary Family Services



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### MENTAL HEALTH TREATMENT

- o Former foster children in Washington and Oregon suffer Post Traumatic Stress Disorder at twice the rate of U.S. war veterans (Casey-Harvard Study)
- o More and more mental health and residential care providers are learning that family connections can help stabilize youth and should be incorporated into therapeutic or treatment plans.
- o Additionally, once relatives are cleared they can become respite resources and have been utilized as crisis resources for foster parents.



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According to research, children in kinship care experience better outcomes in regard to mental health problems and experience less trauma in foster care

- o Social Work Resource Center – Colorado
- o Race Matters Consortium



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**WHAT WE KNOW ABOUT KINSHIP CARE**

The majority of children in kinship care are from communities of color:

- 43% Black
- 17% Hispanic
- 37% White
- 3% Other

They are two times as likely as children in general foster care to:

- Live in families with incomes 200% below the poverty level
- 55% live with single caregivers
- 52% live with caregivers over 50
- 24% live with caregivers without a high school diploma



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They are referred for, offered, and receive fewer services for the children placed with them and for themselves.

- Casey Family Programs



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**AGING OUT**

- Foster care is supposed to be temporary , but about one-quarter of the 500,000 children in foster care in the U.S. end up in the system until they become adults.
- When they become legal adults many are left without any support, family connections, or the skills they need to succeed in life.
- When children grow up in a community surrounded by family they have the ability to access many resources in the most normative setting.
- When youth become isolated from family and natural supports, they lose access to the very people that could support them through crises and help they grow up through young adulthood.



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### AGING OUT

- Studies demonstrate that youth “aging out” of state custody at age 18 typically have very poor outcomes.
- Youth can greatly benefit from having family resources they can rely on to help them through young adulthood to increase their chances for survival.

○ Mark Courtney, University of Chicago.



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### AGING OUT

Foster care studies have shown that in just four years after leaving foster care:

- 25 percent of "aged-out" youth have been homeless
- 42 percent have become parents themselves
- Fewer than 20 percent are able to support themselves, and
- Only 46 percent have graduated from high school.



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### RISK FACTORS

Because they lack the support systems most young adults take for granted, aged out foster care teens are at high risk for:

- substance abuse
- domestic violence, and
- poverty.



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**THE LAW**

- o It is the policy of the State of Oregon to safeguard and promote each child's right to safety, stability and well-being. The State of Oregon recognizes the importance of a child's relationships with parents, siblings, grandparents and other relatives. ORS 419B.090(3)
- o Grandparents have the right to notice of court hearings. ORS 419B.875(6) and (7)
- o The right to file for intervenor status  
Any relative that meets the statutory definition of person having a, "caregiver relationship" ORS 419B.116(1) with a child can ask the court to give them intervenor status.
- o Rights to file for limited participation. ORS 419B.116(2)



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**POST ADOPTION COMMUNICATION WITH BIRTH RELATIVES**

ORS 109.305

- o A birth relative who has an ongoing personal relationship with a child being adopted may continue to have contact with a child being adopted.
- o This requires the birth relative to enter into an agreement with the adoptive parent.



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**DHS POLICY**

ORS 419B.875(6) and (7) Relatives of a child in the custody of the department have the right to provide information about the child's background and to make recommendations for the child's future.



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**COMMUNICATION AND  
VISITATION WITH A CHILD**  
OAR 413-010-0330

Relatives have a right to communicate and visit with a child in the department's legal custody within reasonable guidelines as set by the child's service plan and by the direction of the court.



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**ASSESSMENT AS A FOSTER CARE  
PLACEMENT RESOURCE**

Any relative or person has the right to obtain and submit an application to the department for assessment as a foster care placement option for the child in the department's custody.



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**RIGHT FOR REVIEW**

- o A relative or person has the right to obtain a review of the department's decision when the department denies a relative or person as a placement option.
- o However, the department has sole discretion in where a child in its custody will be placed.



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## **Search for and Engagement of a Child's Relatives**

### **Guiding Principles**

Oregon recognizes the importance of a child's relationships with parents, siblings, grandparents and other relatives. DHS will develop administrative rules reflecting this value.

- Revise the current administrative rules to reflect the Department's requirement to make diligent efforts to place a child with his or her relatives *throughout the life of a case*.
- Incorporate into administrative rule the requirement to not only search for relatives both as a placement resource and as a resource to provide safe and appropriate connection and support to children in substitute care.
- Develop administrative rules which can be implemented within current resources and which promote a strong, consistent practice that is achievable throughout the state.
- Develop administrative rules which guide casework staff on the timely assessment of identified relatives. This may include working with identified relatives who live outside the area or state.
- Develop administrative rules that are culturally responsive, respectful of relatives and acknowledge the importance and rights of relatives throughout the life of the case.

### **Work to Date**

- The Rule Advisory Committee met on June 21 and July 23 to review guiding principles and first draft of proposed rules.
- Drafts of the proposed rules and a Rights of Relatives information pamphlet were posted on the DHS website for public input. Periodic updates are posted at the following location.  
<http://www.oregon.gov/DHS/children/relative/>
- Proposed rules are currently being written and are scheduled to be filed in October.

### **Next Steps**

- A public hearing will be scheduled for the proposed rules.
- The Rule Advisory Committee is scheduled to meet again in November for input on proposed rules.
- The DHS website will be post the proposed rules with the capacity for public input.
- Rules are scheduled to become final and effective in January, 2010.

APPLA  
and the PIP

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DHS Oregon Administrative Rule  
(OAR) **413-070-0524** Definitions  
APPLA as.....

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“Another Planned Permanent Living Arrangement (APPLA)” means a permanency plan for a stable, secure living arrangement for a child, and includes building relationships with significant people in the child's life that will continue after substitute care. "Planned" means the arrangement is intended, designed, considered, premeditated or deliberate. "Permanent" means enduring, lasting, or stable. APPLA is the least preferred permanency plan of the four permanency plan options for a child and is appropriate only in very limited circumstances.

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In Oregon 2007 Child and Family Services Review, Oregon was not in substantial conformity in the area of Item 10, Permanency Goal of other planned permanent living arrangement

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In Oregon's Program Improvement Plan, Oregon made a commitment to look at APPLA cases in three areas of the state.

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Multnomah  
Jackson  
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## Identified Barriers

- Financial support: Adoption Assistance does not match what a foster parent could receive in foster care payments.
- DD Children: They often lose services and support.
- Teens: Loss of Chafee or ILP support if permanency is achieved too soon.
- Subsidized Guardianship ends at age 18, when most teens are still in high school.

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## What we learned....

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## Lessons Learned....

- Children who are in APPLA need ongoing relative searches.
1. As children's needs change, they need the support of family to address those needs. Family support can come in many forms.
  2. As APPLA children age out of foster care, children in APPLA will most likely seek out and perhaps return to a family member. They need support to manage these relationships before they leave foster care.
  3. Family situations change, and over time, extended family may be in a better position to become a placement resource for their kin in APPLA.

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### Lessons Learned....

- Children in APPLA need regular case reviews by DHS, CRB and the Juvenile Court.
- 1. Children who have good, solid, concurrent planning efforts, are less likely to end up in APPLA goals
- 2. Children in APPLA need annual court reviews to consider a higher level of permanency; Return Home, Adoption, or Guardianship. Continued APPLA should be the plan of last resort, and only approved for no more than a year.
- 3. Children in APPLA need ongoing monitoring by DHS to ensure that their needs are met, and diligent work is done to consider a higher level of permanency.

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### Lessons Learned....

- There are some children in APPLA for which there won't be an easy solution.
- 1. The three branch sites found that children whom have severe mental health issues, have had multiple adoptive placement that have not been successful, or children who have not achieved placement stability are more likely to age out of the foster care system in APPLA.
- 2. These children should be the exception and not the rule.

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What are barriers in your county?

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What is working well in your county?

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**New APPLA Policy**

- Effective November 1, 2009
- Talking points....

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## **Another Planned Permanent Living Arrangement as a Permanency Plan**

The Department is filing proposed rules this month amending administrative rules regarding APPLA plans. Proposed rules will become effective November 3, 2009.

- Revised rules will repeal the Child Welfare Policy I-E.3.6.1 Permanent Foster/Kinship Care and incorporate relevant provisions of Permanent Foster Care into Child Welfare Policy I-E.3.6.3 Another Planned Permanent Living Arrangement, which is being restructured.
- As a result of the most recent Child and Family Service Review one of the Department's goals is to reduce both the number of children with a permanency plan of APPLA and reduce the use of APPLA as a permanency plan.
- Salient revisions to achieving an APPLA plan include:
  - Clarification that although APPLA is a type of permanency plan, the Department is required to continue to seek a higher level of permanency.
  - Proposed permanency plan of APPLA will be considered and recommended by the following entities: caseworker and supervisor, the child's team, a Permanency Committee, the Child Welfare Program Manager, and the court.
  - The annual review of the APPLA plan will need to document attempts to achieve a higher level of permanency, that is, return to parent, adoption or guardianship, and compelling reasons why APPLA is the most appropriate, and documentation of search for relatives for either placement or connection and support.
  - Rule revisions clarify that APPLA-PFC is not a higher level of permanency that APPLA – Permanent Connections and support and clarifies that PFC means no further placement changes while the child remains in foster care and a higher level of permanency is always the long term goal.
  - Rule revisions further clarify that permanent placement with a fit and willing relative is either through adoption or guardianship.
  - Any child 14 or older and in an APPLA plan will also need a Comprehensive Transition Plan.
- The public hearing is scheduled for October 22, 2009, 1:00 pm, 500 Summer Street, NE, Salem Oregon, Room 251.



# *Courts Consulting with Children: Insuring Meaningful Participation of Children in Juvenile Court Permanency Hearings*

*Juvenile Court Improvement Program (JCIP)*

## BACKGROUND

In December 2008, the Oregon Judicial Department's Juvenile Court Improvement Program (JCIP) facilitated a full-day meeting to identify considerations and priorities related to the development of best practices for courts as they implement the federal mandate to consult with children in permanency hearings. Thirty people participated in the meeting including: two teens in foster care, 5 judges, Citizen Review Board members and staff, child welfare staff, attorneys, and CASA representatives.

The morning was designed to ensure that all participants understood the law and had the opportunity to voice concerns and ask questions related to implementation. Andrea Khoury, from the ABA Center on Children and the Law, provided information on the federal law and how it is being implemented in states around the country. The Honorable Paula Brownhill, Clatsop County Circuit Court Judge, provided attendees with an overview of how she has consulted with children in her court. Finally, four child-development experts provided attendees with information on how to best serve our children and families in accordance to the federal mandate based on their expertise and background:

- Dr. Meg Eastman
- Lynne Herbert
- Melissa Smith Hounstein
- Lauren Sproul

The afternoon was used to identify priorities and considerations for statewide protocols and to develop key concepts. This document is a compilation of the work of meeting attendees and

materials gained from other states as well as the ABA Center on Children and the Law. JCIP hopes the materials provided in this technical assistance bulletin will assist judges with: implementing this law, maintaining the integrity of the court process, and protecting children from the risks inherent in their involvement in the process.

## CHILD AND FAMILY SERVICES

### IMPROVEMENT ACT

This law requires states to have procedural safeguards in place to ensure that in permanency hearings the court conducting the hearing consults with children, in an age-appropriate manner, regarding the permanency and transition plans proposed for them. The pertinent federal law can be found at 42 U.S.C.A. § 675(5)(c) and is referenced below:

#### § 675. Definitions

(5) The term "case review system" means a procedure for assuring that—

(C) with respect to each such child

(iii) procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child;

## RECOMMENDED PRACTICES

1. The court and DHS/CAF should expect that children six years of age and older will attend their permanency hearings, while respecting their right not to attend. Whenever appropriate, the child's participation should be encouraged.
2. Children six years of age and older should appear at their permanency hearings, unless:
  - the child declines to do so after being fully informed by his/her attorney or CASA; or
  - the Court determines that there is a compelling reason to exclude the child.
    - a. Significant weight should be given to the child's attorney's position in the Court's determination as to whether there is a compelling reason to exclude the subject-child.
    - b. All parties should have the opportunity to be heard before the Court reaches its conclusion regarding exclusion.
      - ii. Where the subject-child is below the age of 10, the child's age may be one factor considered by the court when determining whether there is compelling reason to exclude the child.
      - iii. Whenever possible, full exclusion should be avoided in favor of
        - a. bifurcating the hearing to allow the child to attend a portion dedicated to receiving the child's input;
        - b. allowing the child to be heard *in camera* in the presence of only the judge, the parties' attorneys and a court reporter; or
        - c. allowing the child to submit a letter to the court.
3. In any case in which the subject-child is not present, the Court should inquire why the child is not present in court, including confirming that the child's absence is not due to a failure to provide the child with timely notice or transportation.
4. It is the duty of the DHS/CAF and its contract agencies to provide subject-children with appropriate transportation to their Juvenile Court proceedings.
5. It is the well-established professional responsibility of the child's attorney to prepare children for court appearances, including helping them understand what to expect in court, helping them prepare to speak to the judge, and advising them that painful, sensitive issues may be discussed. It is also recognized that the child's attorney is the most appropriate professional to debrief their clients after each appearance.
6. Child-friendly, jargon-free language should be used at Juvenile Court proceedings attended by subject-children
7. Sufficient time should be allocated for subject-children to be heard.
8. JCIP should seek to establish a protocol with the Department of Education mandating that children not be penalized for missing school to attend their court proceedings. In addition, the Court should provide any child attending a hearing with a letter from the court explaining that the child's presence was required.
9. Recognizing the physical limitations of most Oregon Courthouses, each courthouse should have a Children's Space: a safe and comfortable space for teens to wait for their cases to be called. The Children's Space should have computers and other resources, including materials to help them understand the proceedings in which they are involved. The Children's Space should also function as safe havens where children don't have to worry about unwanted encounters with family members or other individuals.
10. The JCIP should collaborate to ensure participation of children currently or formerly in foster care on the JCIP Advisory Committee, who can assist the JCIP with developing and implementing child-friendly programs and practices.
11. Although these recommendations are specific to Permanency Hearings, (including hearings regarding the transition from foster care to independent living), this limitation is not intended to discourage any judge or referee from applying them in any proceeding where the court deems it appropriate to do so.