

What is Preventing this Child from Returning Home Today?

Honorable Linda Hughes, Circuit Court Judge Pro Tem
Laurie Linn, DHS Supervisor
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AGENDA

- Introduction
- Conditions for Return – Judicial Perspective
- Conditions for Return and Expected Outcomes – Social Services Perspective
- Scenario and Group Discussion
- Summary

Goal

- To work actively and creatively to permit children to return to the home of the parent(s) and be free from abuse and neglect;
- To work actively and creatively to assist the parent(s) to address and successfully resolve the basis for juvenile court jurisdiction;
- To achieve reunification within a reasonable time for the child;
- And, determine when a child can safely return home with an in-home ongoing safety plan.

Conditions for Return

- ❖ Basis of jurisdiction;
- ❖ Services that bear a rational basis to the adjudicated conditions and that are designed to increase protective capacity and eliminate the identified safety threats;
- ❖ A written statement of specific behaviors, conditions or circumstances that must exist within a child's home before a child can safely return and remain in the home with an in-home ongoing safety plan;
- ❖ Conditions for return are a part of the case planning activities and are established after a child is removed from the home. Each condition should be clearly identified and documented in the written case plan. Conditions may also be contained in a court order.

Finding #10

“There is a continuing need for placement”

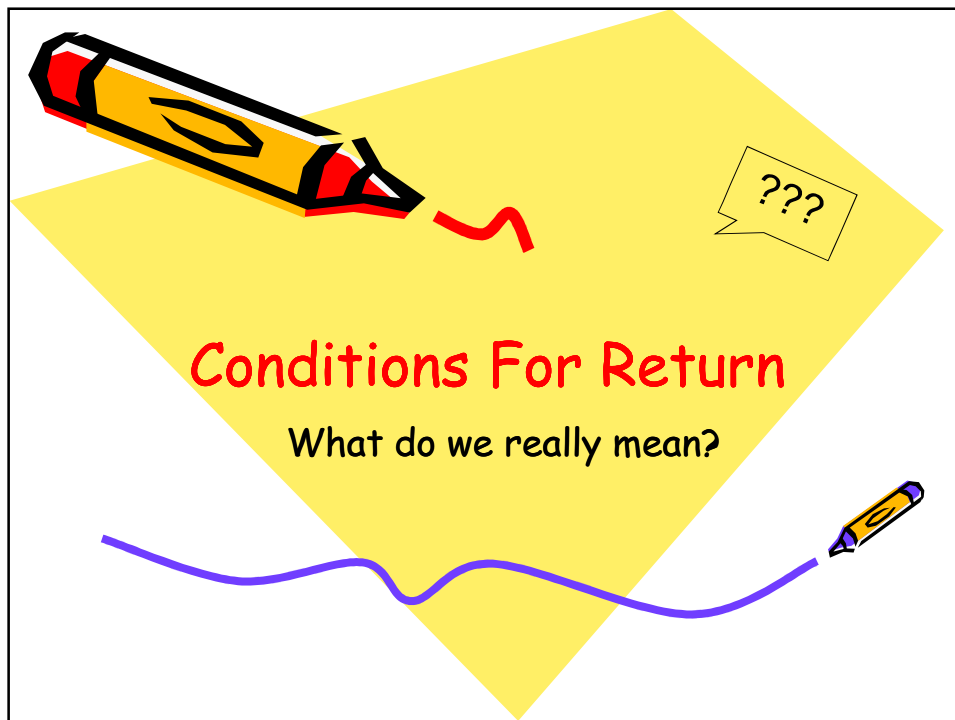
- Can the children return home today? If not, why not?
- Ensure there are well-defined circumstances within the home that ameliorate safety threats to the child.
- Determine whether or not the child can safely return home with an ongoing in-home safety plan (Trial Home Visit, Trial Reunification Placement).
- Also, always confirm what the child needs to safely return home.

Conditions for Return Judicial Perspective

The Honorable Linda Hughes
Circuit Court Judge Pro Tem
Juvenile Court Referee
Portland, Oregon

Conditions for Return Social Services Perspective

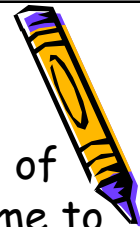
Laurie Linn
DHS Supervisor
Polk County
Dallas, Oregon



Conditions for return are the written statements of the specific behavior, conditions or circumstances that must exist within a child's home before a child can safely return home and remain in the home with an in-home safety plan.



Conditions for return is a description of what needs to be present in the home to manage child safety rather than a statement about what parents must do or what services they must complete.



- They are a description of the specific behaviors and circumstances that must be present to sustain child safety.



Why are children placed in foster care?

Children are placed into foster care because of insufficient caregiver protective capacity and family behaviors or circumstances that preclude the use of an in home plan.



What is a safety threat?

- Safety refers to the absence of threats to a child's safety or sufficient caregiver protective capacities to mitigate the safety threats.



- Control of the safety threats is what is critical rather than the location of the child.
- Safety threats must be controlled in the least intrusive manner.



The only way to develop good conditions for return is to fully understand the parent's protective capacities.

You must understand what parents do well, but you also need to fully understand what they don't do well.



Caseworkers must consider:

- What must be controlled?
- How can it be controlled?
- Why can't it be controlled with an in-home plan?
- Can anyone other than the caregiver control it?
- Can the home or family circumstances be adjusted?



- Workers have to understand why an in home plan is not a viable option.
- Conditions for return give guidance to intervention decisions, ie the safety services
- Safety services must be the least intrusive possible, but still manage the child's safety.



Protective Capacities fall into 3 categories:

- Cognitive
- Behavioral
- Emotional



Do parents need to change in order to have their children returned to their care?

- Parents do not have to change to have their children returned home.
- Parents involvement and progress in services is not used to measure child safety.
- Rather, we need to see a well defined set of interventions designed to manage the safety threats.



Remember:

The Condition for return statement focuses on what would be present in the child's home environment and does not necessarily require that the parent's are the ones to provide for the child's care and supervision.



Difficult Concept!!!

- *We are not interested in determining if child abuse happened as much as determining if the children are safe.*



Sample

The safety threat: The family situation results in no adult in the home routinely performing parenting duties and responsibilities that insure child safety.



- How it manifests in the family: *The mother leaves her child at home alone to party with her friends. Even when mother is home, she does not ensure child is fed, does not bathe her or assist with her daily needs.*



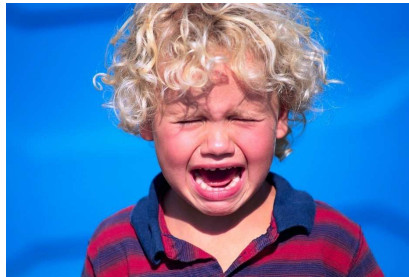
Possible Conditions for Return:

- A responsible adult is in the home providing care and supervising the child at all times when she is not at school.
- A plan for supervision by a suitable babysitter exists whenever mother is away from the home.
- Mother is willing and able to arrange for a babysitter in her home.



Sample 2

The safety threat: One or both parent's or legal guardians' behavior is violent and/or they are acting or behaving dangerously



- How it manifests in the family:

The mother lashes out at her son frequently, hitting him uncontrollably with her fists and with objects. Mother has made threats to kill her child and herself on more than one occasion.



Possible Conditions for return:



- Mother's behaviors will be safe enough and predictable enough to allow safety service providers in the home to protect her son.
- A person approved by DHS will be present whenever the child is with his mother to protect him from her violent behavior.
- A plan will be in place for the child to be away from the home and his mother at all times when a protective person is not in the home.



When determining whether Conditions for Return have been met, 3 areas must be considered and addressed:


- Parents willingness and ability to participate in an ongoing safety plan and to continue to work with DHS toward achieving the expected outcomes.



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- The living environment must be safe, stable and sustainable enough to allow management of an in-home safety plan.
 - The frequency and type of safety service provider intervention necessary to ensure child safety.
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Conditions for Return



- The fundamental purpose of the Conditions for Return is a benchmark for reunification.
 - Well articulated conditions for return assure parents awareness of what circumstances must exist for their child to be returned to them.
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- They also provide a benchmark for the court, attorneys, *CASA's*, *CRB* and caseworker regarding a return home.





Difficult Concepts

- Safety threats do not have to be eradicated in order for children to be reunified with their family.
- Caregivers do not necessarily have to change in order for children to be reunified.



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- Parents' involvement and progress with services and treatment is not used for measuring reunification. Rather, *intervention to manage safety threats must be in place.*

The Bottom Line

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- If we know the conditions that required the child's placement into foster care,
then,
 - We know the conditions that must be present in order for the child to return home.

In Review - Conditions for return:

- identify specific behaviors and circumstances that must exist in the child's home in order for a child to return home.
- are directly related to the safety threats that resulted in foster care placement.





In order to identify Conditions for Return we have to :

- Analyze how the safety threats are manifested.
- Determine caregiver capacity, attitude and awareness.
- Develop a detailed understanding regarding why an in-home plan will not work.



- Understand what must be controlled
- how it can be controlled
- why it can't be controlled in the home
- if anyone other than the caregiver can control it





What is the difference between

Expected Outcomes

and

Conditions for Return?



The expected outcomes are the case goals that describe the specific protective capacities needed to manage the safety threats so a case can be closed.

The conditions for return are the conditions that must exist within the child's home before a child can safely return or remain in the home with an in-home safety plan.



Expected Outcomes

- Case goals describing the protective capacities needed to manage the safety threats
- Reversal of the protective capacity deficits.
- Desired end result based upon a change in parents' behavior which will signal child welfare intervention is no longer needed.



So

How should caseworkers be developing the expected outcomes?

We simply reverse the parent's diminished protective capacities.


- A lousy protective capacity assessment results in lousy expected outcomes.....





In Summary:

The fundamental purpose of the Conditions for Return is a benchmark for reunification.






Well articulated Conditions for Return assure parents' awareness of what circumstances must exist for their child to be returned to them.



Once the protective capacities are sufficient to eliminate or manage the safety threats, the expected outcomes have been met and the case can be closed.



- Questions?

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Scenario

Please break into small groups of approximately four to eight and for the next 20 minutes:

- ❖ Read the Scenario
- ❖ Discuss the Case
- ❖ Answer Finding #10
- ❖ Make Recommendations

Finding #10

Large Group Discussion

- Small Groups: report answer to Finding #10 and any Recommendations.
- General Discussion
- Questions and Answers

What Have We Learned

- Summary
- Has this workshop changed the way you will prepare for reviews? If yes, how?
- Has this workshop changed how you will evaluate Finding #10 during the review? If yes, how?
- Can you disseminate the information from this workshop to your Board? If yes, how? If no, how can we help you?

THANK YOU

- Additional information: Contact Laurie Judd or Walt Gullett at CRB
- Many Thanks to the Honorable Linda Hughes, Circuit Court Judge Pro Tem, and to Laurie Linn, DHS Supervisor
- And most of all Thank You Very Much for being such an Awesome Volunteer

Enjoy the rest of the Conference

Recent Court of Appeals Decisions

- ✓ In Dept. of Human Services v. C.M.M., 250 Or App 67, 279 P3d (2012) the Court of Appeals affirmed termination of a mother's parental rights because she "showed no inclination to separate from the father or to keep the child safe from father, and her mental health condition made it unlikely that she would do so."
- ✓ In Dept. of Human Services v. T.C.A., 240 Or App 769, 248 P3d 24 (2011) the Court of Appeals reversed a judgment terminating a mother's parental rights because the state failed to prove by clear and convincing evidence that it was improbable that the children could be integrated into mother's home within a reasonable time.
- ✓ In Dept. of Human Services v. N.P., the Court of Appeals heard this case in February 2013 and reversed a dependency jurisdiction stating the evidence was insufficient to establish that father's condition, i.e. "anger and frustration" when "viewed in the light of the risk that is represented by his use of controlled substances" exposed the child to a current threat of "serious loss or injury."