



# The Header

Docket: \_\_\_\_\_ Case Name: \_\_\_\_\_ Assigned Judge: \_\_\_\_\_ Dismissal Date: \_\_\_\_\_  
Other Court Actions: DL re: \_\_\_\_\_ CRA re: \_\_\_\_\_  
P&F Court re: \_\_\_\_\_  
Criminal re: \_\_\_\_\_

- The header includes typical case information with some important additions.
- We would like for you to note other court involvement the family may have – delinquency or CRA cases involving any the children or parents, any probate and family court pending or resolved matters that might allow for modification of an order, and any criminal matters pending, including 209A orders.

# What This Might Look Like in Court

- Judge to DCF or Children's Counsel: Tell me about the children.
- Judge to DCF Counsel and Social Worker: What are the barriers to reunification or the specific safety issues preventing reunification?
- Judge to DCF Counsel and Social Worker: What is DCF doing to eliminate those barriers?
- Judge to Parents' Counsel and Parents: What are the parents doing to eliminate those barriers?
- Judge: Based on what I've heard, I believe we will need \_\_\_\_\_ months to know if we're heading in the right direction for reunification. For now, the pathway will be \_\_\_\_\_ and our next date will be \_\_\_\_\_, unless someone files a motion to advance the case before then.
- Judge reviews barriers and actions, as well as path and next date.

# The Children's Needs Come First

- Think Maslow's Hierarchy (food, shelter, clothing, health and safety, love and support, education and learning) and beyond
- Consider age and developmental stage
- Are their needs typical or unique
- Any medical or educational needs
- The trauma they experienced before and as a result of removal
- Sibling contact and connection
- Stability of placement
- Relentlessly explore family placement options

# Barriers to Reunification

## (Specific Safety Concerns)

- Describe the specific safety issues that prevent the child or children from returning to a parent right now
- These need to be clear and concrete enough that we will know when they no longer exist
- Each concern needs to be tied to a specific risk to the child and to a specific action a parent can take. Ex: “I’m concerned that your kids are going to get hurt when you’re not watching them because you’re unconscious from using heroin. If you got into a treatment program, you could work on that.”
- Failure to complete an action plan task is not a barrier, unless you can show that task was necessary to keep the child safe.

# Actions Needed to Return Child or Children to Parent or Parents

- What does DCF need to do in order to make this happen?
  - Referrals for supportive services
  - Set up transition visits
  - Bring parent in to participate in special services, doctor appointments, etc.
  - Others....
- What do the Parent or Parents need to do to make this happen?
  - Complete services and demonstrate skills learned
  - Engage in on-going services showing continued improvement
  - Secure housing
  - Establish boundaries with other adults
  - Others....

# Essential Questions To Ask At Each Hearing to Promote Permanency

- 1. What measures have been taken to prevent the placement of the child/children in foster care or to decrease the child/children's time in foster care?
- 2. What are the specific safety issues preventing the child/children from being returned home today?
- 3. What is the collaboratively developed plan to return the child/children safely home?
- 4. What efforts has the Department undertaken to place the child/children with a fit and willing relative?
- 5. How are the Department, parents and others supporting stability (placement, school and otherwise) for the child/children?
- 6. What other efforts must be made to support the child/children and promote timely permanency in the event that the safety issues cannot be ameliorated?

# The Filing Event

FILING DATE	CHILDREN (#, AGES, NEEDS)	BARRIERS TO REUNIFICATION (Specific Safety Concerns)	ACTIONS or EFFORTS TO PREVENT REMOVAL	JUDGE
			<ul style="list-style-type: none"><li>• DCF or _____ seeks removal of children</li><li>• DCF efforts to place with non-custodial parent or kin _____</li><li>• DCF plans placement with _____</li><li>• Parents' response</li></ul>	

This is the first opportunity to assess if removal is necessary, and to consider what measures have been taken to prevent the placement, or decrease the child or children's time in placement.

It may be appropriate to open the C&P, keep custody with the parents, and continue the matter for a hearing once all parties have counsel.



# The Assessment Times

- After TCH, whether evidentiary, waived or an agreement
- After Court Investigator's Report Received
- After Status Hearing at 90 Days
- After subsequent Status Hearings as selected by Path
- At Permanency Planning Hearing
- As Requested by Motion
- Through Interdepartmental Assignment
- At Hearing on the Merits

# Pathway For Now – Early Exit

- **Early Exit** (0-3 months): cases where children are placed with, or in the custody of a parent by the 90 day status hearing. Arguably, if a child is in the care of a parent, they do not fit the statutory definition of being a child in need of care and protection and the matter should be dismissed expeditiously. These cases should involve very little court intervention in the family.

# Pathway for Now – Short Term Intervention

- **Short-Term Intervention** (3-6 months): cases where children remain in DCF foster care after the 90 day status hearing, but the barriers to reunification are clearly identified and the parents are engaged in eliminating them such that it is reasonable to believe they will be reunified within the next 90 days. Alternatively, this path may also be appropriate in cases where parents have essentially abandon the proceeding and are not engaged at all. If there is not significant progress toward reunification at the 6 month point, scheduling a trial may be the most appropriate path. These cases will have minimal court involvement, other than the status hearing and disposition (through dismissal, prima facie trial or agreed upon disposition like guardianship or open adoption).

# Pathway for Now – Moderate Intervention

- **Moderate Intervention** (6-12 months): cases where children remain in DCF foster care or court-ordered custody of kin after the status hearing, and are not able to be returned to the parents care and custody within the first year. There should be a dual focus on identifying needs and services as well as confirming trial readiness and scheduling trial. An adjudicatory hearing could help to clarify live issues and barriers to reunification, as well as set the stage for a review and redetermination if needed. If children are with kin, permanent custody, guardianship or adoption by agreement should be considered carefully. These cases may have moderate court involvement through pre-trial motions and an adjudicatory hearing or trial.

# Pathway for Now – Complex Intervention

- **Complex Intervention** (12-18 months): cases with complex clinical and/or legal issues which demand additional time, attention and litigation. These cases should still be monitored by the court to make sure that progress is being made in clarifying the complex clinical and/or legal issues in order to narrow the focus of litigation as quickly as possible. These cases may have moderate to significant court involvement in order to accomplish those goals. Once the complexity is clarified, it may actually move to a different path.