

Out of Home Placement Plans

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Timing

- Must be prepared within 30 days of the child's placement in foster care either by court order or a voluntary placement agreement, including a placement under Minn. Stat. 260D;
 - Must be filed with the court within 30 days of the filing of the juvenile protection petition when the court orders emergency removal of the child or filed with the petition if the petition is a review of a voluntary placement;
 - With the day 165 report under Minn. Stat. 260D.06, subd. 2

What and Who

Out of home placement agreement is:

- Written document
- Prepared by the responsible social services agency jointly with the parent or parents
 - Reasonable efforts to engage both parents in the preparation of the plan are required;
 - Includes a statement about the results of the agency's reasonable efforts to engage both parents;
- Requires consultation with the child's GAL, tribe, foster parent, and, where appropriate, the child
- In 260D cases, also requires consultation with child's mental health treatment provider

Right to Counsel and Who Gets Copies

- The parents and child have the right to legal counsel in the preparation of the case plan and shall be informed of that right at the time of the child's placement
- Foster parents shall be given a copy of the plan and advised of the contents after the plan has been agreed upon by the parties, or approved or ordered by the court.
- Upon discharge from foster care, the parent, adoptive parent or permanent legal custodian, and the child, if appropriate, must be provided a current copy of the child's health and education record.

Agency's Responsibility if Agency Cannot Engage Parent

- If a parent refuses to participate in the preparation of the plan or disagrees with services recommended by the agency, the agency shall notify the court of the services it will provide or the efforts it will attempt, notwithstanding the parent's refusal or disagreement.

Process in Court

- Must be submitted to the Court for approval;
- Must be ordered by the court either as presented or as modified after a hearing before the court;
- Must be signed by the parent, the guardian *ad litem*, the child's tribe, social services agency, and the child when appropriate;
- Can be approved, but not ordered (unless parent agrees) until adjudication
 - Court can find reasonable efforts based on agency's efforts under an approved case plan

Content: Description of Foster Home or Facility

How it is:

- A safe placement for the child
- Least restrictive alternative, most family-like, setting available
- In close proximity to the home of the parent when the case plan goal is reunification, and
- Consistent with the best interests and special needs of the child

Content: Why the Child is in Placement and Needed Changes

- Specific reasons for the placement of the child in foster care;
- When reunification is the plan, a description of the problems or conditions in the home of the parents which necessitated removal of the child from the home; and
- Changes the parents must make in order for the child to safely return home

Content: Services

- Description of the services offered and provided to prevent removal of the child from the home and to reunify the family including:
 - the specific actions to be taken by the parent or parents of the child to eliminate or correct the problems or conditions identified the plan and the time period during which the actions are to be taken; and
 - Reasonable efforts, or active efforts for an Indian child, to be made to achieve a safe and stable home for the child including social and other supportive services to be provided or offered to:
 - the parent(s)
 - the child
 - foster home

Content: Visitation

- Visitation plan for:
 - the parent(s)
 - other relatives
 - siblings of the child if not placed together

Permanency at Guardianship Phase

- Documentation of steps to finalize adoption or legal guardianship if the court has issued an order for termination of parental rights, including child specific recruitment efforts

Child Well-being: Education

Efforts to ensure the child's educational stability while in foster care, including:

- Efforts to ensure the child remains in the same school;
- If it is not in the child's best interests to remain in the same school, efforts to ensure immediate and appropriate enrollment for the child in the new school;
- How the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of the placement

Child Well-being: Health

Efforts by the agency to ensure the oversight and continuity of health care services for the child, including:

- The plan to schedule the child's initial health screens;
- How the child's known medical problems and identified needs from the screens, including any known communicable diseases, will be monitored and treated while the child is in foster care;
- How the child's medical information will be updated and shared, including the child's immunizations

Child Well-being: Health

Identifying:

- Who is responsible to coordinate and respond to the child's health care needs, including the role of the parent, the agency, and the foster parent;
- Who is responsible for oversight of the child's prescription medications;
- How physicians or other appropriate medical and nonmedical professionals will be consulted and involved in assessing the health and wellbeing of the child and determine the appropriate medical treatment for the child; and

Ensuring the child has access to medical care through insurance or medical assistance

Child Well-being: Independent Living Planning

An independent living plan for a child age 16 or older. The plan should include, but not be limited to, the following objectives:

- Educational, vocational, or employment planning;
- Health care planning and medical coverage;
- Transportation including, where appropriate, assisting the child in obtaining a driver's license;
- Money management, including the responsibility of the agency to ensure that the youth annually receives, at no cost to the youth, a consumer report and assistance in interpreting and resolving any inaccuracies in the report;
- Planning for housing;
- Social and recreational skills; and
- Establishing and maintaining connections with family and community

Minn. Stat. 260D

Must include diagnostic and assessment information, specific services relating to meeting the child's mental health care needs and treatment outcomes

Statutes and Rules

- Generally *see*
- Minn. Stat. 260C.178, subd. 7;
- Minn. Stat. 260C.212; and
- Minnesota Rules of Juvenile Protection Procedure 37

OHPP - Road Map for Effective Case Planning

Facilitates Child-Centered Planning to Travel
from
Neglect, Abuse, and Risk
to
Safety, Permanency, and Well-being

Agency Roles

Assessor

Facilitator of Plan Development

Translator

Monitor

Evaluator

Agency Role

Assessor

- What's wrong?
- How did we get here?
- What is the family dynamic that is at work?
- How does it impact the child's safety?
- How does it impact the parent's ability to parent?
- What will it take to fix it (for this family, individualized and unique plan)?
- How can the family and child's strengths be used to: ensure safety, mitigate risk, individualize services?

Agency Role

Facilitator of Plan Development

- What does the parent(s) need to accomplish or demonstrate for the child to return home?
- What are the services that the parent(s) and child need?
- How long will it take to get there?
- What guideposts are we looking for along the way?
- How will we know when we have arrived?

Agency Role

Facilitator of Plan Development

Services for the child

- Current functioning and behaviors
- How will the caregiver meet the needs?
- What does the caregiver need to learn?
- What can the social worker do?

Agency Role

Facilitator of Plan Development

Services for the child

What are the child's needs?

- Medical
- Developmental
- Education
- Interests and Talents
- Community Connections
- Religion and Culture
- Preserving Relationships

Agency Role Translator

- What does the plan mean?
- Is the plan reasonable?
- What are the next steps?
- What will the social worker do?

Agency Role Monitor

- Is the plan working?
- Are these the right services?
- What is getting in the way?
- What do collateral experts/providers say?

Agency Role Monitor

- What plan changes need to be made?
- How are the parent(s) doing?
- How is the child doing?
- What will the social worker do?
- What more do we need to do?

Agency Role Monitor

- What guideposts are we looking for?
- Are we there yet?
- How much further do we have to go?

Agency Role

Evaluator

- Length of time child has been in placement
- Reasonable efforts to prevent placement/reunify
Now, and now, and now?
- Best interests
Now, and now, and now?
- Permanency Plan – Primary and Secondary

What does it take?

It Takes a Team

Everyone has a role:

Family - including both parents, the child, relatives

Social Worker/Supervisor

Guardian ad litem

Attorneys

Tribe

Court

What Does It Take?

Contact, Contact, Contact!

Investment in success

Individualized and measurable goals

Creativity in addressing barriers

Collaboration

Regular Review

What does it take? Keeping in Mind:

Concurrent view vs. Consecutive view

Utilizing parents' strengths

Utilizing child's strengths

Principles of Trauma Informed Care

What does it take?

Ongoing Court Review

- Agency's reasonable/active efforts to reunify the child with the parent
- Agency's reasonable/active efforts to place siblings together, ensure visitation for siblings not placed together
- Agency's reasonable efforts to engage parents in case planning

Ongoing Court Review

- Parents' efforts to use services
- Parents' efforts to correct the conditions which led to the child's placement
- Parents' participation in visitation with the child
- Parents' progress on case plan

Ongoing Court Review

- Agency's reasonable/active efforts to finalize a primary plan
- Agency's reasonable/active efforts to finalize a secondary plan

What does it take?

Agency Values

- Families can and do change
- Role in families success or lack of success
- Families are complex with complex issues
- Role model respect
- Role model effective systems navigation and the use of informal supports
- Regular supervision/progress review

What does it take?

Value of the Court Process

- Formal Process – rules of procedure
- Ultimate authority – “the buck stops here”
- Reflective Decision Making
- Unbiased review and oversight
- Regular feedback to parties/participants
- Therapeutic Jurisprudence