



Family Group Decision Making

Key Questions



For the Children and Youth Agency

1. Has there been a Family Group Decision Making conference?
2. If yes, ...
 - When?
 - Who was there?
 - What was the purpose?
 - Did the family develop a plan that the agency accepted? Please provide a copy of the plan.
 - Is there a scheduled follow-up conference?
3. If no,...
 - Was Family Group Decision Making explained and offered to the family?
 - Why did the family decline the offer?

For the Parent or Guardian

1. Has anyone explained or offered to you a process called Family Group Decision Making?
2. Do you have family or friends who you believe would come together to help you develop a plan to keep your child safe?
3. If you have been offered a Family Group Decision Making conference and declined such, help me understand why you prefer that the professionals make the decisions for you and your family.
4. If you have NOT been offered a Family Group Decision Making Conference, would you like the agency to provide you information on how you and your family can have one?
5. Do you understand what happens at a Family Group Decision Making conference?

For the Youth

1. Has the agency or your lawyer explained or offered to you a Family Group Decision Making conference?
2. Do you have family or friends who you believe would come together to help you?
3. Do you understand what happens at a Family Group Decision Making conference?
4. Would you like to have family and friends come together to develop a plan for how they can support you?
5. Have you had a Family Group Decision Making Conference to assist with transition planning?

FAMILY FINDING & FAMILY GROUP DECISION MAKING

Locating and rebuilding meaningful, lifelong connections so families can take charge of their own lives.





Family Finding

Key Questions for Legal AND Relational Permanence



For the Children and Youth Agency

1. **What** specific things have you done to identify family and kin?
2. Who is connected to this child?
3. **How** have you included the identified family and kin into case planning and service delivery?
4. **Permanency Hearings:** Family finding is ongoing. What have you done to **continue** identifying and including family and kin?
5. **How** have you exhausted family and kin as a placement resource option?
6. What resources are being provided to extended family to support connections or placement?

FAMILY FINDING IS NOT
AN ACCURINT SEARCH
OR A PLACEMENT

Legal Requirements of Family Finding

1. **Identify and build family and kin relationships**
2. **Include the identified family and kin in the planning and service delivery**
3. **Create a network of ongoing support**

FAMILY FINDING IS ENSURING
MEANINGFUL, HEALTHY
CONNECTIONS FOR
CHILDREN & PARENTS

For the Youth and Parents

1. Has your Caseworker or lawyer talked to you about the people in your life whom you love?
2. With whom in your life do you enjoy talking or spending time?
3. Tell me what your week looks like. What activities do you do throughout the week/month? (**You can ask the child or parent to keep a monthly list/calendar of activities**)
4. If you had to go out of town for the weekend, with whom would your child stay? **When directed to a youth:** If your parent had to go out of town for the weekend, with whom would you want to stay?



SHELTER CARE HEARING BENCHCARD

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| Relevant Statutes | 42 Pa.C.S. §§ 6325, 6332, 6334 Pa.R.J.C.P. 1240, 1242 (B) (3), 1243 |
| Purpose of Hearing | An informal hearing to determine (a) whether shelter care is necessary; (b) whether allowing the child to remain in the home would be contrary to the welfare of the child; (c) whether reasonable efforts were made to prevent such placement; or (d) if, in case of emergency where services were not offered, whether lack of efforts were reasonable. Shelter care hearing is <u>not</u> a substitute for the adjudicatory hearing. |
| Time Frame | Hearing within 72 hours of removal (42 Pa.C.S. § 6332). If the child is not released and a parent or guardian or other custodian has not been notified of the hearing, did not appear or waive appearance at the hearing, and files his affidavit showing these facts, the court shall rehear the matter without unnecessary delay and order release of the child, unless it appears from the hearing that shelter care is required under 42 Pa.C.S. § 6325. Upon application or the filing of a dependency petition, a shelter care hearing will also be conducted in those cases where removal of a child has not yet occurred, but is planned or a voluntary agreement is revoked by the parent and the agency intends to keep the child in care. |
| Rules of Evidence | All evidence helpful in determining the questions presented, including oral or written reports, may be relied upon to the extent of its probative value. Thus hearsay may be admissible. |
| Next Hearing | <u>Child in Custody:</u> Adjudicatory hearing within 10 days of the filing of the petition. <u>Child Not in Custody:</u> Adjudicatory hearing as soon as practical but within 45 days of the filing of the petition. |



SHELTER CARE HEARING SUMMARY OF KEY QUESTIONS/DETERMINATIONS

- Are there sufficient facts to support the shelter care application?
- Is custody with the agency warranted? Where will the child be placed (kinship care, foster care or other)?
- If a shelter care application was submitted by a person other than the agency, is that person a party to the proceedings?
- Would remaining in the home be contrary to the welfare and best interests of the child?
- Is the placement proposed by the agency the least disruptive and most family-like placement to meet the needs of the child?
- If the father is absent, is the father known? What is his relationship with the child? Can the father safely care for the child?
- Has family finding been done to identify all possible family and caregivers, on both the maternal and paternal side?
- Has the agency reasonably engaged in family finding?
- Has the family been offered a Family Group Decision Making Conference?
- Were reasonable efforts made by the agency to prevent the child's placement?
- Were the services offered by the agency relevant to the family's problems? Were they adequate, accessible and well-coordinated? Were there other cost-effective services that should have been offered?
- If services were not offered in the case of an emergency placement, whether the lack of efforts was reasonable?
- Are any additional orders needed concerning the conduct of the parents, such as restraining orders or orders expelling an allegedly abusive parent from the home?
- Are any additional orders needed concerning the agency's efforts to provide services?
- Are additional orders needed to address the immediate needs of the child, such as immediate medical treatment, evaluation or other examinations?
- What steps have been taken to ensure the educational needs of the child are being met? Does the child have an Individual Education Plan (IEP)?
- Has visitation been provided within 72 hours of the child's removal from their home? What are the terms and conditions for parental visitation or sibling visitation
- What consideration has been given to financial support of the child?
- Has the court made a determination as to whether the child is an Indian Child as defined by the Indian Child Welfare Act (25 U.S.C. § 1901 *et seq.*) and the Bureau of Indian Affairs regulations (25 C.F.R. § 23.2)?

These questions are adapted from the text of this chapter, the *Mission and Guiding Principles for Pennsylvania's Dependency System* and the Preliminary Protective Hearing Checklist provided in the *Enhanced Resource Guidelines* (NCJFCJ, 2016, pp.161-175)



LOCATING FATHERS & ESTABLISHING PATERNITY BENCH CARD

Identifying and locating fathers early in dependency matters helps children establish or maintain important connections. Doing so also expedites permanency.

Judges and hearing officers should ask whether the county agency caseworker has:

1. Utilized family finding to locate father and paternal relatives. What specifically was done?
2. Complied with the requirement of the Fostering Connections Act? If so, how?
3. Asked the mother, child or relatives about the father's whereabouts?
4. Utilized the federal, state or other parent locator systems?
5. Sent letters to the last known address of the father?
6. Visited the last known address of the father, talked to neighbors and family members in the community where father previously resided?
7. Checked local jails, prisons, correctional facilities, probation and parole agencies, and immigration authorities?
8. Checked public benefits information (e.g., social security or public assistance)?
9. Checked with the child support enforcement agency?
10. Checked driving and vehicle registration records?
11. Used technology and social media to locate the father?

Judges and hearing officers should also:

1. Ask the mother and other relatives about the father's identity and location at the first and all subsequent hearings, until the issue is resolved.
2. Obtain information under oath or via an affidavit establishing parentage.
3. Ask the child about the father's identity, location and names of paternal kin (if appropriate).
4. Require the agency to promptly obtain information through any action noted above.
5. Order the agency to follow up on information gained from court hearings.
6. At every hearing, require information about progress in identifying and locating the father.
7. Impose deadlines for searches or for filing affidavits detailing search efforts.
8. Ensure court orders and records reflect effort to identify and locate fathers.
9. Consider a finding of "No Reasonable Efforts" if the agency has not made attempts to locate father.



LOCATING FATHERS & ESTABLISHING PATERNITY BENCH CARD

***Establishing paternity after a putative father is located is critical.
The father can then assert and protect his constitutional rights to
the care and custody of his child.***

Judges and hearing officers should:

1. Arrange for the paternity case to be expedited so the father can be engaged and supported in the dependency case, if the cases are being handled separately.
2. Question the putative father directly about his:
 - a. Relationship to the mother.
 - b. Desire to be a father.
 - c. Efforts to have or maintain a relationship with his child, such as:
 - How often he sees the child;
 - How often he speaks with the child;
 - Whether he provides formal or informal financial or other support to the child;
 - Whether his name is on the birth certificate;
 - If he has filed a claim or acknowledgement of paternity;
 - If he was living with or married to the mother when she was pregnant or when the child was born; and
 - Whether he has been prevented from contact with the child.
3. Require paternity testing, when appropriate.
4. Request at every hearing information about progress being made to establish paternity.
5. Be clear in the court order once paternity and “legal” fatherhood are established.
6. Inform the father of his right to counsel and availability of court-appointed counsel.
7. Expect the same level of service delivery provided to father as is provided to mother.

These questions are adapted from the text of this chapter, the *Mission and Guiding Principles for Pennsylvania's Dependency System* and the State Roundtable Workgroup on Fatherhood.



ADJUDICATION HEARING BENCHCARD

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| Relevant Statutes | 42 Pa.C.S. §§ 6302-6341 Pa.R.J.C.P. 1240 - 1243, 1340 - 1342, 1406 (discovery) |
| Purpose of Hearing | To determine by <u>clear and convincing evidence</u> whether a child is dependent pursuant to the definition of dependent child in 42 Pa.C.S. § 6302. |
| Time Frame | Hearing within <u>10 days</u> of petition if the child is in custody. The time frame may be extended for another 10 days if the court finds that despite due diligence, evidentiary material is not available and there is clear and convincing evidence that the life of the child is in danger if the child were released (42 Pa.C.S. § 6335(a)(1) & (2)). If the child is not in custody, the hearing should be within <u>45 days</u> (Pa.R.J.C.P. 1404). |
| Rules of Evidence | The Rules of Evidence apply to the adjudication hearing. Further, the statute also provides that a party has the right to present evidence and to cross-examine witnesses (42 Pa.C.S. § 6338). |
| Standard of Proof | Clear and Convincing Evidence: 42 Pa.C.S. § 6341(c) Stipulations and agreements cannot substitute for the presentation of evidence from the parties and/or disinterested parties. The court must make an effort to assure the presentation of evidence. |
| Next Hearing | <u>Child in Custody:</u> Disposition hearing must be held within 20 days of the findings of clear and convincing evidence of adjudication (Pa.R.J.C.P. 1408 & 1510). The majority of jurisdictions in Pennsylvania hold the adjudicatory and disposition hearings consecutively for the purposes of timeliness and convenience. |



ADJUDICATION HEARING

SUMMARY OF KEY QUESTIONS/DETERMINATIONS

- Which allegations of the petition have been proven by clear and convincing evidence or admitted, if any?
- Do the facts prove that the child was without proper parental care and control?
- Do the facts prove that immediate, proper parental care and control is unavailable to the child without state intervention?
- Are there aggravated circumstances?
- Is there a legal basis for continued court and agency intervention?
- Have reasonable efforts been made to prevent the need for placement or safely reunite the family?
- Has the father been identified? If not, what specific actions have been completed to locate him? Is the father an able and willing caretaker? If yes, is adjudication warranted?
- Has family finding been done to identify all possible family and kin?
- Has a determination been made as required by the Indian Child Welfare Act?
- Has the family been offered a Family Group Decision Making conference?
- Is the basis for dependency truancy alone? If so, have the underlying causes been investigated? Are there problems at home preventing the child from attending school? Is there a lack of proper parental care and control? Has the school done an attendance improvement plan? Are the parents and/or the child receiving interventions/services? Does the child have a learning issue that has not been identified? Is the child being bullied in school? Are there transportation and/or safety issues that can be resolved? (See <http://www.ocfcpacourts.us/>)

If the disposition hearing will not immediately follow the adjudication hearing:

- Where will the child live until the disposition hearing?
- Is there a need for further testing or evaluation of the child and/or parents in preparation for disposition?
- Is the agency taking steps to evaluate relatives as possible support for the child or parent?
- Is the agency continuing to try to notify noncustodial parents?
- If the child will be in foster care, what are the plans for parental visitation and sibling visitation?
- If siblings are not placed together, what reasonable efforts has the agency made to prevent or remedy this?
- If the child will be in foster care, will the parent or guardian be able to continue making educational decisions for the child or should an educational decision maker be appointed? Are there any other educational needs to address?

These questions are adapted from the text of this chapter, the *Mission and Guiding Principles for Pennsylvania's Dependency System* and the Adjudication Hearing Checklist provided in the *Resource Guidelines* (NCJFCJ, 1995, p. 52).



VISITATION BENCHCARD

Oversight vs. Support Matrix

| | Supervised | Unsupervised |
|-----------------|---|--|
| With Support | <p>Child's safety and well-being are at risk and require supervision. Parent needs support to understand and meet child's needs, or develop/maintain attachment and connection to the child.</p> <p><i>Example: Children recently removed due to neglect or abuse. Goal may be reunification or adoption; support is appropriate for either.</i></p> | <p>Child's safety and well-being are assured and visits may occur without any need for supervision. Parent needs support to refine their ability to understand and meet child's needs, or develop/maintain attachment and connection to the child.</p> <p><i>Example: Parent and child transitioning to child's return home; reunification goal.</i></p> |
| Without Support | <p>Child's safety and well-being are at risk and require supervision. Parent does not demonstrate capability to have insight into child's needs and/or parent's own need to change their behavior.</p> <p><i>Example: Visitation solely for the purpose of providing the child with contact with the parent; closely supervised. Reunification is not likely or is not a goal, or parent is pursuing prerequisite treatment goals before parenting can become a priority.</i></p> | <p>Child's safety and well-being are assured, parent is attuned to and responsive to child's needs, parent-child bond is strong. Placement not due to lack of parenting ability or protective capacity.</p> <p><i>Example: Homelessness due to job loss; reunification goal.</i></p> |

VISITATION BENCHCARD

APPENDIX I

Frequency and Duration Guide for Visitation



| Infants and Toddlers | Preschool | Children | Children | Children |
|--|---|--|---|---|
| 0-3 | 3-5 | 6-9 | 10-12 | 13-17 |
| The first visit occurs within 72 hours of the removal of a child from the parents/guardians Infants and toddlers have a minimum visitation of 3 times per week. More frequent visitation is considered for infants and toddlers, due to their developmental need to secure attachment and bonding with caretakers in the early months and years of life. (Smariga, 2007, Dependency Resource Companion). Visitation frequency addresses, through the development of a visitation plan, beginning at the shelter hearing and included in the shelter order | The first visit occurs within 72 hours of the removal of a child from the parents/guardians Children have a minimum of weekly visitation. More frequent visitation is considered when possible Visitation frequency addresses, through the development of a visitation plan, beginning at the shelter hearing and included in the shelter order | The first visit occurs within 72 hours of the removal of a child from the parents/guardians Children have a minimum of weekly visitation. More frequent visitation is considered when possible Visitation frequency addresses, through the development of a visitation plan, beginning at the shelter hearing and included in the shelter order | The first visit occurs within 72 hours of the removal of a child from the parents/guardians Children have a minimum of weekly visitation. More frequent visitation is considered when possible Visitation frequency addresses, through the development of a visitation plan, beginning at the shelter hearing and included in the shelter order | The first visit occurs within 72 hours of the removal of a child from the parents/guardians Children have a minimum of weekly visitation. More frequent visitation is considered when possible Visitation frequency addresses, through the development of a visitation plan, beginning at the shelter hearing and included in the shelter order |
| The frequency of the visitation is progressive and reviewed at every hearing When possibly to safely do so, parents are encouraged to attend collateral contact activities, in addition to their traditional visits (i.e. medical appointments) | Consideration is given to preschool schedules When possible to safely do so, parents are encouraged to attend collateral contact activities, in addition to their traditional visit (i.e. preschool meetings, programs) | At this age, consideration is given to children becoming involved in school activities and sports. As such, it may be necessary to consider an increase in duration when an increase in frequency will disrupt those activities enjoyed by the child. When possible to safely do so, parents are encouraged to attend collateral contact activities, in addition to their traditional visit (i.e., sports, educational | Duration, over frequency, is more strongly considered at this stage as children become more independent and collateral activities become more socially important. When possible to safely do so, parents are encouraged to attend collateral contact activities, in addition to their traditional visit (i.e., school programs, sports) | Duration, over frequency, is more strongly considered at this stage as children become more independent, collateral activities become more socially important and the older teenagers may obtain employment. When possible to safely do so, parents are encouraged to attend collateral contact activities, in addition to their traditional visit (i.e., school activities, community activities, job searches) |

* All bolded information highlights individualized needs for that age group

Transitioning Youth ages 18 – 21 Years:

- Visitation during this stage should be at the discretion of the transitioning youth.
- Consideration should be given to the cognitive and developmental needs of the youth that would require additional planning and oversight.



DISPOSITION HEARING BENCHCARD

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| Relevant Statutes | 42 Pa.C.S. § 6351 (a) and (b) Pa.R.J.C.P. 1340-1342; 1408, 1510 & 1512 (A) (1). |
| Purpose of Hearing | Hearing at which the judge considers all the evidence, such as reports and recommendations, regarding the child's placement. The judge also reviews the case plan developed by the parties to determine if it addresses all of the problems affecting the child. |
| Time Frame | Not later than 20 days after adjudication if the child has been removed from the home (42 Pa.C.S. § 6341(c)). The court may continue the hearing for a reasonable time to receive reports and other evidence bearing on the disposition or the need for treatment, supervision or rehabilitation (42 Pa.C.S. § 6341(e)). <i>Dependency proceedings cannot be deferred.</i> |
| Rules of Evidence | In disposition hearings all evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and relied upon to the extent of its probative value. Thus hearsay may be considered (42 Pa.C.S. § 6341(d)). |
| Next Hearing | <u>Permanency Hearing:</u> within 6 months of the date the child was removed from the home or date of disposition, whichever is earlier (42 Pa.C.S. § 6351(e)). <u>Permanency Hearing:</u> Or within 30 days if there is an allegation of aggravated circumstances or the court finds that reasonable efforts are not required to reunify the family (42 Pa.C.S. § 6351(e)). Best practice is to conduct review hearings a minimum of every 3 months. |
| Appeal Rights | On the record to all parties |



DISPOSITION HEARING

SUMMARY OF KEY QUESTIONS/DETERMINATIONS

- What is the appropriate disposition of the case and long-term plan for the child? (i.e., What disposition does the predisposition report recommend?)
- Where should the child be placed?
- Is this the least restrictive, most appropriate, most family-like placement option?
- Does the agency-proposed case plan reasonably address the problems and needs of child and parent? Have both the father and mother been included in the development of the plan?
- Has the father been identified? Has paternity been established? If not, what specific actions have been taken or are needed?
- What is the concurrent plan for the child? Was the concurrent plan established in a timely manner? Is it appropriate to the child's circumstances?
- Are any evaluations, tests, counseling or treatment necessary?
- What are the services necessary to achieve the permanency plan? Are services specific to the needs of the father, the mother and the child(ren)?
- Has the agency made reasonable efforts to eliminate the need for placement or prevent the need for placement?
- What if any child support should be ordered?
- What visitation with parents is appropriate? Have relatives or kin resources been exhausted for visitation location and oversight? Has a visitation plan been presented to the court that outlines details of the visitation plan, including assistance to the parent such as transportation?
- What visitation with siblings is appropriate?
- When will the case be reviewed?
- Has family finding been done to identify all possible family and caregivers?
 - Has any possible kinship placement been identified?
 - What, if any, are the obstacles to placing the child with family/kin?
- Has the family been offered a Family Group Decision Making conference?
- Does the family understand what Family Group Decision Making is?
- Remember to advise all parties of the following:
 - Right to appeal within thirty days.
 - Right to proceed without payment of costs.
 - Right to appointed counsel.
- If not already determined, has the court made a determination as to whether the child is an Indian Child as defined by the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.2?

These questions are adapted from the text of this chapter, the *Mission and Guiding Principles for Pennsylvania's Dependency System* and the Disposition Hearing Benchcard provided in the Enhanced Resource Guidelines (NCJFCJ, 2016, pp. 244-249).



PERMANENCY HEARING BENCHCARD

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| Relevant Statutes | 42 Pa.C.S. § 6351 Pa.R.J.C.P. 1607 (Scheduling of Permanency Hearings) & 1608(C) (Evidence in Permanency Hearings). |
| Purpose of Hearing | The child should attend every hearing unless waived by the judge. At the permanency hearing the court determines if the child welfare agency has made reasonable efforts to finalize the permanency plan in effect for the child. The court will make a permanency decision as to whether the plan for the child should be: reunification, adoption, legal custodianship, placement with a relative or another permanent living arrangement. The court should also consider concurrent planning for the child to achieve permanency more quickly. Time is of the essence for permanency of children. The purpose of the permanency hearing is to determine when the child will achieve the permanency goal or whether modifying the current goal is in the best interest of the child. |
| Time Frame | A permanency hearing must be held within 6 months of the child's removal from the home or a transfer of temporary legal custody or other disposition, whichever is earlier. A permanency hearing must be held within 30 days of a determination that reasonable efforts to reunify the family are not required. |
| Rules of Evidence | Evidence of conduct by the parent that places the health, safety or welfare of the child at risk, including evidence of the use of alcohol or a controlled substance, can be presented to the court regardless of whether it was the basis for the determination of dependency. "Any evidence helpful in determining the appropriate course of action, including evidence that was not admissible at the adjudicatory hearing, shall be presented to the court" (Pa.R.J.C.P. 1608(C) (1)). |
| Next Hearing | A permanency hearing must be held every 6 months until the child is removed from the jurisdiction of the court. Best practice is to conduct review hearings a minimum of every 3 months. |



PERMANENCY HEARING SUMMARY OF KEY QUESTIONS/DETERMINATIONS

- Were reasonable efforts made by the agency to reunify the family and to finalize a permanent plan?
- Is the plan in the best interest of the child?
 - Will placement be continued for a specific time, with a continued goal of family reunification? Have adoptive parents been identified?
- If legal custodianship is the plan, why is it preferable to TPR and adoption?
- If/when will the custody of the child be transferred to an individual or couple on a permanent basis?
- If APPLA is the plan:
 - Has the county agency documented a compelling reason that it would not be best suited to the safety, protection and physical, mental and moral welfare of the child to be returned to the child's parent, guardian or custodian, to be placed for adoption, to be placed with a legal custodian or to be placed with a fit and willing relative?
 - Has family finding been thoroughly conducted?
 - Have all efforts to achieve a more preferred permanency goal been exhausted?
 - Have circumstances changed such that another plan should be considered?
 - Is the child placed in the most family-like setting possible?
- What are the child's special needs? Who is to provide the services to meet the child's needs?
- Is the visitation plan still appropriate or do revisions need to be made?
 - Does the frequency and duration of the visits seem appropriate based on the child's age and needs?
 - Have relatives or kin resources been exhausted for visitation location and oversight?
 - Has a visitation plan been presented to the court that outlines details of the visitation plan, including assistance to the parent or siblings such as transportation?
- What are the child's educational needs?
 - Will the child remain in the same school?
 - If the child has been moved, does the child need new assessments?
 - If the child has been moved, is there monitoring to make certain his or her transition is successful?
 - Is the child appropriately placed, attending school, and making progress?
 - Does the child have a parent or guardian making reliable education decisions or should an EDM be appointed?
- If not already determined, has the court made a determination as to whether the child is an Indian Child as defined by the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.2?

These questions are adapted from the text of this chapter, the *Mission and Guiding Principles for Pennsylvania's Dependency System* and the Permanency Hearing Benchcard provided in the *Enhanced Resource Guidelines* (NCJFCJ, 2016, pp. 319-329).



TERMINATION OF COURT SUPERVISION BENCHCARD



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| Relevant Statutes | 42 Pa.C.S. 6301, 6302 & 6351 Pa.R.J.C.P. 1631 |
| Purpose of Hearing | Hearing at which the judge considers all the evidence, such as reports and recommendations, regarding the permanent plan for the child. The judge confirms, based upon evidence presented, that the child is no longer in need of court ordered agency services and one of thirteen reasons to terminate court supervision exists. |
| Time Frame | This hearing can occur at any point within a dependency case upon motion of the parties or <i>sua sponte</i> . |
| Rules of Evidence | "Any evidence helpful in determining the appropriate course of action, including evidence that was not admissible at the adjudicatory hearing, shall be presented to the court" (Pa.R.J.C.P. 1608(C)). |
| Next Hearing | Not applicable |



TERMINATION OF COURT SUPERVISION HEARING

SUMMARY OF KEY QUESTIONS/DETERMINATIONS

Reunification

- Is the child/family no longer in need of court ordered services from the child welfare agency and
 - The child has remained with the parent/guardian and the circumstances which necessitated the dependency adjudication have been alleviated; or
 - The child has been reunified with the parent/guardian and the circumstances which necessitated placement have been alleviated.

Age of Majority/Aging Out

- Does a youth eighteen years of age wish to remain under the court's supervision and is the youth eligible to remain?
- Does a youth eighteen years of age who wishes to leave the court's supervision understand their right to have the court resume supervision if eligible?

Permanent Legal Custodian

- What reasonable efforts were made to reunify?
- Why is this option preferable to TPR and adoption?
- What are the facts demonstrating the appropriateness of the prospective legal custodian?
- Has there been full disclosure to the permanent family regarding the child's circumstance and special needs?
- What is the plan to ensure that this will be a permanent home for the child?
- What [if any] contact will occur between the child and parents, siblings and other family members?
- What are the plans to continue any necessary services to the child? How will those services be funded?
- How will any future motions for modification of custody be handled?

Adoption

- If the dependency judge did not hear the adoption, consider having a short hearing to close the case. Congratulations and goodbyes can be handled during this hearing, providing closure for all involved.
- If there is a post-adoption contact agreement, has it been approved?
- Don't forget that the dependency case needs to be closed. The judge needs to facilitate this process.

These questions are adapted from the text of this chapter and the *Mission and Guiding Principles for Pennsylvania's Dependency System*.



TERMINATION OF PARENTAL RIGHTS HEARING BENCHCARD

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| Relevant Statutes and Rules | 23 Pa.C.S. § 2511(a)(1) – (9) (grounds) and 2511 (b) (emotional bond/needs and welfare); Pennsylvania Orphans' Court Rules 15.2, 15.3, 15.4 and 15.6 |
| Purpose of Hearing | Divests parents' legal status and contact. This can be by a contested involuntary termination; a voluntary relinquishment, or a petition to confirm consent (see section 16.9 of this chapter). It is often referred to as a "death penalty" proceeding due to the finality of the TPR order which severs all ties between the child and parent. |
| Time Frame | The federal Adoption and Safe Families Act (ASFA) and the Pennsylvania Juvenile Act require the child welfare agency to file a TPR petition when a child has been in foster care 15 of the most recent 22 months. The Adoption Act does not bar bringing the petition sooner than the ASFA requirements, so long as one of the eleven grounds for TPR as set forth in 23 Pa.C.S. § 2511 are present. |
| Rules of Evidence | The formal rules of evidence in Orphans' Court apply. The burden of proof on the petitioner is to establish at least one of the statutory grounds for TPR by "clear and convincing evidence". |
| Next Hearing | <u>Finalization of Adoption Hearing:</u> If an appeal is taken, file a statement of reasons or prepare an opinion as per the Fast Track Rules. Until such time that the appeal is resolved, the adoption is finalized and dependency is terminated, statute requires Permanency Hearings at a minimum of every six months. Best practice is to conduct review hearings a minimum of every 3 months. |



TERMINATION OF PARENTAL RIGHTS HEARING

SUMMARY OF KEY QUESTIONS/DETERMINATIONS

- Is each parent identified (paternity established)?
- What is the explanation as to any parent not present?
 - Was proper notice provided? (*The Court must put on the record that service or notice was delivered in a proper, timely manner.*)
- Does each parent have proper legal representation?
- If a consent (and parent is in attendance) or voluntary relinquishment by parent, has there been a complete colloquy with the parent(s) as to his or her understanding of the rights surrendered (see *sample colloquy at the end of this chapter*)?
- Has the agency met its burden as to one or more of the statutory grounds under 23 Pa.C.S. § 2511(a)? (*The court must identify on the record one or more specific grounds for termination (under 23 Pa.C.S. § 2511(a)).*)
- Has the agency incorporated into the record all of the prior determinations and proceedings of the Juvenile Court?
- Have the relevant exhibits been formally admitted into evidence and made a part of the record?
- Has there been adequate evidence presented as to the consideration under 23 Pa.C.S. § 2511(b) of any emotional bond between parent and child? (*The court must make a statement on the record regarding bond.*)
- What effect would an order of TPR have on the child? (*The court must make a finding that the needs and welfare of the child are met through the granting of TPR.*)
- Has an adoptive home been identified (only as a consideration for needs and welfare)?
- Is the attorney for the child present and prepared to provide a considered recommendation?

These questions are adapted from the text of this chapter, the *Mission and Guiding Principles for Pennsylvania's Dependency System* and the Termination of Parental Rights Hearing Benchcard provided in the *Enhanced Resource Guidelines* (NCJFCJ, 2016, pp. 363-377).

TRAUMA

- ⇒ An event or
- ⇒ A series of events or
- ⇒ Set of circumstances

Experienced by a person as

- ⇒ Physically harmful or
- ⇒ Emotionally harmful or
- ⇒ Life threatening

And has lasting adverse effects on a person's

- ⇒ Functioning and
- ⇒ Mental well-being or
- ⇒ Physical well-being or
- ⇒ Social well-being or
- ⇒ Emotional well-being or
- ⇒ Spiritual well-being

(SAMHSA)

Parents often have their own trauma history. Unresolved issues may lead to:

- Failure to engage in needed services
- Increase in symptoms
- Retraumatization
- Relapse
- Withdraw from service relationships
- Poor treatment outcomes
- Avoidance or withdraw from supportive individuals including family

BUILDING CONNECTIONS: (TO THE CHILD)

1. Tell me about something good that's happened recently.
2. What have you learned at school this week?
3. What is your favorite (song, sport, television show, etc.)?

TO THE CASEWORKER OR OTHER PROFESSIONAL:

1. How was the child screened for trauma?
2. Is there a need for an assessment?
3. Has there been an assessment?
4. What was the result of the assessment?
5. Have the recommendations been implemented?

"The system shall recognize and address the trauma a child experiences as a result of abuse & neglect and as a result of placement."

PA Mission and Guiding Principles

IF TREATMENT FOR TRAUMA WAS INDICATED:

1. Is the child currently in treatment?
2. Is the clinician skilled in providing trauma treatment?
3. Is the treatment specifically addressing the trauma?
4. How is the child responding?
5. Is the child being prescribed psychotropic medication?

If so, ask the Blue Box Questions

WHEN A CHILD IS ON PSYCHOTROPIC MEDICATIONS

What is the child's diagnosis? Is it the correct diagnosis?

What is the medication's intended effect? Is it effective?

Are we monitoring for adverse effects?

If doing well, have we thought about tapering the medication?

What is the opinion of the treating physician?

6. Are the professionals on the case communicating and working as a team?

BEING TRAUMA-INFORMED

IN THE COURTROOM:

- Create a calm environment
- Begin in a timely manner
- Welcome people and thank them for coming
- Insist on starting with strengths
- Assume trauma
- Be respectful and courteous
- Use plain language
- Check for understanding
- Be aware of possible trauma triggers
- Don't allow badgering, aggressive language or intimidation
- Use therapy or comfort dogs
- Allow comfort objects and support people to be present
- Have distractions such as snacks, coloring pages, small toys or puzzles available for the children.
- Reframe a situation as an opportunity for personal growth
- Use supportive and hopeful language

OUTSIDE THE COURTROOM:

- Create safe waiting areas
- Know your biases
- Assess how trauma-informed the court & county systems currently are
- Bring issues related to becoming trauma-informed to the local children's roundtable
- Encourage development of trauma informed resources as needed
- Look for the strengths in people
- Take care of yourself

PRINCIPLES OF TRAUMA-INFORMED SYSTEMS

Safety

~ physical and emotional ~

Trustworthiness &

Transparency

~ building and maintaining trust ~

Peer Support

~individuals with lived trauma
experience~

Collaboration & Mutuality

~ working together and sharing
power ~

Empowerment, Voice & Choice

~ to make decisions, prioritize
competencies and
experience a sense of control ~

Culture, Historical and

Gender Issues

~addressing bias in or to be
more responsive~

USING SUPPORTIVE AND HOPEFUL LANGUAGE

- What has happened to you?
- What do you think?
- What can we do to help you solve the problem?
- Your commitment really shows.
- It's clear you're trying to change.
- Sounds like you are saying...
- What do you need to help you get to (the goal)?
- Tell me something good.
- Thank you for coming today.

CALM BREATHING EXERCISE

- Sit comfortably
- Take a slow breath in through your nose to the count of 3
- Hold breath to the count of 2
- Exhale slowly through your mouth to the count of 5
- Wait 2 seconds
- Repeat as many times as needed, typically 5 to 10 times