

**2009 Federal Child and Family Services Review
Program Improvement Plan**

**CFSR PIP Court Advisory Group
Court and Legal System Recommendations**

CHILD AND FAMILY SERVICE OUTCOMES

Permanency Outcome #1: Children have permanency and stability in their living situation.

- Expand and institutionalize the present Permanency Forum as a means of developing and sharing successful practices to improve permanency outcomes statewide. This would include maintaining and expanding the local county teams to include representatives from all stakeholders in protective proceedings.
- Implement concurrent planning statewide. Pursue joint/collaborative training of local jurists/attorneys and caseworkers.
- Regular involvement of foster parents in court proceedings to identify potential placement problems before they result in unplanned moves of children.
- Increased recruitment of **appropriate** foster parents, improved training and support by the supervising agency, improved matching of child’s needs to the homes ability to meet those needs.
- Improved communication to and among legal professionals to ensure they are updated on latest statutory requirements and court rules related to protective proceedings, as well as sharing of best practices and identification of systemic problems. Suggestions include using present systems of communication affiliated with formal legal organizations, e.g Michigan Judges Association, Michigan Probate Judges Association, Michigan Bar Association Children’s Law Section, etc.
- Establish a court rule that requires “compelling reasons” be noted on the record and in the court order when indicated for not filing for termination of parental rights if the child has been in care 15 of 22 months. Revised court order to accommodate the rule.
- Training of jurists and LGALs regarding DHS policy requirements related to the permanency plan of “APPLA” and “placement with fit and willing relative” to provide basis for court finding of reasonable efforts being made to achieve that plan and court approval of the plan.
- Court should ensure **at each hearing** that the child is safe and well cared for in their present placement and that the agency is providing necessary support to ensure the stability of the placement.
- Court should ensure that foster parents have been properly noticed and encourage their input regarding the child’s safety and well being.

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Permanency Outcome #2: Continuity of Family Relationships and Connections Preserved.

- The advisory group agreed that frequency and quality of parenting time and support of the parent-child relationship is critical to child well being and improvement in the timeliness of reunification and the number of children reunified.
- Development of joint task force (courts/DHS/POS agencies) to address/overcome barriers to provision of necessary parenting time.
- Judicial leadership required to facilitate DHS/agency provision of parenting time, consistent with the needs of the child, and to promote timely reunification, despite agency objections and excuses. Need to determine if this is a reasonable efforts issue.
- Parent attorneys can be more assertive in requesting appropriate level of visitation.
- LGAL should evaluate and request increased parenting time if they determine it is in their clients' best interests.
- Assess policy and practice that delays/limits services to parents from preliminary hearing onward.
- SCAO should support courts with related training and data/research.
- Identification of absent parents and relatives required at preliminary hearing. Court should follow up at each hearing.
- Court should monitor at each hearing the following **child well being** issues:
 - Sibling visitation.
 - Efforts by the agency to maintain important connections for the children.

Well Being Outcomes #2 and #3: Children receive appropriate services to meet their educational needs; children receive adequate services to meet their physical and mental health needs.

- Court must ensure at each hearing that the child's specific needs are being met in each of these well being areas, including obtaining a verbal report from the child's court appointed LGAL, input from the foster parents, and input from the child when possible.

SYSTEM OUTCOMES

Systems Outcome #2: Case Review System.

- Advisory group consensus that present written case plans and related court reports are woefully inadequate to be utilized as a means of monitoring progress toward permanency, child well being, and child safety.
- Recommend joint court/DHS/POS agency task force to develop a functional, useful, and user-friendly written case plan and related court report.

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- Jurist /parent's attorneys/LGAL will need to monitor and hold the agency accountable to include parents and youth in the development of their case plans/service agreements. Court could withhold approval/acceptance of plan until this requirement has been met.
- Strongly recommend institutional change that includes a regular communication process between the courts and DHS either on a local or state level to address statutory and policy issues and changes and how they can be implemented collaboratively and efficiently; data sharing; problem solving; resource development etc.
- Recommend that the Department of Human Services address the "disconnect "between Lansing DHS office and the field operations of DHS which has a significant impact on case management practices, which adversely impacts the operations of the court and ultimately on the care of children and families. The judges advised that this has been an issue raised numerous times by the MPJA without an adequate response.

Safety Outcome # 2: Children are safely maintained in their homes when possible and appropriate.

Exert from Executive Summary - Pg 6: [Performance on Safety Outcome 2 is assessed through two items. One item (item 3) assesses State efforts to prevent children's removal from their homes by providing the family with services to ensure children's safety while they remain in their homes. The other item (item 4) assesses efforts to manage safety and reduce risk of harm to children in their own homes and in their foster care placements. The 2009 CFSR case reviews identified the following concerns in many of the cases reviewed:

- Children remaining in their own homes continued to be at risk either because services were not provided, or the services that were provided did not target the key safety concerns.
 - There was a lack of initial and ongoing safety and risk assessments.
 - There were continued risk concerns in the home that were not addressed and/or monitored by the agency.]
- The related court concern regarding this outcome is that the court is seeing initial petitions where the case was opened for services for 3 or more months prior to the petition being brought to the court and the parent has been unresponsive, thus leaving the children at risk during that time. We recommend that in these cases DHS Child Protective Services maintain the child in the home, but pursue early court involvement to help enforce parental compliance. DHS and court should collaborate to evaluate the need for possible statutory or DHS policy change to *require* early involvement by the court while the children are in the home under conditions where parents do not engage in services in a timely manner.