



# CHILD WELFARE FOR AFCS PRACTICAL TIPS QUESTIONS TO CONSIDER

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1

## WE ARE.....

Assuming you have watched and absorbed the foundations training

Ask substantive questions if you have them but here we want to focus on the practical aspects of the job – we will have 2 spots for questions

We have many “Know the Law” videos you should watch when you can schedule them – good for you to space them out, great for you to view or re-view as issues come up

Lets talk through the “questions” AFCs need to ask to make the decisions on the strategy of their client’s cases in child welfare

2

## INITIAL ISSUES

How do you decide if you support the child being removed or not?

- Are they pushing you to give a premature position?
- What is current safety vs future risk?
- OF COURSE – does your client have a position? This is an area where there could be a lot of pressure to substitute judgment both from others and in your own mind, lets talk about how to deal with th

3

## INITIAL ISSUES

- Is there anything the court could order the local DSS or the family to do that would mitigate the risk? What about O/Ps?
- What is your assessment of the trauma of removal vs the risk to the child?
- Seeing the child, where they live and getting initial discovery

4

## INITIAL ISSUES IF THERE IS TALK OF REMOVAL FROM THE CURRENT HOME –

What has happened to locate the “other” parent- child has a right for all parents to know and perhaps would be a resource?

If there in a NRP, should that person be given Art. 6 custody or “release”? Lets talk about the differences

What has happened to locate ALL the relatives – and they could be MANY of them. Does your client want certain people asked and considered or not? Have they looked beyond the jurisdiction? Would that be a good idea or not?

Remember to REVISIT these issues on a periodic basis

5

## INITIAL ISSUES

Have the “relatives” been told – repeatedly and in detail – what their options are – MOST often (with exceptions) becoming foster parents provides the most money, help and services to a relative resource?

Lets talk about the options with relatives – the pluses and minus’ – they can : get Art. 6 custody, get Art. 10 custody, so called 1017 or direct custody, become foster parents – how do these options affect possible longer term options for your client?

How do you feel about visitation? With who? How? Unsupervised, supervised, monitored, community

Could it be an ICWA case?

Would parents be willing to start services while Art. 10 is pending?

6

## OTHER IDEAS

Should you ever bring an Art. 10 petition yourself? How is this done?

Should temp orders be appealed? Is that worthwhile or practical?

7

## SETTLEMENTS -

What is the AFC role in a settlement discussion?

Do my clients care about what type of legal settlement vehicle is agreed to or is it really just the placement, visitation and services that matter?

The options include: admission to all of the petition, partial admission, "consent" – can be called something else – suspended judgment, ACD/ACOD – sometimes ACDs with admissions

If I have a client who is in foster care and since I do not know if this child is going to go home or be freed for adoption or whatever the future may bring, is there a legal vehicle that could hurt my client's interests or limit their options?

8

## WHAT IF THERE IS A FACT FINDING?

If the burden is on the DSS, what is my specific role in prep/discovery/actually presenting proof?

How do I decide on my position and strategy – what is the outcome my client wants and how to get there?

How do I get my hands on everything I need? Does my county have a discovery practice or policy?

9

## WHAT IF THERE IS A FACT FINDING?

What are good ideas for organizing my notes for my crosses and deciding if I am going to put on witnesses myself?

How do the unique evidence rules (what are they??) of Art. 10 cases help or hurt my case?

What if someone wants my client to testify?

Preparing for the unknown summation – what style is best, oral or written?

10

## DISPOSITIONS

Is there really an actual hearing in my county?

How do I know anything about the services that are available or are good services in my jurisdiction?

Is there clarity about what the parents have to change, what modification of behavior is expected, not just a list of programs to show up for? – “BIS” - should that be in the court order or is that for the service plan?

11

## DISPOSITIONS

Does my client need things that the Judge should order?

Should the court order contain specific things I am to be informed about? Should the caseworker be ordered to inform me of my client being moved or visitation changes, school changes, etc etc

RETHINK – placements, visitation

REMEMBER to consider and talk to client re appeals

12

## WHILE AN ORDER IS IN PLACE

Does my client know how to contact me?

Should I go to SPRs and how will I know about them? What would I do at an SPR?

If the child is out of the home, what relationship do I want with the caretakers of my client?

13

## PERMANENCY HEARINGS FOR CLIENTS WHO ARE OUT OF THE HOME

When do they occur and would I ever want to ask for them to happen more often?

How will I know what has been going on? – what am I doing while I am waiting for one?

The terrible report – what the heck do I do with it?

Do I give the report to my client?

14

## PERMANENCY HEARINGS

Does my client come to these things? How do I actually deal with that issue?

Is there actually a “hearing”?

Are there rules of evidence, because it does not feel like it.....

What are the options? – child stays out of the house, child goes “home”, visits and services can be modified, changes in any orders of protection

15

## PERMANENCY HEARINGS

What is the goal that DSS says that they have been working toward? Has DSS actually been doing the right things to get there? What about parents, do they agree with the goal and are they doing what needs to be done to get there on a timely basis? Can you “see it”?

Does the goal need to be changed? Judge can order it to be changed, although DSS can also change it on their own

Should there be some “concurrent planning” ordered?

When would I ask a Judge to order a TPR to be filed?

What do I want in the new order?

RECHECK – dad, placements, visits, child’s needs

16



## TPRS, SURRENDERS AND KIN GAPS.....OH MY

What goes into a decision that an AFC would make on these life changing events for a client?

What to do about unrealistic client goals?

How can I make a TPR go faster?

Appeals of TPRs – my role?

17

## TPRS, SURRENDERS AND KIN GAPS

What is my role in a conditional surrender negotiation?

How do I decide if a TPR would be better than a conditional surrender?

When would a Kin Gap be better than an adoption?

Will I need to be or want to be involved in the adoption itself?

Do those conditional surrenders ever come back to court?

18

## FINAL THOUGHTS

Take these cases – the kids need you

Use the resources of the program

Come to the CLEs