**TROUP COUNTY, GEORGIA JUVENILE COURT**

**PRACTICE GUIDE FOR THE PLACEMENT OF CHILDREN IN CARE**

After meeting with, and receiving input from, the affected dependency stakeholders, this Practice Guide for the Placement of Children in Care (the “Practice Guide”) has been developed to guide the work in the placement of all children in care (meaning all children in out of home placements). Where indicated, this Practice Guide is a restatement of Georgia law. The remainder of this Practice Guide contains recommended practices, which all stakeholders are encouraged to follow.

**Placement Inquiry:**

The Placement Inquiry, developed in collaboration with the Foster Care Workgroup of the Council of Juvenile Court Judges’ Permanency Planning Committee, as amended from time to time, should be used as a guide to do the work around the placement of children in care (hereinafter referred to as “placement”), to prepare for court hearings and reviews, and to review placement at all hearings and reviews. All stakeholders should continue to be open to comment and consideration from other stakeholders as to recommended changes to the Practice Guide generally and to the Placement Inquiry specifically.

**Preference for Placements with Relatives, Fictive Kin and Other Persons Who Have Demonstrated an Ongoing Commitment to a Child.**

A diligent search for relatives, fictive kin and other persons who have demonstrated an ongoing commitment to the subject child or children, and with whom it may be appropriate to place such child or children shall be initiated at the outset of a case and shall be conducted throughout the duration of a case. O.C.G.A. Sections 15-11-211(a) and 15-11-211(e) For the purpose of this Order, the phrase “outset of a case” shall mean and include the removal of a child into foster care through protective custody or otherwise, and the opening of an investigation or a family preservation case, whether voluntary or court-ordered. A diligent search shall include at a minimum:

(1) Interviews with the child's parent during the course of an investigation, while child protective services are provided, and while such child is in care;

(2) Interviews with the child;

(3) Interviews with identified relatives throughout the case;

(4) Interviews with any other person who is likely to have information about the identity or location of the person being sought;

(5) Comprehensive searches of databases available to DFCS including, but not limited to, searches of employment, residence, utilities, vehicle registration, child support enforcement, law enforcement, corrections records, and any other records likely to result in identifying and locating the person being sought;

(6) Appropriate inquiry during the course of hearings in the case; and

(7) Any other reasonable means that are likely to identify relatives or other persons who have demonstrated an ongoing commitment to the child.

O.C.G.A. Section 15-11-211(b) One such option is the Federal Parent Locator once the procedure is established to gain access to that resource.

All adult relatives of the alleged dependent child identified in a diligent search required as provided herein, and all parents of a sibling of such child, when such parent has legal custody of such sibling, subject to exceptions due to family or domestic violence, shall be provided with notice:

(1) Specifying that an alleged dependent child has been or is being removed from his or her parental custody;

(2) Explaining the options a relative has to participate in the care and placement of the alleged dependent child and any options that may be lost by failing to respond to the notice;

(3) Describing the process for becoming an approved foster family home and the additional services and supports available for children placed in approved foster homes; and

(4) Describing any financial assistance for which a relative may be eligible.

O.C.G.A. Section 15-11-211(c)

The diligent search and notification requirements under O.C.G.A. Section 15-11-211 shall be completed, documented in writing, and filed with the court within 30 days from the date on which the alleged dependent child was removed from his or her home. O.C.G.A. Section 15-11-211(d) This statutory requirement may be complied with by filing a copy of the Relative Search Affidavit and certifying that the search and notification requirements have been complied with, which would be interpreted to mean that DFCS has completed the relative search in accordance with the law and has notified those persons listed on the Relative Search Affidavit whose addresses are shown in accordance with the law.

To aid in the foregoing search requirements, diligent efforts should be made to ensure that all parents complete the Relative Search Affidavit attached hereto and incorporated herein, which would then be sworn to by the parent(s). DFCS should be primarily responsible for assisting the parent in preparing the Relative Search Affidavit. Prior to its execution by a parent, the attorney for any parent should review the Relative Search Affidavit with the parent to ensure its accuracy and completeness. The child’s attorney and the child’s CASA should also assist in the relative search by talking to the child in a developmentally and situationally appropriate way, and by talking to any of the persons listed in O.C.G.A. Section 15-11-211(b). This provision is not intended in any way to set the parents up for a contempt action or for a false swearing charge, but to ensure that the best and most complete information is made available with everyone acting in good faith.

In any case in which a child is taken into protective custody of DFCS, DFCS shall give preference for placement to an adult who is a relative or fictive kin over a nonrelated caregiver, provided that such relative or fictive kin has met all requirements for a DFCS relative or fictive kin placement and such placement is in the best interests of the child. O.C.G.A. Sections 15-11- 135(c), 15-11-146(b), and 15-11-212(h). As to that placement and any other relative or fictive kin placement, strong consideration should be given to placing the child temporarily once the following have been completed: a criminal background check from the Troup County Sheriff’s Office, an initial home safety check, a urine drug test, and a Child Protective Services screening, while awaiting the completion of the other requirements for relative or fictive kin placements in accordance with DFCS policy

Given that placement with relatives is the legal preference and is almost always preferred by the parents and the child or children who are parties in the case, all parties, their attorneys, and the child’s or children’s Court Appointed Special Advocate should aid in the search for relatives, fictive kin, and other persons having demonstrated an ongoing commitment to the child from his or her assignment to the case until case closure.

The Court should provide sufficient time at any and all hearings and reviews to allow any party or the Court to ask parties or witnesses for information about relatives, fictive kin and/or or other persons having demonstrated an ongoing commitment to the child or children.

**Out-of-County, Group Home and Therapeutic Placements:**

Children in the custody of DFCS shall be placed in the most appropriate, least restrictive, and most family-like setting available and in close proximity to the alleged dependent child's parent's home, consistent with the best interests and special needs of such child, and shall consider the placement's proximity to the school in which such child is enrolled at the time of placement. O.C.G.A. Section 15-11-201 The best placement for a child should never be dictated by county lines, but should be governed by the law, including the best interest factors set forth in O.C.G.A. § 15-11-26. Sometimes a child can be placed outside of the Home County (as that terms is defined for the purposes of this Practice Guide hereinafter), but be closer to the parent’s home than if placed in the Home County. Given the complexity of defining “close proximity” in any other way, for the purposes of this Practice Guide, the phrase “close proximity” means the county in which the parents reside, which is referred herein to as the “Home County”. When a child cannot be placed in his or her Home County, the order of preference (hereinafter referred to as the “Order of Preference”) should be as follows, subject always to what is in the child’s best interest considering the factors set forth in O.C.G.A. Section 15-11-26: (a) in an adjoining county; (b) in the next closest county within DFCS Region 4; and (c) the next closest county outside DFCS Region 4.

No child should be placed outside the child’s home county until all appropriate placements within in the child’s home county, including placements with relatives, fictive kin, persons having demonstrated an ongoing commitment to the child, DFCS foster care placements, private foster care placements, and faith-based foster care placements have been eliminated, in which event the same process should apply in the Order of Preference set forth herein.

Not less than five days in advance of any placement change, DFCS shall notify the court, a child who is 14 years of age or older, the child's parent, guardian, or legal custodian, the person or agency with physical custody of the child, the child's attorney, the child's guardian ad litem, if any, and any other attorney of record of such change in the location of the child's placement while the child is in DFCS custody. O.C.G.A. Section 15-11-215(a) Although not required by statute, DFCS will also provide a copy of the notice to the designated CASA representative at the same time the notice is provided to those designated in the statute. If a child's health or welfare may be endangered by any delay in changing his or her placement, the court and all attorneys of record shall be notified of such placement change within 24 hours of such change. O.C.G.A. Section 15-11-215(b) A child adjudicated as a dependent child who is 14 years of age or older, his or her parent, guardian, or legal custodian, the person or agency with physical custody of the child, such child's attorney, such child's guardian ad litem, if any, and any attorney of record may request a hearing pertaining to such child's case plan or the permanency plan in order for the court to consider the change in the location of such child's placement and any changes to the case plan or permanency plan resulting from such child's change in placement location. O.C.G.A. Section 15-11-215(c) The hearing shall be held within five days of receiving notice of a change in the location of such child's placement and prior to any such placement change, unless such child's health or welfare may be endangered by any delay in changing such child's placement. O.C.G.A. Section 15-11-215(c) At such hearing, the Court shall consider, among other things, the recommendation as to the location of the placement of such child, and shall make findings of fact upon which the court relied in determining to reject or accept the recommendations made by DFCS as to the location of such child's placement. O.C.G.A. Section 15-11-215(d) If the court rejects DFCS recommendations as to the change of the location of the placement of the child, the court shall demonstrate that DFCS recommendations were considered and explain why it did not follow such recommendations, and may order DFCS to make a new recommendation as to the location of such child within the resources of the department, or make any other order relative to placement or custody outside the department as the court finds to be in the best interests of such child and consistent with the policy that children in DFCS custody should have stable placements. O.C.G.A. Section 15-11-215(e) The notice shall be in substantially the form as shown in the Notice of Change of Placement attached to this Guide and incorporated herein by reference. All of those persons or agencies to whom a change of placement notice is given will review and consider each notice of a change of placement, investigate (except for the Court) to the extent necessary to determine whether the change of placement is detrimental to the child, and file objections where appropriate. Upon receipt of any request for a review of the change of placement, the Court staff shall set the matter down for a hearing and notify those parties and others entitled to notice under O.C.G.A. Section 15-11-215 and the child’s CASA of the date, time and place of the hearing. Generally, the hearings will be held on the Monday or Thursday afternoons set aside for emergency matters.

DFCS should monitor all placements and facilitate the return of Troup County children to the county as appropriate placements become available and where it is determined that the return of the child to the county is in the child’s best interest.

Beginning on a date to be set by the Court, and continuing on the second or next available Monday of each month, the Court will review all out-of-county placements deemed to be inappropriate by DFCS or the Court (referred to herein as “Placement Reviews”) to determine the appropriateness, or continued inappropriateness of the placement and, where a child is found to be inappropriately placed out-of-county, what DFCS has done to bring the child back to the Home County or to place the child in an appropriate placement, and what plan DFCS has going forward to bring the child back to the Home County or to place the child in an appropriate placement. For the purpose of this Practice Guide, a child is considered to be inappropriately placed out-of-county if the child is placed out of the child’s Home County and is not placed with a relative, with fictive kin, with a pre-adoptive placement, in a group home, or in a treatment setting. As part of the Court’s review, permanency timelines will be discussed. Also, as part of the Court’s review, DFCS will present to the Court a report on the utilization of all DFCS foster homes in the county, and, where another county’s children are placed in one of those placements, what the plans, if any, are for the child to be moved out of Troup County. Parents and children may be, but are not required to be, present for the Placement Reviews. DFCS may, in its discretion, excuse the Special Assistant Attorney General from attending the Placement Reviews. Once notice is given that a child is on the docket for a Placement Review, no individual notice will be given to the parties as to future reviews, and only a general notice of the date and time of Placement Reviews, effected by hand-delivery or regular U.S. Mail, will be given.

The Court will also review all placements in group homes and in treatment settings on the same day and in the same manner as provided for out-of-county placements.

Understanding the importance of recruiting and retaining foster homes, at all Placement Reviews, and as part of the stakeholders’ collaborative efforts to increase the number of foster homes in Troup County, DFCS will be asked to report on what recruitment and retention efforts have taken place since the last review. Further understanding that the recruitment and retention of foster homes is handled at the DFCS Region level, the same information may be requested to be presented by someone from the Region Office.

Individual orders will not be entered from the Placement Reviews, but the Court will maintain a Court Journal documenting the findings for each placement reviewed and containing the findings of the Court at each Placement Review. The portion of the Court Journal relevant to any case will be considered part of the court record as to that case.

**Reasonable efforts:**

The failure to place a child in close proximity to the child’s home should not, in and of itself, be considered to constitute a failure to make reasonable efforts to effect reunification or to achieve some other permanency goal. But, if the Court finds at any hearing or review that the out-of-county placement does impair or impede achieving permanency timely, then the Court may make a no reasonable efforts finding in that individual case. All stakeholders are encouraged to receive training on the law, policy and procedure around placement of children, and to create and utilize the resources necessary to comply with the law, policy and procedure.

Practice Guide for Children in Care.Revised after Stakeholder Meeting.5 3 18 June 5, 2018 Version

**NOTICE OF CHANGE OF PLACEMENT**

TO: Honorable R. Michael Key, Judge Troup County Juvenile Court

­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the “Child(ren) are in the temporary custody of the Department of Human Resources, acting by and through the Troup County Department of Family and Children Services (“DFCS”).

\_\_\_\_\_ Notice is hereby given that the placement location of the child(ren) will be changed on \_\_\_\_\_\_\_\_\_\_\_, 2018, from the current placement located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to the new placement located at\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, **or**

\_\_\_\_\_ Notice is hereby given that the placement location of the child(ren) was changed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2018, from the previous placement located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to the new placement located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The reason for the chance of placement is as follows:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

This change of placement was made, or is being made in accordance with the Practice Guide for the Placement of Children in Care. Specifically, the following efforts were made to place the child in close proximity to the parents’ home and to keep the child(ren) in the same school(s), and that notice was given to :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Notice was given to the Court, any child who is 14 years of age or older, the child's parent, guardian, or legal custodian, the person or agency with physical custody of the child, the child's attorney, the child's guardian ad litem, if any, and any other attorney of record. If you are one of those named persons or agencies, you have the right to request that the Troup County Juvenile Court hold a hearing with regard to the children's change in placement location prior to the planned date of the change of placement. Such request should be made in person or by e-mail to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Practice Guide for Children in Care.Revised after Stakeholder Meeting December 29, 2017 Version

# IN THE JUVENILE COURT OF TROUP COUNTY

**STATE OF GEORGIA**

In the Interest of:

TO:

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name and address of parent(s)

YOU ARE HEREBY NOTIFIED that a review of the above-named child’s placement (referred to herein as a “Placement Review”) will be conducted on the dates and times listed below and at such other and further times as may be scheduled by the Court. The hearings may be continued without notice for good cause found. The limited purpose of the Placement Review is to monitor what is being done to bring children found to be inappropriately placed out of their home county back to their home county. A child is considered to be inappropriately placed out-of-county if the child is placed out of the child’s home county that is the county wherein the child’s parents reside, and is not placed with a relative, with fictive kin, with a pre-adoptive placement, in a group home, or in a treatment setting. Bringing the child back to the child’s home county does not necessarily mean returning the child home, but the goal is to place the child in an appropriate placement in the child’s home county.

**YOU ARE NOT REQUIRED TO ATTEND THE PLACEMENT REVIEWS, NOR ARE YOU REQUIRED TO HAVE YOUR ATTORNEY ATTEND ON YOUR BEHALF. THAT IS PURELY A MATTER FOR YOU AND YOUR ATTORNEY TO DECIDE.**

The Placement Review will be held on the following dates and times:

\_\_\_\_\_\_\_\_\_\_\_, 2018 2:00 P.M.

\_\_\_\_\_\_\_\_\_\_\_, 2018 2:00 P.M.

\_\_\_\_\_\_\_\_\_\_\_, 2018 2:00 P.M.

\_\_\_\_\_\_\_\_\_\_\_, 2018 2:00 P.M.

This \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge/Clerk of above-named Court

Practice Guide for Children in Care.Revised after Stakeholder Meeting January 9, 2018 Version