

TPR Scenario

Mother – Missy Smith, age 24

Daughter – Lacey Smith, age 4

Son – Justin Smith, age 5

Justin's Putative Father – James Chance, age 26

Foster Parents – Mr. and Mrs. Moore

The children have been in foster care 12 months. The children were removed due to Ms. Smith's unresolved mental health issues (borderline personality disorder, possibly with PTSD,) substance abuse disorder (marijuana and cocaine,) and improper supervision, all of which standing alone or in combination impair her ability to keep the children safe.

Mr. Chance got involved with drugs in high school and was in and out of jail until finally getting sent to prison for two years, the last part of which was spent in what Judge Jones concluded was RSAT. He got out of prison 6 months ago and found out Lacey was his daughter. Justin's father is unknown, despite diligent efforts to identify him.

The children are thriving in the home of the Moores. Justin, now almost six years of age, and Lacey, now four years of age, are in counseling. It was the opinion of the counselor for each child that their primary parental attachment was with Mr. and Mrs. Moore, and that, if the children were to be removed from their care, they would likely experience significant long-term emotional harm. The children have developed strong and healthy connections with the extended Moore family and within the community where they live.

Ms. Smith's progress on the case plan:

- Call in to the drug lab every day and submit to random drug screening when called for, but not less than twice per month. Ms. Smith calls in about half the time, has only been tested three times in the last six months and has tested positive for marijuana twice. She has not tested positive for cocaine since the time the children entered foster care. She told CM New that she would find someone to watch the children if she was going to use.
- Attend individual substance abuse counseling twice per week with Pathways and do a homework assignment for the counselor or a one-hour equivalent. Ms. Smith attends each week and has completed all homework assignments.
- Attend substance abuse group sessions at Pathways once per week. She attends weekly. She does not participate in group discussions.
- Attend not less than three self-help groups per week and turn in proof of attendance weekly. Ms. Smith attends AA/NA once per week. She does not want to go more frequently because she said most of the people in those groups have either sold her drugs or used drugs with her at one time or another. She says that being around these people make her want to use.
- Get a sponsor. Ms. Smith identified a sponsor. She spoke with her 4 times in the last 6 months.
- Attend individual counseling at Pathways weekly with a counselor who is trained in Trauma-focused CBT. Ms. Smith has been seeing a counselor weekly. The counselor believes that Ms. Smith will not make progress without receiving both trauma-focused CBT and dialectical behavior therapy, so she referred Ms. Smith to another therapist

qualified to offer both services. Ms. Smith went to the initial consultation with the new provider but refused to go back because she did not like him. She did go back to the therapist who referred her and continued to see her weekly. CM New located two other qualified therapists, but Ms. Smith has not yet contacted them.

- Continue medication management as prescribed. Ms. Smith went to the psychiatrist immediately after the permanency hearing 3 months ago and has since filled her prescription monthly.
- Participate with parent aide from Universal Services weekly and demonstrate the skills learned. Ms. Smith met with the parent aide every week for 3 months. The parent aide reported that Ms. Smith was cooperating, but that she did not have the opportunity to demonstrate the skills she is learning because she does not have the children, so she closed the case 6 months ago.
- Maintain a safe and stable home suitable for Ms. Smith and all of her children to live. Ms. Smith continues to live in the same house and has had uninterrupted utility services. The home is clean, aside from dirty dishes in the sink. One of Ms. Smith's male friends is staying at the home. Ms. Smith will not give CM New his information for the purpose of a background check, but she said that she will have him leave before the children come home.
- Cooperate with DFCS relative to the steps in the case plan. Ms. Smith has been compliant for the most part, but early in the case, Ms. Smith had three episodes where she became combative and was perceived as threatening. Ms. New will no longer meet with Ms. Smith alone in Ms. Smith's home.
- Communicate with case manager when transportation is needed. Ms. New feels that Ms. Smith's transportation needs have been met.

Ms. Smith is unemployed. She has had two jobs in the last six months, both of which were obtained with the help of Ms. New, but Ms. Smith lost both jobs when she had altercations with co-workers.

Mr. Chance's progress on his case plan:

- Follow the terms of his probation. Mr. Chance is complying with the terms of his probation. He reports as required, has maintained employment (minimum wage,) has not been arrested, attends two self-help groups a week, attends one group and one individual session per week as required.
- Submit to random drug screening not less than twice per month. Mr. Chance is screened every time he goes to see his probation officer and has tested negative every time.
- Legitimate his daughter, Lacey. Mr. Chance's attorney filed a petition to legitimate thirty-one days after Mr. Chance was served with the Petition for Termination of Parental Rights. Ms. Smith is opposed to the legitimation because Mr. Chance never had anything to do with the child and he was an "abusive druggie".
- Pay child support in the amount of \$100 per month. Mr. Chance made one child support payment right after he was served with the termination petition.
- Work with a parent aide and demonstrate he has the parenting skills necessary to take care of Lacey. Mr. Chance has not started to work with a parent aide as they have been unable to connect.

Visitation:

Ms. Smith visits with the children on average once per month and the visits go very well, although the children become anxious before the visits and “clingy” following the visits. Mr. Chance has visited only twice, both times along with his mother.

CM New followed all DFCS policy directives regarding the diligent search. The following relatives were the only ones to respond:

- Ms. Boddie (great maternal aunt) expressed interest in getting the children 3 months ago. She previously declined because she had lost her job and was being evicted from her apartment. She has a new job and is no longer threatened with eviction, so she can take the children now.
- Ms. Harrison (maternal grandmother) was ruled out as potential placement for the children due to her significant CPS history. Also, her health is declining.
- Ms. Chance (paternal grandmother) is not interested in raising the children, but she could help Mr. Chance out when needed if he got custody of his child. She still thinks he could be a good father, but he has no children himself and has never really helped raise a child.

Discussion:

1. Discuss how the evidence supports or does not support proceeding with TPR.
2. Discuss how the information regarding the relative that is now ready to care for the children would/would not influence your decisions in this scenario.
3. How would the information regarding Lacey’s father influence your decision?