



MULTI-DISCIPLINARY CHILD ABUSE & NEGLECT INSTITUTE

Identifying, Engaging, & Supporting Caregivers:
From the Diligent Search to the Right to Be Heard

National Council of Juvenile and Family Court Judges
and
Georgia Supreme Court Committee on Justice for Children



Georgia
2021

LEARNING OBJECTIVES:



- Appreciate need and desire to create a kin-first, family-centered culture
- Understand current landscape of relative placements and implementation of Kin Continuum
- Understand law and policy around diligent search, kinship and caregiver supports, and create a sense of urgency around placing children with kin to increase likelihood of placement stability and better outcomes
- Recognize need to engage and support relatives once identified and consider specific resources available for locating and supporting kin from initial placement to permanency
- Discuss role in which DFCS, advocates, attorneys, and judges can all play in engaging and supporting kin caregivers
- Understand law and policy around providing notice and caregivers' right to be heard

WHAT IS KINSHIP?



- Relative includes blood, marriage, or adoption, including spouse of these persons, even if marriage is terminated by death or dissolution
- Fictive Kin means person who is not related to the child by blood, marriage, or adoption but who prior to his placement in foster care is known to the family, has a substantial and positive relationship with child, and is willing and able to provide a suitable home for child.
- Other person who has demonstrated an ongoing commitment to child includes fictive kin and neighbors, teachers, scout masters, caregivers, and parents of friends of child, with whom child has resided or had significant contact

“Kinship is being at a family reunion and not knowing or caring who you’re actually related to because you are all just family.” ~RMK

REFLECTIONS ON YOUR OWN FAMILY

1. Think about your family as you were growing up. What people did you consider as a part of your family?
2. What traditions/rituals were significant to your family?
3. Who invested something in you as you were growing up? Your family? Other adults? Friends your age? Someone in school? In church?
4. What values were important within the context of your family?

DFCS KIN-1ST PHILOSOPHY



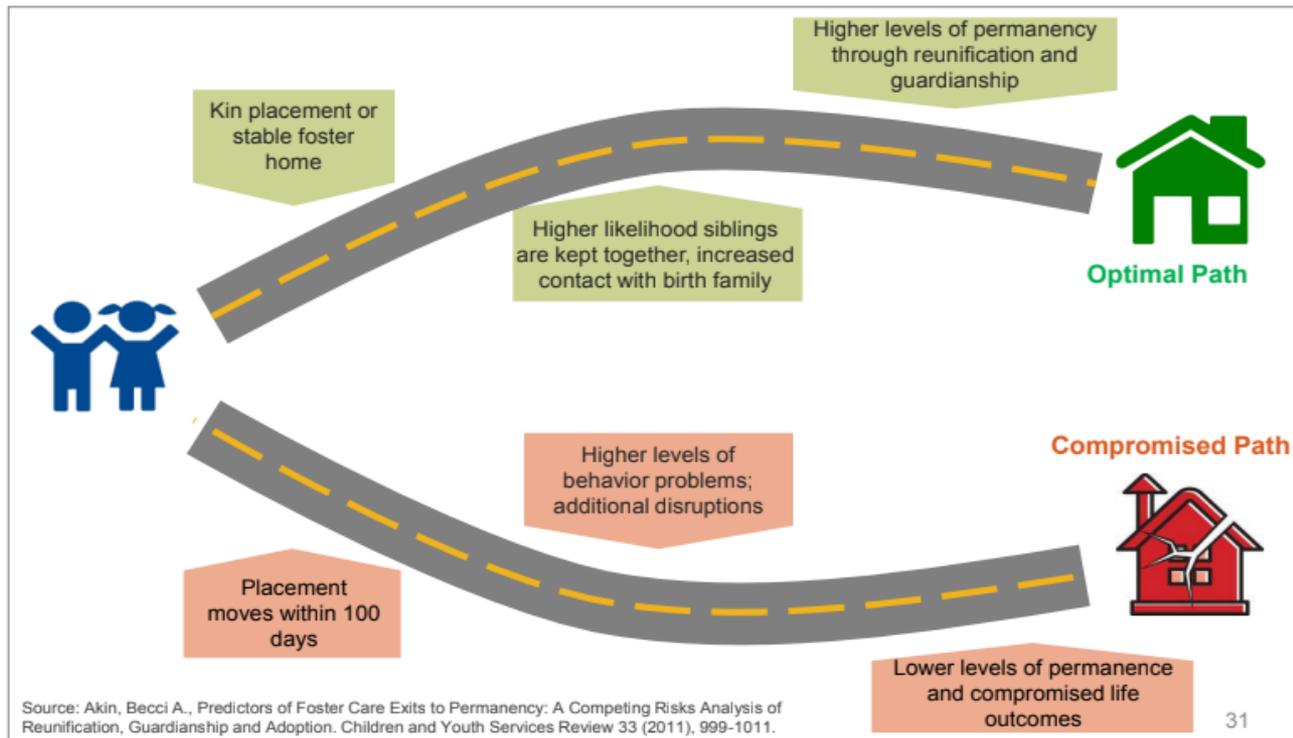
- When children must be removed from their homes that kin placement should be the 1st consideration when safe and appropriate,
- Appropriate kinship creates the opportunity to strengthen the entire family structure,
- Children have a right to know, have a relationship, and whenever possible, be placed with their fathers or paternal kin,
- Our community partnerships serve a key role in strengthening our kinship first culture
- When children are unable to return to their biological families, that kin should be considered first for permanency options,
- Kin diligent search begins immediately and continues aggressively throughout the life of the case.
- Close family friends (Fictive Kin) can be considered in our Kin First Philosophy

WHICH PATH WOULD YOU CHOOSE FOR YOUR CHILD?



FOSTER CARE - PERMANENCE

Research confirms that placement decisions help predict permanency outcomes



PLACEMENT STABILITY & OUTCOMES



- Children placed with kin are more likely:
 - to remain in the same community
 - to be placed with siblings
 - to have consistent contact with their birth parents as compared to children in foster care
 - to maintain connections to their cultural identity
 - to experience less trauma by living with strangers
 - to achieve permanency through reunification or guardianship
- Relative and kinship foster care placements are more stable
- Children placed with kin experience fewer moves
 - Greater stability of placement yields better school performance and fewer behavioral problems
 - Each placement move could reduce a child's likelihood of successful permanency by 25%

ASSUMPTIONS



- **Barrier continues to be tendency to make assumptions about family**
 - The common belief that “the apple doesn’t fall far from the tree”
 - Asking family members to assume placement rather than to be a support option
 - Ruling out family members before we have a conversation with them
- **What to do:**
 - Assess personal bias
 - Consider that family’s situations can change
 - A relative may be able to provide temporary or occasional care.
 - A relative may be able to provide family history and documentation (ie. Photos)
 - Reestablish family connections for teens before they exit out of care, no matter what age they are

CONSIDER EXPANDED DEFINITION OF PERMANENCY AND IMPORTANCE OF FAMILIAL CONNECTIONS



- The single most identifiable variable contributing to positive outcomes for youth involves meaningful connections and lifelong relationships with family members and other caring adults
- Relational permanence vs. legal permanence
 - Permanence is a mind-set, a state of permanent belonging and connectedness across a lifespan, not a placement
- Every youth has healthy family members—set an expectation for normalcy
- Youth have the right to know about their family; family members have the right to know about their youth in care
- Family connections/relationships are as important as mental health services and other services

FEDERAL CONTEXT: FOSTERING CONNECTIONS TO SUCCESS & INCREASING ADOPTIONS ACT - 2008



- Maintain family connections by:
 - Notifying adult relatives that child has entered care
 - agency must exercise due diligence (as defined by the agency) to identify and notify all adult relatives of a child's removal from his/her home within 30 days of removal, subject to exceptions due to family/domestic violence.
 - Allowing states to waive non-safety licensing standards for relatives on a case-by-case basis in order to eliminate barriers to placing children safely with relatives in licensed foster homes
 - Ensuring siblings placed together whenever possible



JUVENILE CODE SECTIONS PRIORITIZING RELATIVE PLACEMENTS



- Preference to relative or fictive kin in any case when child is taken into protective custody (15-11-135(e)(1))
- Preference to relative or fictive kin at the PPH (15-11-146(b)(3))
- Priority of placement with relative or fictive kin when granting/transferring temporary legal custody as dispo option (15-11-212(a)(2)(A))
- Dispositional findings of whether relatives are available (15-11-213(1)(F))
- Permanency Plan Report must include statement as to availability of a safe and appropriate placement with a fit and willing relative or other person who's demonstrated ongoing commitment to child (15-11-231(5))
- *Consider the best interests of the child!*

OTHER RELEVANT CODE PROVISIONS



- DFCS has continuing duty to search for relatives or others who have demonstrated an ongoing commitment to a child until they are found or until child is placed for adoption unless excused by the court **15-11-211(e)**
 - If relative fails within 6 months of receiving notice to demonstrate interest/willingness to provide a permanent home for child, court may excuse DFCS from considering relative as a placement

- Court may direct a written social study/report be made, filed 48 hours before dispo. hearing and received into evidence prior to determining disposition. **15-11-190; 15-11-210(c)(1)**
 - Social Study shall include . . . whether BIC will be served by granting visitation to relatives in order to maintain and strengthen relationships . . . and appropriateness of any placement with a relative. **15-11-191 (2) and (4).**

OTHER RELEVANT CODE SECTIONS, CONT'D

- **15-11-202(f)(2)** relating to RE by DFCS to preserve/reunify families
 - In determining whether reasonable efforts have been made to finalize an alternative permanent home, the court shall also consider whether DFCS completed the diligent search and has provided notice to those identified
- **15-11-211(d)** relating to relative search
 - Diligent search completed, documented, filed within 30 days from removal and at each periodic review hearing
- **15-11-215(f)** relating to notice of change in placement hearings
 - If the court finds that child has been living in a stable home with his current caregiver for past 12 months and removal would be detrimental to child's well-being, court may presume continuation of child's placement is in BIC and shall enter a finding that change of placement is a failure by DFCS to make reasonable efforts to finalize current permanency plan

IDENTIFYING, ENGAGING, & SUPPORTING CAREGIVERS: THE DILIGENT SEARCH



**O.C.G.A. Sec. 15-11-211
DFCS Policy 19.19 & 19.20**

DILIGENT SEARCH



- Diligent Search report must be submitted to the court outlining efforts to locate absent parents, relatives, fictive kin, friends, or other committed individuals within 30 calendars of removal and at initial and subsequent reviews
- Search efforts continue throughout the life of the case until individual is identified or child is placed for adoption unless court excuses DFCS
- Seeking to identify:
 - Noncustodial parents
 - Maternal and paternal relatives
 - Fictive kin
 - Parents of child's siblings
 - Family friends
 - Other individuals who've demonstrated ongoing commitment to child
- Documented in SHINES within 72 hours



SEARCH REQUIREMENTS & PROCEDURES



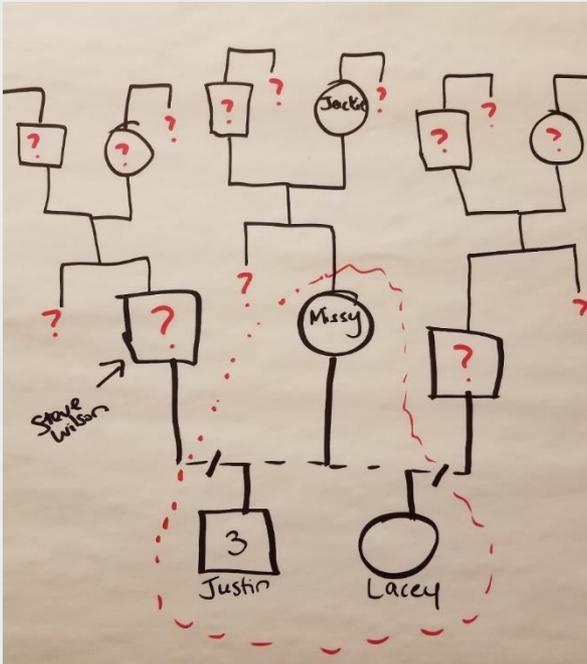
- Engage the family and child
 - Interviews with the child's parent in CPS phase w/ genogram
 - Interviews with the child
 - Interviews with identified relatives
 - Interviews with any other person who is likely to have information about the identity or location of the person being sought
 - Discuss efforts at the FTM
- File mining--review the case record in SHINES, genograms, CCFA
- Comprehensive searches of data bases available to DFCS
 - CLEAR, DCSS/Federal Parent Locator Service, Gateway, social media, search engines, online directories
 - Employment, residence, utilities, vehicle registration, child support enforcement, law enforcement, corrections records, etc.

SEARCH REQUIREMENTS & PROCEDURES, CONT'D



- Appropriate inquiry during the course of hearings
 - Request that the SAAG make an inquiry at the adjudicatory hearing with parent under oath
 - Request during court hearings that parents provide names and contact info of all relatives and others within 10 calendar days
 - Use of Relative Search Affidavit
- Review birth certificate and check Putative Father Registry
- Use Federal Parent Locator Service thru DCSS for absent parents to facilitate permanency plan
- Contact the school or day care—emergency contacts
- Any other reasonable means to identify relatives or other persons who have demonstrated an ongoing commitment to the child
- *See Free Web Resources on handout*

GENOGRAM

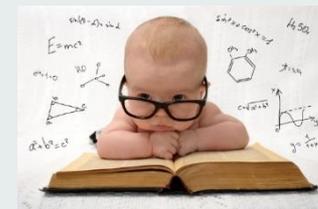


- Foundation for diligent search by identifying absent parents, relatives, fictive kind, and other committed individuals
- Goes beyond a family tree and shows more than lineage and can depict family history, emotional, and social relationships, and patterns
- Assesses family functioning
- Helps family develop insight into strengths/challenges
- Identifies individuals who may be available to provide support to the family

NOTICE TO ADULT RELATIVES



- Exercise due diligence to identify and provide notice to all adult relatives (including non custodial parents, grandparents, parents of a sibling with legal custody of the sibling): (Family Violence Exception)
- Notice provided via Diligent Search Notification Form within 3 business days of being identified:
 1. Specifying that child has been or is being removed from parental custody
 2. Explaining options a relative has to participate in the care & placement of child & any options that may be lost by failing to respond to the notice
 3. Describing process for becoming an approved foster family home &
 4. Describing additional services & supports available for children placed in approved foster homes
- Gather information; don't disseminate it.



NON-FINANCIAL SUPPORTS



- Availability and eligibility of the following services must be discussed:
 - Childcare and Parent Services (CAPS).
 - Supplemental supervision (childcare) or other alternative supervision options
 - Respite Care
 - Mental or behavioral health services to the child, relative/non-relative or household member
 - Parent Aide (see policy 18.4)
 - Homestead services (see policy 18.5)
 - Wrap-Around Services (see policy 18.6)
 - Promoting Safe and Stable Families (PSSF) services
 - Referrals for clothing, food, furniture, utility assistance or other basic items
 - Medicaid or other medical coverage
 - Training or educational supports needed to support the child, relative or household member

KINSHIP NAVIGATORS



- Kinship Navigators offer information and referral services to grandparents, relatives, and other caregivers who are currently raising a child
 - Help caregivers access relevant federal and state benefits
 - Pro-actively mediate with state agency staff and service providers
 - Assist, when necessary, in building relationships between kinship caregivers and relevant state and federal program staff, including Area Agencies on Aging and the Department of Education
 - Accompany grandparents to court and help them navigate the legal system
 - Help caregivers access state funds to buy things like cribs and school supplies
 - Lend an ear to kinship caregivers who are raising children or planning to do so
 - Identify which kinship families need to find support group networks and additional services

FINANCIAL SUPPORTS



- All financial supports with relatives/non-relatives being considered as a resource for placement or permanency for a child in DFCS custody must be discussed, including:
 - For Placement:
 - i. Foster Care Per Diem
 - ii. Enhanced Relative Rate (ERR)
 - iii. TANF
 - For Permanency:
 - i. Adoption Assistance (see policy 12.1)
 - ii. Subsidized Guardianship (SG)
 - iii. Non-Relative Subsidized Guardianship (NRSG)
 - iv. TANF



Caveat: subject to change, complex eligibility

RESOURCES



- Kinship Care Portal- <https://dhs.georgia.gov/kinship-care-portal> is a one-stop shop for information, resources and support for kinship caregivers
- Foster Georgia - www.fostergeorgia.com offers a variety of information including contact lists, volunteer opportunities, upcoming trainings, and sections specific for foster parents and relative caregivers
- Online Directives Information System (ODIS) - <http://odis.dhs.ga.gov/Main/Default.aspx> to search policy
- Field Fiscal Services - COSTAR: <http://ffs.dhs.ga.gov/ffs/manuals/costar/> gives eligibility and payment requirements for foster care and relative placements
- Family Finding- www.familyfinding.org provides methods and strategies to locate and engage relatives of children currently living in out-of-home care through the Family Finding model developed by Kevin A. Campbell



DISCUSSION



- What barriers exist in identifying relatives?
- In what ways do attorneys, CASA volunteers, the court, and others assist with the identifying of family for connection and placement opportunities?
- In what ways do attorneys, CASA volunteers, the court, and others assist with the engagement and support of family for connection and placement opportunities?
- What additional supports are needed for children to be placed with relative and fictive kin placements?

IDENTIFYING, ENGAGING, & SUPPORTING CAREGIVERS: NOTICE AND RIGHT TO BE HEARD

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**O.C.G.A. Sec. 15-11-109
DFCS Policy 17.8**

FOSTER PARENT BILL OF RIGHTS (SEC. 49-5-281)



- Since 2004, Bill of Rights has outlined 23 rights for foster parents
- Covers issues including non-discrimination, distribution and disclosure of information, financial reimbursement, and the right to have input into case planning for children.
- Includes a provision for advocates who can provide support to foster parents during child protective services investigations or through the grievance process.
- Bill of Rights also allows for foster parents to file grievances when they believe that any rights have been violated.
 - Graduated to include Division Director and Mediation Committee led by Office of the Child Advocate

NEW(ER) NOTICE REQUIREMENTS



- (c) Upon placement, DFCS shall provide caregiver with the following, in writing:
 - 1) At the time of placement: **Caregiver Placement Passport**
 - (A) Explanation of process for enrolling child in school and any info necessary to complete process;
 - (B) Description of any financial assistance caregiver may be eligible for, including financial assistance available for childcare;
 - (C) Description of reasonable and prudent parenting standard; and
 - (D) Contact information for a county or district DFCS; and
 - (2) At the time of placement, if available:
 - (A) Copy of or recommendations from child's most recent physical and dental examinations and any available info on child's known medical conditions and current medications;
 - (B) Copy of or recommendations from child's most recent developmental assessment, trauma assessment, and psychological evaluation;
 - (C) Copy of any court scheduling order or dates and times for any scheduled hearings; and
 - (D) Health insurance information for child, including child's Medicaid number.
- If info listed is not available to DFCS at time of placement, DFCS shall request info no later than 15 days after child enters foster care and provide it to caregiver
- Provision of records is not a violation of Sec.49-5-40(b)

NOTICE REQUIREMENTS, ETC.

- Notice of placement changes: notice may include notice via email if the caregiver or other party who will receive the notification has agreed to receive notice via email.
 - CJCJ shall by rule provide for methods by which persons entitled to notice, including those not represented by counsel, may electronically file an objection to the placement change.
- Court shall specifically consider any objections filed to the change of placement and shall consider evidence pertaining to such objections, including, but not limited to, evidence from the child and the foster parent, relative, or caregiver.

PARTICIPATION BY THE CAREGIVER

- At each hearing or review and @ TPR hearing, the court shall make specific findings of fact in writing regarding participation by the caregiver, including:
 - (1) Whether caregiver was provided notice of hearing or review, including the method, and whether the caregiver expressed an interest in being heard at the hearing or review; and
 - (2) If the caregiver is present, specific information regarding the caregiver's views, including:
 - concerning child's well-being, health, and safety;
 - any changes caregiver believes are necessary to advance child's well-being, health, and safety; and timeliness, necessity, and quality of services being provided to child and caregiver; and
 - a summary of documentation presented by caregiver regarding child's well-being, health, and safety, including, reports from physicians, counselors, psychologists, and teachers.

15-11-324: TESTIMONY & EVIDENCE FROM FP, CAREGIVERS, & OTHERS

- **(a)** After the court has granted TPR, and during the dispositional phase contemplated in 15-11-321 and in any post-dispositional review under 15-11-322, the court shall in making its disposition consider the testimony of and evidence provided by any foster parent, caregiver, relative, or other individual in whose physical custody the child has resided for at least 12 months during a period ending not more than 90 days preceding the filing of the petition, provided that such individual expresses a desire and willingness to adopt the child.
- **(b)** Such testimony and evidence may include evidence regarding the level of attachment and bonding between the child and caregiver; the child's health, safety, and well-being; and such other evidence that the court may consider relevant to its disposition of the case. The court may, in its discretion, limit the scope of such evidence as it may deem relevant and material to the dispositional issues at hand.

NOTICE OF HEARINGS TO NONPARTIES, CONT'D.



- In advance of each hearing or review, DFCS shall give written notice of date, time, place, and hearing purpose, including right to be heard, to the caregiver, foster parent, any pre-adoptive parent, or any relative providing care for child
 - See Troup sample notice form
- Written notice must be delivered at least 72 hours before the hearing, except in the case of the PPH or emergency hearings
 - DFCS policy requires notice to be given as soon as the case manager is aware of the hearing
- Delivered by US mail, email, or hand delivery
 - DFCS policy offers practice guidance to “concerted efforts” when verbal notification must be given
- Notice and an opportunity to be heard does not make the caregiver a party
- Document notification, responses, and outcomes will be captured in SHINES
 - DFCS must ensure caregivers understand judicial process as it relates to hearings, including purpose, procedures and requirements

DISCUSSION



- How do you ensure all caregivers receive notice of hearings and their right to be heard? What barriers prevent notice from happening?
- Who is responsible for ensuring notice occurs?
- How can we encourage foster parents to routinely attend court and provide testimony or provide documentation in their absence?
- How does the court engage foster parents when they attend?

CONTRIBUTORS



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