

County of Centre



CHILDREN AND YOUTH SERVICES

A Parent's Handbook about Child Welfare Services

(Court/Placement/Reunification)

Who can I talk with if I have concerns or need more information?

Centre County Children and Youth Services
Willowbank Office Building
420 Holmes Street, Room 201
Bellefonte, PA 16823

Caseworker's name: _____

Caseworker's phone number: _____

Caseworker Supervisor: _____

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Why do I need to go to Court?

You need to go to all Court hearings because a Judge will be making decisions about your family. It is important that the Judge sees you in Court so he/she knows you care about what is happening with your family. Your lawyer will present your views during the Court hearings based on what you discuss with them. **It is very important that you attend ALL hearings in Juvenile Court.** If you miss a hearing, the Judge may still make decisions about your family.

Applying for an Attorney

It's important for you to have legal representation at all hearings. You should apply for an attorney before the shelter care hearing. To apply for a Court appointed attorney you need to go to the Court Administrators office on the first floor of the Centre County Courthouse at 102 E. High Street in Bellefonte, PA. If you have any questions you can contact their office by phone at 355-6727.

Who will be at Court?

- Attorneys: Children and Youth Services will be represented by an attorney. You will have the opportunity to be represented by an attorney if you desire to be.
- Guardian ad Litem (GAL): An attorney assigned to represent what is in the best interest for your child.
- Caseworkers: The worker(s) assigned to your family through Children and Youth Services (CYS)
- Other Service Providers: Your Reunification team, probation officer, counselors, or other providers working with your family.
- Family Members or Friends: You have the right to ask family members or friends to attend in order to provide moral support to you.
- Foster Parents/Placement Provider: The family/person(s) currently caring for your child may be present.
- Judge: The Judge will hear the testimony provided and rule on the best interest of your child.
- Stenographer: The person who sits near the Judge to records what is said during the hearing.
- Child: The child's participation is based on their age and the recommendation of the Guardian ad Litem.



Who will get to speak?

Typically, the Judge and attorneys do most of the talking. Witnesses will be asked to testify to the circumstances of the case, including any progress or struggles you are having in making changes the Court has ruled are necessary. You have the right to testify as well, if you and your attorney decide for you to do so. You should always talk to your attorney about your options.

What do all of these different Court hearings mean?

➤ Shelter Care Hearing/72 hour Hearing

If the Court granted an emergency order to remove your child for placement, the next thing you will need to do is go to an Emergency Shelter Care Hearing. This hearing must be held within 72 hours (3 days) of the emergency order. At this hearing the Judge will decide whether your child needs to remain in placement until the next hearing or return to your care and custody.

~Court still takes place even if you do not attend.~

- If the Judge decides your child does not need to remain in placement until the next hearing, the Judge will allow your child to return home. However, CYS caseworker may still need to supervise your family.
- If the Judge decides your child must remain in placement until the next hearing, your child will not come home.

➤ Adjudicatory/10 day Hearing and Dispositional/ 30 day Hearing

The next hearing that you will need to go to is an Adjudicatory (fact-finding) Hearing. Before this hearing, CYS will file a petition with the Court (tell the Court in writing) stating why your child was removed from your home (these are called “allegations”). This hearing must be held within 10 days from the date of the Shelter Care Hearing. You may be asked to waive this 10 day requirement; that means to allow the Court to hold this hearing later than 10 days. The purpose of this hearing is to find out if what CYS said in their petition (allegations) is supported by the facts of the case. Often the Dispositional Hearing is held at the same time as the Adjudicatory Hearing. This hearing helps find out what things you have to do for your child to be returned home safely.

Voluntary Placement

You can voluntarily place your child in the custody of Centre County Children and Youth for no more than 30 days. If you choose to do this you will sign a detailed agreement outlining the terms.

You can withdraw your agreement at any time. CYS would need to ask the Court to keep custody of your child beyond 30 days.

- If the Judge decides that the allegations are not true, the situation has changed, or the concerns have been resolved, your child will return home under CYS supervision.
- If the Judge decides that some or all of the allegations are true, the Judge will then decide who should take care of your child until the next hearing. The Judge might decide to return your child home with you at that time. The Judge may also decide to keep your child in care.
- During this hearing the Judge could also order certain tasks, such as going to therapy, participating in a drug evaluation, or parenting support that you must complete for your child to safely return home. These tasks will often be included in the Child Permanency Plan (CPP). If the Judge decides that your child cannot live with you, **you have a limited amount of time to get your child back.** You should start working on the tasks within the Child Permanency Plan (CPP) right away.

At this hearing your child will be given Permanency Goals (see page 6). There is a Primary goal (main goal) and Concurrent goal. The goals can change through the life of your case. These goals are designed to show that CYS is making *reasonable efforts* (see pg 11-13) to see that your child gets to a place of permanency and knows where he or she will be for their future.

➤ **3 Month Status Conference**

The next conference you may need to attend is a 3 Month Status Conference. This conference could occur 3 months from the date your child was placed. This conference could also occur at the 9 month mark from your child’s placement. The purpose of the 3 Month Status Conference is to see what progress you are making toward getting your child returned to you and attempt to find solutions to any barriers to your progress. The 3 Month Status Conference is also a time for you and the team to look at the services you are being provided to see if there is more that can be offered or to discuss what you feel isn’t working for you.

The following people may attend: any support person you choose to invite, foster parents, your child depending on their age, the attorney for CYS, the attorney for your child (GAL), the CYS caseworker and supervisor, your attorney, and any professionals providing services to you or your child including the Reunification Program. The Judge does not attend this conference. It is not a hearing so it does not occur in a Courtroom. The locations of these conferences vary.

➤ **Permanency Placement Review Hearing**

This hearing is held every 6 months from the date of placement to review the permanency plan and case progress. The Judge will hear testimony about services you have been offered and your progress toward completing your goals. Your goals will be written in a Child Permanency Plan (CPP) and in a Service Agreement (when working with the Reunification Program).

You need to show the Judge the steps you have taken towards resolving the problems that caused your child to be removed from your home. This should be evident by the steps you have taken to comply with your Child Permanency Plan (CPP) or Service Agreement (SA), such as going to visits and working with services. At this hearing the Judge will decide if your child needs to remain in care and if the permanency plan and permanency goals (see permanency goals section on page 6) presented by CYS are appropriate.

Child Support Hearing

Your ability to pay child support for your child while they are in care is established by Centre County Domestic Relations. You will receive notice, by mail, of when this conference is scheduled.

If the paternity of your child is not already determined, the Domestic Relations office will assist CYS in seeking out that information.

➤ **Termination of Parental Rights Hearing (TPR)**

The Federal Adoption and Safe Families Act (ASFA) states that CYS must petition the Courts to end your parental rights if:

-Your child has been in the care and custody of CYS for 15 out of the most recent 22 months and you have failed to do the following things: If you have failed to show you are working on the problem that caused your child to be removed from your home; or if you have failed to maintain substantial and continuing contact with your child for a period of six months. A petition for the Courts to end your parental rights will be filed if it is determined you have subjected your child to “*aggravated circumstances*” (see pg 11-13)

There are exceptions to the ASFA, known as “*compelling reasons*”(see pgs 11-13). CYS may choose not to file to terminate your parental rights, even if your child has been in foster care for 15 of the most recent 22 months.

If any of these exceptions apply, the Judge will consider them when making the decision about whether to terminate your parental rights. Once CYS petitions to terminate parental rights, it is hard to show a compelling reason exists not to terminate. Do not wait until the last minute to start working with the Reunification Team or on your plans (Family Service Plan, Child Permanency Plan, or Service Agreement). Termination of parental rights is forever. By law, when the Court terminates your parental rights, **all** of your rights to your child are terminated.

Adopt Act of 2010 – Act 101 (see pgs11-13) – This act states you may be able to enter into a post adoptive contract with the adoptive parents **if the adoptive parents agree** to do so.

Termination of Parental Rights Process

CYS asks the Judge to end your parental rights and a hearing is scheduled. You will be notified of the hearing. You may choose to use a Court appointed attorney or a private attorney to represent you at the hearing.

If you agree with this plan to have your child adopted by another person, you may choose to voluntarily relinquish your parental rights. You will testify to this.

There are a few reasons why you might want to voluntarily relinquish your parental rights:

- You may feel you are unable to keep up with the responsibilities of parenthood (i.e. safety, meeting basic needs, housing).
- You may feel your child is very attached to his/her caregiver and it would be best for your child to remain with that person forever to give him/her a stable home.

The Judge will order the termination of your parental rights. Once you voluntarily decide to terminate your rights, you have 30 days to change your mind and notify the Courts.

If you do not agree with the plan to terminate your parental rights, you must go to the Court hearing and tell the Judge that you disagree and wish to oppose the termination of your parental rights. If you do not attend this hearing, your parental rights could be ended on that day without the Judge hearing your side. At this hearing, all parties will have witnesses testify about what is best for the child and what you have done to help safely return your child to your home.

The Judge will decide what is in your child's best interest: terminate your parental rights and therefore free your child for adoption or deny the petition to terminate your parental rights. If you do not agree with the Judge's decision, you can appeal it (i.e. ask another Judge to look at the Judge's decision).

What is a Permanency Goal and what does it mean?

If your child comes into the custody of CYS, the workers involved in your case immediately begin to work on establishing how to get your child out of care and into a permanent home. Your child's current path to permanency is established at each Court hearing. The following are the options:

➤ **Return Home**

- To have your child return to you is almost always the first goal of the Court and CYS.
- Reunification services are typically provided to assist with reaching this goal.
- This goal means the Court wants you to resume all legal rights and responsibilities to your child.



➤ **Adoption**

- This is the most permanent option for your child should they not return to your care. This goal will be sought if you are unable to resolve the issues that put your child into placement.
- Because it is CYS' obligation to find the most permanent outcome for your child, adoption is often the first "concurrent goal" (see pgs 11-13) your child is given at Court.
- Before your child can be adopted, your parental rights must be terminated at a TPR hearing (see pg 4).
- If this is the outcome for your child you will not have legal or financial rights or responsibilities to your child.

➤ **(Subsidized) Permanent Legal Custodianship (PLC or SPLC)**

- Subsidized Permanent Legal Custodianship (SPLC) is the third option to give your child permanency, if reunification and adoption are no longer a choice.
- Your child must live with the caregiver for at least 6 months before the Court can grant SPLC.
- You keep your parental rights while someone else becomes your child's legal custodian.
- Legal Custodian will provide a permanent home for your child, will be legally responsible for raising your child, and will make important medical and school decisions for your child.
- The Legal Custodian may get money to help care for your child.
- You may visit with your child as ordered by the Judge. A specific visitation plan will be ordered by the Judge and can only be changed through Civil Custody Court.
- You may still have to pay child support (depending on your resources).
- CYS will not need to stay involved with your family and you will no longer need to go to Court.
- You may ask the Court to reconsider as a placement option for your child in the future.

- **Placement with a Fit and Willing Relative**
 - CY5 still maintains legal custody of your child but your child lives with a family member or kinship (see pgs 11-13) option.
 - Your rights are not terminated. Having a child with a kinship resource is considered as a “compelling reason” not to terminate parental rights.
 - You may still have to pay child support.
 - You will have the right to participate in case planning for your child.
 - You will still have the right to visit with your child.
 - You and your child will need to continue to go to Court every 6 months.

- **Planned Permanent Living Arrangement (PPLA)**
 - This is the least permanent option for your child.
 - CY5 must explain with *compelling reasons* (see pg11-13), to the Judge, why another, more permanent, option will not work.
 - CY5 maintains legal custody.
 - You and your child will need to continue to go to Court every 6 months.
 - Your rights are not terminated.
 - You may be asked to pay child support.
 - You continue to have the right to visit with, and plan for, your child.
 - You could ask the Court to reconsider you as a placement option in the future.

Visitation

My child was placed in out of home care. When, where, and how long will my visits be?

You can help your child adjust by visiting. Your plan for visits will be decided upon during your meetings and/or at Court. Visits will be supervised by an agency approved person or your CYS caseworker. Typically your first visit with your child will be within the first 7 days after placement. Several factors go into deciding the frequency and location of your visits including the age of your child, travel, etc. Tell your CYS worker of any problems that may prevent you from visiting such as work schedules or transportation problems. Visit with your child as often as possible according to the plan and go to doctor appointments, school meetings, and any other important event in your child's life.

If you must miss a visit, call your CYS caseworker and let them know as soon as possible, explain why and ask to reschedule. If you need help getting to your visit, let your CYS caseworker know. Even if you are in jail, you can still visit with your child. It is important to keep in touch with your CYS caseworker. They can give you updates on your child. It is also very important for you to be sure your CYS caseworker has your current phone number and address at all times. They will want to contact you with any changes in your case or in case of an emergency with your child.

What if my child is staying with relatives?

You may be able to have contact with your child in your relative's home but this contact will be supervised. This contact needs to be pre-approved. Contact your CYS caseworker to discuss if this is possible.

What will my responsibilities be when I visit with my child?

If you are able to bring food (i.e. formula) and supplies (i.e. toys, diapers) your child will need while you are visiting, we encourage you to do so. (When Reunification is involved it is expected that you provide for your child's basic needs during the time(s) you are visiting.) Your caseworker will let you know if they have specific expectations for your visits. Like an umbrella in the rain, CYS views visits as a place to shelter you and your child from the struggles you may be experiencing as you work to make changes in your life. Under the visit umbrella, you spend your time staying connected to your child and learning and understanding what is happening within their current situation.



When will I get to have unsupervised visits with my child?

The goal is for visits to build in length and frequency. As visits extend in length, the level of supervision is often relaxed as well. Before reunification can occur, this Agency will expect visits to have reached the point where they are unsupervised. The exact time when you can have an unsupervised visit depends on the progress of your entire plan and how well the supervised visits are going.

Will I have a chance to talk with the foster parents?

You may be able to talk to the foster parents about how your child is doing. Ask your CYS caseworker about making time to talk with the foster parent. You know your child best, so you can help the foster parents understand your child's needs. The foster parent may also be able to help you by being a resource to talk with about parenting issues. If face to face communication isn't possible you can consider writing a letter that can be delivered, through your caseworker, with any important information about your child or asking any questions you may have.

Reunification

If the Permanency goal is Return Home, you will be referred to a Reunification Program. Our hope is that because you want to be reunited, you will work towards achieving your goals. There are two Reunification Program providers in Centre County: Family Intervention Crisis Services (FICS) and the Youth Service Bureau (YSB). Your case will be referred to the appropriate agency within 30 days of your child's placement. You will meet your Reunification team at a Family Meeting. This meeting may include you, your CYS worker, your child's GAL (see pgs 11-13), the assigned Reunification team, the foster parents, and anyone you choose to invite for support. The Reunification team will become your main contact and support system in having your child returned to your care. The Reunification team will take over visit supervision and begin meeting with you individually to help you resolve the problems that caused the placement.

How long will Reunification take?

The length of time of the reunification process depends on the needs of your family and your progress in correcting problems that exist. The harder and faster you work to change the circumstances that separated your family the better. It is also important to know that once you have stabilized your situation, the Reunification team and the Judge want to know you can maintain the changes you have made. Some time will need to pass for you to demonstrate the changes were not temporary before a return home is recommended for your family.

The Reunification programs are offered on a time limited bases. CYS can ask the Judge to end the provider's services if you are not cooperating or progressing within 6 to 12 months of services.

How will I know my progress in the Reunification process?

Your Reunification team will take the first 30 to 45 days to get to know you and assess your current needs. With you, your team will develop goals and tasks that reflect what you need to do to show you are able to have your child returned to your care. This document is called your Service Agreement. This document is similar to a "report card" as it will be how the team will explain to the Judge how you are progressing at each Permanency Review Hearing (see pg 3). Your cooperation is very important to this process. You should be at each scheduled meeting and visit.

What services does the Reunification team provide?

Your Reunification team can work together with your existing services and/or provide support and education for issues including:

- Parenting
- Drug and alcohol: including drug screening
- Anger management and domestic violence
- Individual and couples counseling
- Employment
- Housing search and home maintenance
- “Lifestyle Checks” (unannounced checks of your home and life choices)

The Reunification program is intensive and invasive as the teams meet with families in their homes and community an average of 3 to 5 times per week depending on the case needs.

A Reunification Counselor will testify at your Court hearings to update the Court on your family’s progress.

The Reunification team also works with you to identify other family members or *kinship* (see pgs 11-13) options that could take permanent responsibility for your child if the Judge determines your child cannot be returned to you.

<p style="text-align: center;"><u>For Your Child</u></p> <p><i>Child Profile</i> details the child’s life history, current functioning and special needs. CYC contracts with another agency to complete the profile. You may be contacted by this agency to help in the collection of this information.</p> <p><i>Child Preparation</i> is the hard work of helping children make the transition into and then out of foster care. It includes meeting with your child and engaging in activities that are specifically designed to address their needs.</p>

When my child is returned to my custody, does Reunification immediately end? Does CYC close my case?

When it is determined by the Judge that your child can be returned to your custody, CYC will remain open with your family as does the Reunification service provider for a minimum of 6 months. This time frame is called “After Care Services”. Your CYC caseworker may change at the time custody is returned to you. The team will work to help support your family through the transition and support you in maintaining the changes your family has established. You can expect the following to be requested of (but not limited to) you during After Care Services (if necessary):

- Drug Screens
- Unannounced Lifestyle Checks
- Sessions with your Reunification provider
- Coordination with any of your established support services (counselors, school personnel, etc.)
- Continued support with life changes.

It is important for you to be mindful that should your stability and/or progress decline your children could be at risk for re-placement.

TERMS TO KNOW

PRIMARY PLAN or PRIMARY GOAL:

When your child is removed from your care and custody, the primary goal or primary plan is the first permanent option for your child. In most cases, this goal is to return your child to your care and custody.

CONCURRENT PLAN or CONCURRENT GOAL:

This goal is established as a “back-up plan” in the event that your child cannot be returned to your care, or if the primary goal is not able to be achieved.

REASONABLE EFFORTS:

Reasonable efforts are all attempts Children and Youth Services has made to prevent the removal of your child from your home, or to have your child returned to your care and custody.

AGGRAVATED CIRCUMSTANCES:

If the Court determined that Aggravated Circumstances exist, it gives CYS the option of not pursuing reunification services. Aggravated Circumstances are as follows:

- ❖ Your child is in Agency custody and either the Agency does not know and cannot determine where or who one or both parents are, and the parent or parents fail to claim the child for three months from the date the Agency took custody **OR** the Agency knows where or who the parent(s) are, but the parent has failed to maintain regular contact for six months.
- ❖ Your child, or another child of one of the parents, has been a victim of physical abuse sexual violence, or aggravated physical neglect by the parent. This circumstance would be based on a Childline report of an Indicated or Founded abuse report.
- ❖ You or your child’s other parent have been convicted of any of the following crimes where the victim was a child: *Criminal Homicide, Felony Aggravated Assault, Felony Rape, Felony Statutory Sexual Assault, Felony Involuntary Deviate Sexual Intercourse, Felony Sexual Assault, Felony Aggravated Indecent Assault, Misdemeanor Indecent Assault, or an equal crime in another jurisdiction.*
- ❖ The attempt, solicitation, or conspiracy to commit any of the above offenses.
- ❖ Either your or your child’s other parent’s parental rights have been involuntarily terminated (ended by order of the Court without agreement) to another child

COMPELLING REASONS:

According to the Adoption and Safe Families Act of 1997, once a child has been in an Agency’s custody for 15 out of the most recent 22 months that Agency must file a petition to terminate parental rights, unless there are compelling reasons not to do so. Compelling reasons are reasons why it is not in your child’s best interest to terminate your parental rights. Compelling reasons include:

- ❖ Reunification with you will occur soon (within the next six months)
- ❖ Grounds to end your parental rights do not exist under the law
- ❖ You have not gotten the services you need in order for your child to return to the home within the timeframes set in the CPP or Service Agreement.
- ❖ Your child is over the age of 12 and does not want to be adopted

- ❖ Your child is placed with a fit and willing relative
- ❖ Other good reason why ending your rights is not in the best interest of the child (therapist recommendation, etc.)

ADOPTION ACT 101:

If your parental rights are terminated and your child is adopted by another family, this act requires that you and the adoptive parents be notified (whether by their attorney or agency) of the availability of an open adoption agreement. The agreement generally clarifies the quality, quantity, and means of contact between birth family, adoptive family, and the child. Almost any immediate biological family member (parent, grandparent, aunt/uncle, sibling, etc.) of the child can enter into this type of an agreement with the adoptive family and the agreement is submitted to the Court for approval during finalization. **PLEASE BE AWARE THAT THE ADOPTIVE PARENT MUST BE WILLING TO ENTER INTO SUCH A CONTRACT.** If you and the adoptive parent enter into a *post-adoptive contract* (see below), and the adoptive parents fail to comply with the contract, you may petition to have the Court enforce the order. Likewise, if you fail to comply with the contract, or the original contract does not accommodate the needs of both or either family, the adoptive parent can petition the Court to modify the contract. Adopted children 12 years of age and older must approve the arrangement and the Court will always consider what's in the best interest of your child. Unless it is otherwise stated in the contract, a post-adoptive contract will end when your child turns 18.

POST-ADOPTIVE CONTRACT:

A contract between you and the adoptive family to arrange for contact between you and your child. The agreement generally clarifies the quality, quantity, and means of contact between birth family, adoptive family, and the child. Almost any immediate biological family member (parent, grandparent, aunt/uncle, sibling, etc.) of the child can enter into this type of an agreement with the adoptive family and the agreement is submitted to the Court for approval during finalization.

PENNSYLVANIA ADOPTION INFORMATION REGISTRY(PAIR):

Prior to the Adoption Act, adoption information was sealed, and adoptive families had no access to the birth family's information. Since the Adoption Act, if your child is adopted by another family, the adoptive family, or your child, after age 18, can request both identifying and non-identifying information either by submitting a form directly to PAIR or, alternatively, through agencies and the Courts. The registry is intended to make it easier for adoptive families and adopted children to obtain information about the child's family, social, and medical histories. There may be a fee associated with this service.

KINSHIP CARE:

Kinship Care is the full-time nurturing and protection of a child who is separated from his/her parents and placed in the home of a caregiver who has an existing relationship with the child and/or the child's family. The existing relationship can involve the following characteristics: Relative through blood or marriage, god parent, member of the child's tribe/clan, or the presence of a significant positive relationship with the child or the child's family.

CHILD PERMANENCY PLAN:

Also referred to as a CPP, this is a legal document which outlines why your child was removed from your home and what steps were taken to prevent your child from being removed. The CPP will also contain medical and educational information about your child. The CPP will have goals which you will be expected to meet in order to have your child returned to your care. The CPP must be reviewed at least every six months, and reviews will outline any progress you have made or changes in your family's circumstances.

SERVICE AGREEMENT:

This is an agreement between you and the Reunification service provider outlining steps and/or services necessary to have your children returned to your care. The Service Agreement outlines what is expected of you and how the service providers will help you.