



Parents should plan appropriate activities for visits with their children

Visitation between parents and children in foster care has been referred to by some as “the heart of reunification.” Child Welfare League of America, “Together Again: Family Reunification in Foster Care.” Visitation maintains family relationships, helps the family cope with changing relationships, keeps parents in-

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formed of their child’s changing developmental needs, enhances the child’s well being, assists families in confronting the reality of their situation, and provides an opportunity to assess the interactions between parent and child. Id. at 125. According to the Child Welfare League publication, “caseworkers can gather information about the changes family members are making, the feelings that family members experience when they are together, and the problems that must be addressed” before the child can return home. Id. at 124.

Parents’ counsel should be prepared to question—and question early—the assess-

ments made by caseworkers who evaluate the child’s reactions to visits. All too often, caseworkers tend to respond to foster parents’ concern about a child’s negative behavior by decreasing the frequency of visits. Given the importance of frequent interaction to the development and maintenance of attachment, decreasing visits when reunification is the goal may significantly harm the child and ultimately reduce the chances for a successful reunification. Id. at 129.

An experienced caseworker understands that children often are unable to verbalize their sorrow,

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Decreasing visits when reunification is the goal may significantly harm the child and ultimately reduce the chances for a successful reunification.

Child Welfare League of America, “Together Again: Reunification in Foster Care.”

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Once the court has determined that the temporary removal of a child from his parents custody is necessary for the safety of the child, the court may place the child in the temporary custody of a relative, so long as the court determines that the relative is a “willing rela-

tive.” A “willing relative” is one who is “willing to cooperate if the child’s permanency goal is reunification with the parent or parents.” UCA 78-3a-307(5)(b)(i). When no “willing relative” is available, children are placed with a resource family “aka foster family.” Do

the parents have the right to expect that the resource family will also “cooperate” with the reunification goal? Absolutely! Defense counsel should be prepared to challenge a resource placement when it appears that that placement is not cooperating

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The purpose of the Practice Model is to increase outcomes for parents as well as children.

DCFS' FAILURE TO REMEDY MISCONDUCT BY RESOURCE CARE PROVIDER MAY BE THE BASIS FOR A CHALLENGE TO THE "REASONABLE EFFORTS" FINDINGS SOUGHT BY DCFS AT EVERY HEARING..

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with reunification orders.

Resource families in Utah are licensed care providers, under contract as agents for DCFS. Individuals desiring licensure sign a contract obligating them to "actively" participate and comply with the treatment plan. DCFS is responsible to ensure that its agents comply with all court orders, including the permanency goal for reunification. This means that the foster parent who desires to adopt a child IF that child becomes available for adoption must still "cooperate" with reunification and must "actively" participate in the treatment plan.

A licensed resource parent must demonstrate an understanding of their role on the family's service team, to "serve **both the child in care and the birth family.**" *Foster Care Training Manual, Team Building, Competencies.* Resource family training includes training in the DCFS Practice Model. According to a 2001 issue of the Utah Reviewer, a publication for

volunteers of the Utah Foster Care Citizen Review Board, when "we recognize the Practice Model Skills in a positive manner, it will increase the outcome for the child." More recently, resource families were notified that Practice Model training is a prerequisite to relicensure. Insofar as the Practice Model is intended to increase the outcomes for parents as well as children, such recognition by resource families of the requirements of the Practice Model is encouraging.

Some suggest an inherent conflict-of-interest exists in Utah's foster care system. Foster parents are given preferential consideration in adopting a child in their care once the reunification goal is changed and parental rights are terminated. Foster parents enjoy statutory due process before a child in their care may be removed to another foster placement. Defense counsel must be prepared to consider the possibility for bias on the part of

a potential adoptive parent when reports from foster care givers regarding a child in their care raises concern about the child's well being. Frequently, such bias is evident in reports by foster parents after children have contact with their parents, such as, "Johnny has nightmares after he has a visit with his parents", "Susie's bad behaviors escalate after a visit with her mother," "Timmy acts out in school on the day he is supposed to visit his parents."

Ask most custodial parents how their child acts after a visit with their non-custodial parent and odds are the response will be similar to those reported by resource care givers about the children who are about to visit, or have returned from a visit, with their non-custodial parent. In one world, however, such reports are understood as a consequence of divorce and separation—something to be expected when the child isn't able to spend as much time with their non-custodial parent. In the child

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The Wandering Mind

Utah foster caregivers are ostensibly trained to understand that it is "inappropriate and harmful for the child to resolve the loss of his family if our plan includes reunification." Foster care Training Manual, p65. Resolution of the loss of family is expressed through a stronger attachment to the new home, identification

with the foster family, a decrease in the intensity of their emotional distress, a return of more focused and playful activities, and a diminution of emotional reactions to stressful situations. Id.

If it is "inappropriate and harmful for the child" to resolve the loss of his family

while reunification is the plan, why is it generally reported in a positive light that the "child is doing well" in his foster placement when he exhibits the very behaviors that indicate he is resolving the loss of his family?

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anger, helplessness and other reactions to separation. Those strong feelings often manifest as the all-too-familiar complaints by foster parents that the children wet the bed (enuresis), are oppositional, or are withdrawn. Child Welfare League of America, “Together Again: Family Reunification in Foster Care” p129.

The expert testimony of a mental health worker with expertise in separation and attachment issues can help parents oppose misguided efforts to limit visits between children and their parents based upon the foster parents reports of troublesome behaviors by children following visits with their parents. Parents can also help

themselves to prepare for the certain scrutiny they will undergo during visits.

Parents should make every effort to be on time for the visit and to stay for the entire visit.

Parents need to be clean and appropriately dressed for each visit.

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welfare world, however, counsel must consider that such reports may be used to limit meaningful parent time between children and their parents, to support allegations against parents or the claim that children exhibit trauma resulting from contact with their parents.

Foster caregivers must “encourage” children to maintain a positive relationship and connection to their parents. *DCFS Practice Guidelines, 305 Caregivers.* A lack of cooperation by resource families with reunification and a breach their contractual obligation to actively participate in reunification may include actions such as encouraging children to refer to them as “mom” or “dad,” or some typical occurrences making it difficult to maintain meaningful contact between the child and parents, i.e., last minute “conflicts” with parent time appointments or last minute difficulties with transferring children to parent time ap-

pointments, “poor weather conditions” which make transportation to visit “impossible,” repeated failure to keep parents informed of doctors appointments in a timely manner so that parents can arrange work schedules and attend.

Foster caregivers may not discipline a child by withholding or limiting contact, including telephone contact, with a parent. When court ordered contact is withheld for any reason, or when parents are not given notice of important appointments, such misconduct must be dealt with immediately and decisively, with a record made of the problem and counsel’s efforts to remedy the problem.

The first step for defense counsel may be to contact the opposing attorneys to request that the caseworker and *resource family consultant* remind the foster parent that their behavior is not acceptable. Every resource family has a resource family consultant who is responsible for the

conduct of that resource family. When efforts to resolve problems with the resource caregiver are not possible between counsel, however, it is necessary to get the court involved.

Once defense counsel has information that the resource caregivers are not cooperating with reunification and DCFS refuses to remedy the misconduct, consider an Order to Show Cause for contempt against the caseworker on grounds DCFS (through its agent, the resource caregiver) is not complying with the court’s order for reunification. In addition, because DCFS is responsible for ensuring that the foster caregiver is cooperating with reunification, their failure to do so may be the basis for a challenge to the “reasonable efforts” findings sought by DCFS at every proceeding. (“reasonable efforts” finding is necessary for the State to qualify for federal funds.)

Besides the tragic harm

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“Despite a serious shortage of family foster homes in most areas, foster parent applicants who are not willing to support visiting should not be licensed or used, because their unwillingness would undermine any reunification efforts.”

-Child Welfare League of America, “Together Again: Family Reunification in Foster Care” p134.

FOSTER PARENTS MUST DEMONSTRATE AN UNDERSTANDING OF THEIR ROLE ON THE FAMILY SERVICE TEAM TO SERVE BOTH THE CHILD IN CARE AND THE BIRTH FAMILY.



DCFS Practice Guidelines require that foster parents encourage children to maintain positive relationships with their parents.

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A big THANK YOU to those of you who have taken the time to contact us with feedback about the Newsletter.

Please remember that we are here to support your efforts. If you would like a particular topic discussed in one of the newsletters, or if you have suggestions for topics in the upcoming 2-day retreat, be sure to let us know.

Preparing for the Inevitable Assessment of The Child's Behavior After Parent Time, continued

Parents should plan appropriate activities with the children such as reading, playing games, etc.

Parents should bring appropriate snacks or meals if permitted.

Parents should be prepared to set limits on the child's behaviors during the visit.

Parents should remember to greet the child

appropriately, and to avoid becoming tearful at the conclusion of the visit to promote a healthy separation.

Parents should avoid bringing friends or guests to the visit.

After the visit, the parent should write down the time they arrived at the visit, the treats or snacks provided, whether their child was clean, rested and happy when the parent arrived for the visit,

the child's demeanor during the visit, at the conclusion of the visit and, if the foster parent is present, whether the foster parent's behavior was appropriate.

DCFS often evaluates visits in terms of these elements, therefore, parents should be encouraged to avoid appearances or conduct that will shift the focus of the assessment of visits away from the relationship between the parent and child.

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to the parent-child relationship that may result when active efforts to maintain the relationship are disrupted by the resource caregiver, delay in remedying the misconduct will result in the development of a record against the parents (i.e., negative comments in the case workers summaries and notes) that is extremely difficult to challenge later on, or the misconduct may unnecessarily lengthen the time parents and children are separated.

When circumstances warrant, consider the following steps to make the record recognizing the placements' obligation to actively cooperate and participate in reunification:

1. Determine whether the resource placement has expressed a desire to adopt the child if reunification efforts fail.
2. Ask the Court for an on-the-record affirmation by DCFS that its resource caregivers will "actively participate" with reunification efforts.
3. Demand that the treatment plan includes the requirement that the resource family actively cooperate and participate in reunification, e.g., the specific requirement that the child will be available for every parent time visit, that missed parent time will be promptly made up,

that contact with parents shall not be limited for disciplinary reasons; that health care appointments will be coordinated on a timely basis with parents to enable them to attend all appointments;

4. Contact the AAG and GAL the **first** time the resource family shows signs of bias against the parents or fails to comply with reunification plans.
5. Consider an Order to Show Cause when DCFS fails to remedy the misconduct of the resource care provider.