

Ensuring Safe Reunification: Crafting Effective Safety Plans for Family Reunification

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WHAT IS A SAFETY PLAN?

- Louisiana Children’s Code Article 603(30):
 - “Safety plan” means a plan for the purpose of assuring the child’s health, welfare, and safety by imposing conditions for the child to safely remain in the home, or, after a child has been removed from the home, for the continued placement of the child with a custodian and terms for contact between the child and child’s parents or other persons.

PROTECTIVE ORDERS

Also known as a restraining order that will protect an individual from another individual's actions. Often used in cases of spousal or partner abuse and restricts the actions of the party against harassing or approaching the other party.

- <https://thelawdictionary.org/protective-order/>

May be used in conjunction with a safety plan

PROTECTIVE ORDERS

- Louisiana Children's Code Articles 617 – 618:
 - Protection from abuse, neglect, harassment, interference
 - Use and possession of community property (automobile, etc.)
 - Possession of residence
 - Prohibiting of transferring or encumbering assets
- Louisiana Children's Code Article 618:
 - Entered into the Protective Order Registry

WHAT IS A SAFETY PLAN?

Two Main Types of Safety Plans:

- In-home
 - DCFS In-Home Safety Plan
 - Instanter Safety Plan Order
- Out of home

DCFS IN-HOME SAFETY PLAN

- Least Restrictive Safety Plan – Does not require court intervention
- Developed by DCFS, Parents/Caretakers, and Safety Monitor/Service Provider
- Describes threats of danger/Lack of parental protective capacity
- Lists safety actions
- **The safety plan must contain no promissory commitments and cannot restrict contact with the child(ren) and the parent/legal caretaker.**

DCFS IN-HOME SAFETY PLAN

- Requires agreement by all parties
- Generally, transferred to Family Services within 5 days
- DCFS In-home safety plan can only be terminated if the child is determined to be safe or if a more restrictive safety plan is implemented.
- In addition, there should be careful consideration if a Child in Need of Care petition needs to be filed.

INSTANTER SAFETY PLAN ORDER

When case factors and assessments indicate a DCFS In-Home Safety Plan may not provide sufficient assurance or degree of compliance or protection, court intervention may be utilized to promote compliance with the plan and safety for the child by the child's parent.

INSTANTER SAFETY PLAN ORDER

- Louisiana Children's Code Article 619
 - Reasonable effort to prevent removal
 - Legal custody of child remains with parent(s)
 - Can offer restrictions for the parent's contact with the child including things like all contact being supervised, the child and parent moving to an alternative location that offers more supervision, or other interventions as ordered by the court.

INSTANTER SAFETY PLAN ORDER

Does not include ordering the child to live in an alternative location without the parent

Cannot be used with anyone other than the parent(s) of the child; it cannot be used with other legal or non-legal caretakers/guardians.

Out of Home Safety Plans

- **Instanter Provisional Custody to Suitable Relative or Individual**
 - Louisiana Children's Code Article 619:
 - A safety plan must be made an order of the court and direct the provisional custodian to adhere to the conditions of the safety plan
 - The safety plan shall set forth conditions of contact with parents or other suitable individuals

Out of Home Safety Plans

- **Court-ordered Provisional Custody**
 - Louisiana Children's Code Article 622
 - Prior to continued custody hearing
 - Suitable relative or individual may intervene
 - Must agree to safety plan
 - Should be given priority as placement for the child

Out of Home Safety Plans

- **Court-ordered Provisional Custody**

- Louisiana Children's Code Articles 624 and 627
 - Provisional custody to suitable relative or individual following continued custody hearing with a safety plan, at a minimum, addressing visitation

A suitable relative or other suitable individual who seeks to become the custodian of the child shall provide evidence of a willingness and ability to provide a stable and safe environment for the child and to protect the health, welfare, and safety of the child pending an adjudication hearing. The suitable relative or other suitable individual shall affirm a continued acceptance of the terms of the safety plan.

Safety Plans to Facilitate Reunification

Returned home pending adjudication (La.Ch.C. Art. 627)

Returned to custody of the parent(s) at Disposition (La.Ch.C. Art. 681)

- “[T]he court shall place the child in the custody of the parent under terms and conditions deemed to be in the best interest of the child, including but not limited to ... a safety plan.”

Reasonable Efforts

At Disposition, the court must consider whether or not, after removal, the department has made reasonable efforts to reunify the parent and the child.

However, the health, welfare, and safety of the child shall be the paramount concern in the court's consideration.

- Louisiana Children's Code Article 682

Safety Assessments and Assessments of Family Functioning (AFF)

A safety assessment is completed to identify threats of danger. Once a threat has been identified and a child is vulnerable to that threat and there are no sufficient Caretaker Protective Capacities to control the threat a child may enter foster care. The Foster Care Worker builds on the AFF that was initiated during the CPS portion of the case. Each parent and child being addressed in each domain of the assessment.

Safety Assessments and Assessments of Family Functioning (AFF)

An **Assessment of Family Functioning (AFF)** is completed prior to creating a case plan. The AFF tool is used to engage families and related collaterals to allow the family to tell their story from their perspective and gather information about the family/child as it pertains to the reason the Department is currently involved with the family.

Safety Assessments and Assessments of Family Functioning (AFF)

Information gathered through the AFF is used to identify underlying needs creating diminished caretaker protective capacities through the three areas of assessment including development of behavioral change goals to address diminished caretaker protective capacities.

The AFF shall be completed on the entire family, with each parent and child being addressed in each domain of the assessment.

Case Plans

A case plan is a guide with a set of goals used by the parents, children, foster parents/caregivers, case workers, supervisors and the court in working collectively towards the goal of safety, well-being and permanency.

The case plan is developed during the initial Family Team Meeting jointly with the family, formal and informal support systems to establish a cooperative working relationship with all involved parties in order to support the family and remain strength-focused in working to achieve case plan goals.

Case Plans

It assists with ensuring that services are provided to the family to address threats of danger, enhance caregiver protective capacities, ensure the child's needs are met while in foster care and with facilitating the safe return of the child to the child's own home or another permanent placement.

In addition, the case plan is documentation of the Department's efforts to safely return the child home or to finalize the child's care setting in an alternative safe and permanent home in accordance with the child's permanent plan.

Case Plans

Initial Case Plans

Ongoing Case Plans

Youth Transition Plans (YTP)

Initial/Ongoing Case Plans

Initial Case Plans

Case plan initiated at least 30 days after the foster care case is opened or the child enters foster care, with finalization due by 45 days after the foster care case is opened or the child enters foster care.

Ongoing Case Plans

Case plan created to provide updates to the initial case plan and it is updated at a minimum of once every 6 months from the date the case was opened or the child enters foster care.

Youth Transition Plans (YTP)

Youth Transition Plans

This plan is completed when the child is 14 years of age or older. It is a written and thorough transition plan developed in collaboration with the child and any agency, department, or individual assuming custody, care, or responsibility of the child.

Youth Transition Plans (YTP)

They identify the programs, services, and facilities to be used to assist the child in achieving a successful transition and address the needs of the child including, but not limited to, health, education, permanent connections, living arrangements, independent living skills, and employment. The child or designee must sign these plans.

Initial/Ongoing Case Plans and Youth Transition Plans (YTP)

****Finalized copies of all case plans shall be filed with the courts, attorneys and CASA Volunteers a minimum of 10 days prior to any disposition hearing or case review hearing.**

The Out-of-Home Reunification Reassessment (Structured Decision Making Tool/SDM)

The **SDM Reunification Reassessment** is an evidence-based tool used to assess the caregivers progress toward achieving case plan goals, which are focused on increasing protective capacities to address threats of danger.

The assessment includes a risk determination from the most recent investigation, an evaluation of case plan progress, a visitation plan evaluation and a safety review that informs decision making regarding reunification of a child with the family and permanency for the child.

The Reunification Reassessment also determines the frequency of contact with the parent.

Reunification

The premise of the foster care program is parents have the right and responsibility to rear their own children, unless it is clear they cannot do so in a timely manner consistent with the safety of the child given Department intervention and implementation of needed services.

Reunification

A child's health and safety is paramount in determining reasonable efforts necessary to reunify children with families.

The goal "Reunify with Parent or Principal Caretaker(s)" enables the Department to work with a parent, from whom the child was removed, the noncustodial parent or the principal caretaker with whom the child had been living prior to entering foster care in order to reestablish a safe family environment within a limited timeframe.

Reunification

The period for working with families involved with the foster care system can range from 6 months up to 24 months or longer.

Reunification with the parent or primary caretaker is the preferable permanent plan for most children entering foster care.

Crafting Effective Safety Plans for Family Reunification

- Typically in foster care, instead of safety plans, case plans are developed to address the identified safety threats and caretaker protective capacities.
- Once the parent (s) have made significant measureable progress and have demonstrated behavior change(s) and no additional safety threats have been identified, the agency moves toward transitional planning which would include increased visits and In-Home visits.
- The utilization of safety plans in foster care are still pending and at this time foster care staff are not trained on completing safety plans.

Closing Thoughts

- Transition plans focus on increased visits and in-home visits by the child
- In what ways can a safety plan be used to address other barriers to reunification?
 - May be a waiting list for some aspects of the case plan (e.g., lack of providers)

Questions?

