

National Council of Juvenile
and Family Court Judges

Reasonable Efforts for Infants & Toddlers

NE Children's Summit
September 10, 2009
Judge Douglas F. Johnson, President NCJFCJ
The Separate Juvenile Court of Douglas County, NE



**Respect. Security.
Safety. Justice.
Love. Responsibility.**

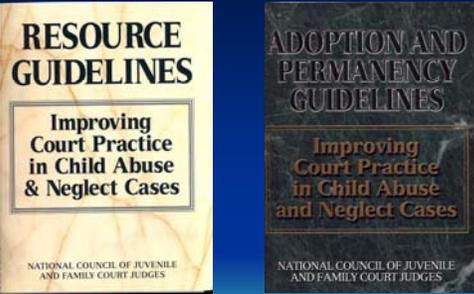


A few of the things
the National Council of
Juvenile and Family
Court Judges has been
working on since 1937.



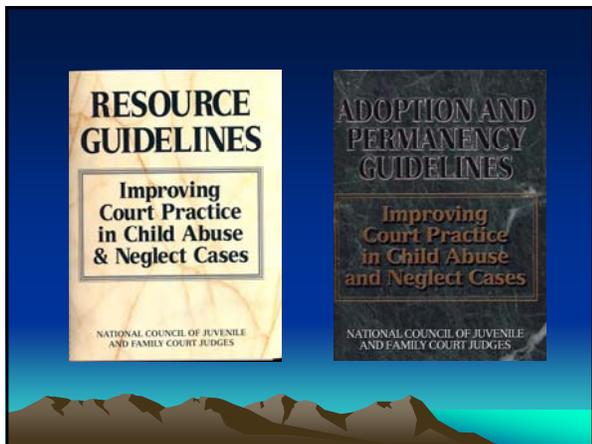
Join NCJFCJ today and be a part of
our efforts to improve justice for children
and families. Visit www.ncjfcj.org.

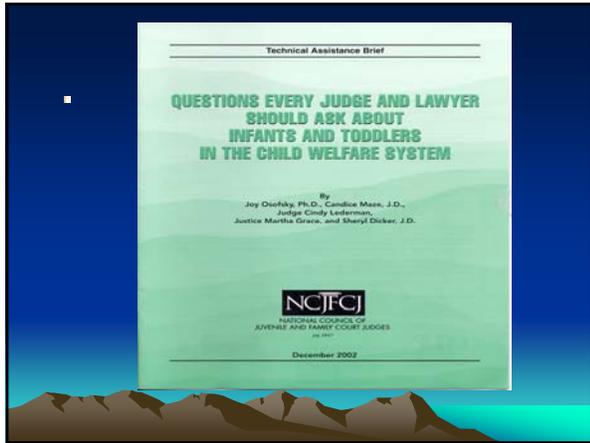
Education, publications, research, and policy development to improve court systems
and to raise awareness of the issues that affect children and families including child
abuse, delinquency, custody, substance abuse, and family violence.

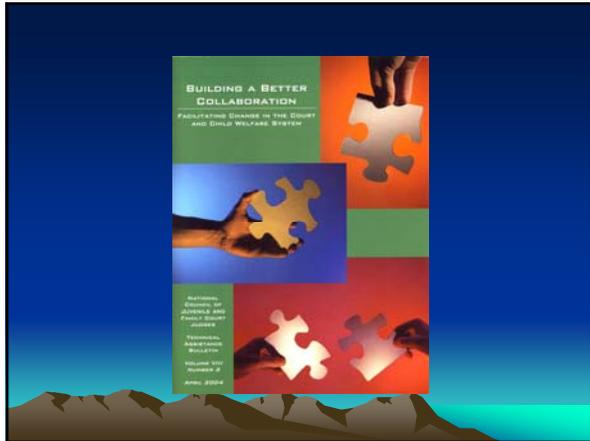


RESOURCE
GUIDELINES
Improving
Court Practice
in Child Abuse
& Neglect Cases
NATIONAL COUNCIL OF JUVENILE
AND FAMILY COURT JUDGES

ADOPTION AND
PERMANENCY
GUIDELINES
Improving
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NATIONAL COUNCIL OF JUVENILE
AND FAMILY COURT JUDGES







Why Focus on Infants & Toddlers?

- 1 in 5 foster care placements are infants
- Once in care, they remain twice as long as older children
- Babies under age 1 make up 25% of the children in the child welfare system
- 76% of child abuse fatalities occur to children under age 4
- Multiple foster placements—"foster care drift"
- Developmental Delays &/or Damage
- WHY NOT help the youngest of the young?

Problem Solving Courts

The judge models civility, respect, dignity and requires others to do the same

Emergency Room Response: *Act with urgency for the child & parent --as if this family is your own!*

Front load services: Pragmatic, timely, effective response to abuse & neglect

Affirmation with accountability motivates parental improvement--timely permanency

Alternative Dispute Resolution: Facilitated Pre-Hearing Conference, Family Group Conference. Mediate any issue!

Full parental participation from day one



Goals for Children

Achieve a safe, secure, permanent home in a timely fashion according to ASFA guidelines: *12 Month PPH or sooner*

Secure, nurturing, loving caregiver: the 1st placement is the last

Developmental needs met through evaluation and appropriate services

Day One Concurrent Permanency Plan: Reunification/Adoption



Child Welfare Mandate

. . .protect the children's *current* and **future** safety and well-being, while strengthening and preserving the family unit . . . whenever possible



Goals for Parents

Active participation & responsibility

Adequate parenting skills, provide a safe, nurturing family environment for their children=reunification

80%+ of abuse/neglect cases=SA/MH + co-occurring problems



Inability to Comply Is DIFFERENT than “Non-Compliance”

Good Initial & Ongoing **Assessment**
Is Essential to Distinguishing Difference



Problem Solving Elements

Focus on holistic child/parent well-being

Frequent & meaningful family time with safety plan

Parents and children reside together as soon as safely possible

Parent/Child Relationship assessments and therapy

Early intervention: access to immediate evaluations and services for both child and parents



RESOURCE GUIDELINES:
Improving Court Practice in Abuse & Neglect Cases

THE PROTECTIVE CUSTODY HEARING
The most important hearing is the first hearing
Sets the foundation for all subsequent hearings
If you get it right at the first hearing, you won't have to go back over problems in the future



Problem solve 5 issues:

- 1) Identify Parents—birth cert./paternity
- 2) Indian Child Welfare Act
- 3) Placement of Children: Can the child safely return home? If not, why not? Relative placement?
- 4) Family time: parents, siblings, relatives
- 5) Reasonable efforts services—frontload=discuss allegations



Prioritize

Short time frame
Trauma informed response—what is the most important thing to do now?
Don't overwhelm parents with unintelligible case plan tasks—so k.i.s.s.!



Protective Custody Hearing

An informed judicial decision concerning whether or not a child can be safely returned home pending adjudication
Day one parental participation—avoid hallway “professional” chitchats
Early identification of parental strengths, relative support, and timely reasonable efforts services

Relationship Reasonable Efforts?

Do not accept a recommendation for a “parenting class”. Certificate based on attendance or competency?
Do not accept “supervised visitation”
Do not accept “visitation once (or twice) a week for an hour or two”
Do not accept family time at McDonald’s, the HHS office, the mall, etc., etc. . . .

If you want to kill a relationship

Infrequent contact
Brief contact
Artificial/counterproductive environment
Family time set during the baby’s nap time
“Supervise” the family time by a person with no expertise and who cannot offer help to improve the relationship, parental role, and parental skills

Require Reasonable Efforts

Meaningful and ample family time in a context rich environment
 Provide for family time in a natural setting, doing normal family things: cook a meal, play, homework, games
 Parent training by an expert if oversight or training is appropriate
 NB: Each family time over 1x per week triples the chances of achieving permanency (Brenda Jones Harden, Ph.D.)

Judges

Do **not** delegate parenting time to HHS, the therapist, the GAL, and CASA “when they are in agreement”.
 Parenting time decisions are based on the evidence and made only by the judge.
 [See: In re Interest of C.A., 235 Neb. 893, 457 N.W.2nd 822 (1990), In re Interest of Teela H., 3 Neb. 604, 529 N.W.2nd 134 (1995): majority view of the states]

Infant & Toddler Reasonable Efforts

Part C/CAPTA Referral
 Enroll in Early Head Start
 Enroll in Head Start
 Child’s last medical exam prior to foster care? Next medical exam
 Immunizations?
 Pediatrician? Primary Care Physician/
 Medical Home?

Infant & Toddler Reasonable Efforts

Allergies? Special dietary needs?
Medical diagnosis? Special health care needs?
Lead screening?
Hearing screening?
Vision screening?
Dental exam?
Placed with siblings?

Reasonable Efforts

Support services for **foster parents**?
Transportation? Emotional support?
Respite?

Support services for the **parents**?
Transportation? Education re child's needs?
Life skills, GED, job, housing

Reasonable Efforts

Timely SA/MH dual diagnosis evaluations, gender specific treatment, sober supports, AOD tests, aftercare, ongoing assessment, support and counseling; dental and medical care, exercise, diet, smoking cessation, domestic violence, and healthy relationships.

Do your homework! Read & Lead!

NCJFCJ'S Model Court Status Reports, guidelines & protocols on family time: Buffalo, Los Angeles, Brighton, CO., Louisville, Tucson, Des Moines, Portland and GA.-- *NE soon!*
CASA Judge's Page Newsletter Family Visitation Issue (June 2006) & other editions
NCJFCJ's Resource Guidelines
Literature in the field

Brown Bagger Lunches: invite experts to train re child development, attachment, meaningful relationships, family time, and permanency.

Presume reasonable rights of parent-child family time. Require evidence of a safety concern to alter the presumption.

Protective Custody Hearing

Required Judicial Findings:
Reasonable efforts to (1) prevent removal & (2) reunify: specific, tied to evidence
Contrary to the welfare, safety, and best interests: specific, tied to the evidence

Evidentiary Findings

REMEMBER: Just because NDHHS, DCA, GAL, or Defense Attorney recommends a particular finding and order DOES NOT MAKE IT SO.

Judges have an *independent* duty to consider the evidence and make a judicial decision.

Adoption & Safe Families Act [P.L. 96-272 (1980)], ASFA [P.L. 105-89 (1997)], NCJFCJ's RESOURCE GUIDELINES: Pgs. 42-3.

“It’s about the evidence!”

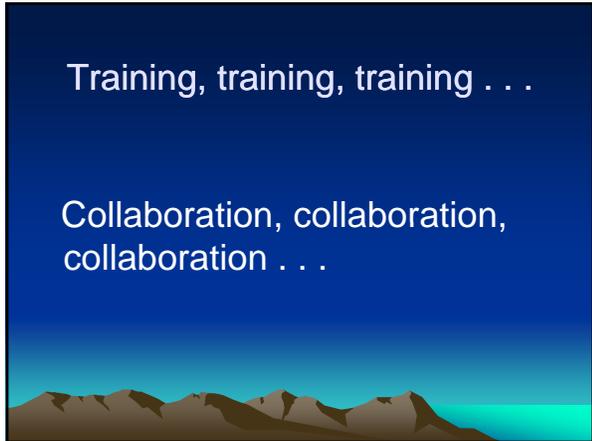
Judges do not (hopefully) work in a vacuum.....

The quality of a judge's decision about children and their families is directly related to the quality of information the judge receives.

Outcomes

Good information=good judicial decisions
Timely services=front loading on Day One
More early admissions/Cont. Anticipation of Dismissal because parents are self-correcting issues
Disposition Hearing with Adjudication—parents already doing the rehabilitative case plan
Children & parents' needs met: reunification safely & sooner
Permanency from Day One—avoid prolonged foster care & achieve timely permanency







Thank you!

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You are invited to do court observation—
please stop by for coffee!