

Olmsted County Community Services Department

Policy Statement

Code: 5.205

TITLE: Child & Family Services Expectation for Parental Involvement

PURPOSE: To clarify the agency position, and research supports, that children have increased positive outcomes when all parents are actively involved in their day-to-day lives. To specify the expectations for Child & Family Services social workers (county and community agency staff) to engage and involve all parents in assessment, case planning, and ongoing services. The agency strives to treat with respect and equity all parents throughout their involvement with the agency.

REFERENCE: MN Rule 9560.0228, subp 4a (Protective Services Plans)
MN Statute 260C.212 (CHIPS) Placement Service Plans
Child & Family Services Review (Federal CFSR – 2007) Item 17, 18, & 19.
Domestic Violence Protocol, OCCS / C&F, August 2001

RESPONSIBLE

PERSONNEL: Social workers, community agency workers, designated resource workers, and supervisors in child services.

EFFECTIVE: 5/05/2008 / updated 11/7/2011

POLICY: To ensure a family-centered-practice in which frequency and quality of contacts between workers and parents is sufficient to ensure safety, permanency, and well-being of child and promote achievement of positive outcomes.

Worker Contacts / Engagement with Parents Guidelines:

1. **Expectation:**
 - a) All parents will be contacted.
 - b) All parents will have strengths and needs assessed and documented.
 - c) All parents and any Tribes (ICWA) will be engaged and involved in the creation of a case plan.
 - d) All parents' signatures must be on the case plan, or worker will document in the case record why a parent refused to sign or why there is no parent signature on the case plan.
 - e) Minimum of once a month face-to-face contact with each parent, unless a risk tool (SDM, CASII, YLS) or a supervisor has directed more frequent contacts to promote safety, permanency, & well-being and achievement of goals.
 - f) All contacts with parents are to be documented in SSIS (unless directed by a community agency policy).
 - g) Naming Convention(s) (in purpose line) should be used to mark case notes in which there was (were) contacts with parents.
 - h) Exceptions to contacts with all parents must be reviewed by worker and supervisor and documented in SSIS.
 - i) Exceptions to a minimum of at least once a month contact with all parents in which imminent harm and/or unmanageable risks continue to pose a threat to the child need to be explored within the context of one's consultation team and / or supervisory consultation and

documented

2. **Resources (attachments)**
 - a) CFSR Data Practice Memo (January 2008) (pages 3-5)
 - b) "Working Definitions" – pulled from CFSR and other resources (pages 6-8)
 - c) "Data Privacy Considerations" (page 8-10)

3. **Resources (not attached)**
 - a) Minnesota Fathers & Families Network (info@mnfathers.org)
 - b) "Children of Incarcerated Parents" - Center for Advanced Studies in Child Welfare.
(<http://academy.extensiondlc.net/file.php/1/resources/CIP-CW360.pdf>)

4. **Improving worker engagement strategies / guidance may occur within:**
 - * group & individual consultation,
 - * intentionally incorporated into internal trainings,
 - * given to the Practice Improvement Group (PIG) to grapple with, and
 - * specifically initiated "think tanks."

APPROVED BY:
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Data Practice Memo: Rating non-custodial parent involvement

This Data Practice Memo focuses on providing supervisors/case reviewers with general considerations to assist in evaluating the effect non-custodial/absent parents may have on performance. Agency practices related to non-custodial/absent parents directly impacts ratings on six MnCFSR performance items:

Permanency Performance Items: Rated only in child placement cases

- . Item 13: Visiting with parents and siblings in foster care
- . Item 15: Relative placement
- . Item 16: Relationship of child in care with parents

Well-being Performance Items: Rated in both child placement and in-home service cases

- . Item 17: Needs and services of child, parents and foster parents
- . Item 18: Child and family involvement in case planning
- . Item 20: Caseworker visits with parents

Making consistent ratings and providing useful documentation on these items is oftentimes challenging. When completing case reviews, clear, logical documentation explaining the reasons for rating items is important. When supervisors share this feedback with caseworkers it supports improved practices and enhances outcomes for children and families.

Consistent agency efforts to locate and engage non-custodial parents are critical in determining what role they can play in addressing the safety, permanency and well-being needs of their children. In the majority of cases, non-custodial parents are fathers. Case record documentation of efforts to locate and engage non-custodial parents is necessary. When a decision is made to end efforts to locate and/or engage non-custodial parents, caseworkers are advised to consult with their supervisors and clearly document the reasons why this decision was made. In Child in Need of Protection or Services (CHIPS) cases, the agency should inform the court of their efforts and decision to end efforts, and request approval from the court.

The following are some frequent case situations for consideration. This rating guidance was adapted from the Federal Children's Bureau CFSR 2007 "Tips for Reviewers."

A. Mother doesn't know who the father is: Most likely the father will be rated Not Applicable (NA) in these situations. But it's recommended the reviewer explore if the agency had any way to verify the mother's statement, e.g., did the agency have contact with maternal relatives and inquire if they know who the father is.

B. Mother doesn't want the father involved because of a history of domestic violence or because he is involved in drugs and the family is not safe around him: Most likely the father will be rated NA in these situations. But reviewers should explore if the agency had any way to confirm the mother's statements, and whether or not the father has contact with the children. If so, the agency should have tried to contact him and engage him in assessment and services.

C. The absent/non-custodial parent is in jail: Being incarcerated is insufficient for a NA rating. Incarcerated parents may be able to support their children through various forms of communication, identify relatives or provide other information, such as medical history, that

is important to case planning and service delivery. Reviewers should explore why the parent is in jail, when she/he will be released, and if the agency has any concerns that would indicate that would not be in the best interest of the children to have contact with this parent. Reviewers should explore what efforts have been made to contact the incarcerated parent and, if applicable, the reasons why the agency has not made efforts to engage that parent before deciding if the rating is NA or Area Needing Improvement (ANI).

D. The caregiver parent does not know the whereabouts of the absent/non-custodial parent, or states that they have never really been involved: This reason alone is insufficient for a NA rating. Reviewers should explore if all available resources were used to locate the absent parent. In cases open for several months, it is not expected that workers search every month, but there should be some evidence that the agency has continued its efforts with various sources to learn the whereabouts of the absent parent.

E . The agency states they located the parent but the parent would not engage in assessment or services: If the agency contacts a parent who clearly refuses to engage or who, after repeated efforts fails to engage, this generally is sufficient reason to rate the agency's efforts as a strength in five of the six items, and NA for Item 20. However, reviewers should inquire about specific efforts the agency made to engage that parent and how recently the activity occurred. Again, if the parent is having contact with the children, the agency should make ongoing efforts to engage that parent. If only minimal efforts were made to engage the parent, this constitutes an ANI.

F. Identifying non-custodial parents in non-placement (in-home) cases: Caseworkers are strongly encouraged to respectfully ask custodial parents if non-custodial parents have contact with their child/ren and have or had a role in their lives. If the agency is providing in-home services to the family on a voluntary basis and the custodial parent refuses to provide identifying information or consent, the involvement of the non-custodial parent would be NA. If the custodial parent provides the necessary information and consent, workers should make concerted efforts to contact the non-custodial parent and engage them in the case planning process. This includes assessing the non-custodial parent's needs and providing necessary services to help them support their children. Inadequate caseworker efforts would result in a rating of ANI.

If in-home services are court-ordered, the agency has a responsibility to identify non-custodial parents and provide that information to the court. Caseworkers must make concerted efforts to locate and engage non-custodial parents in case planning, assessments and services. Insufficient caseworker efforts would result in a rating of ANI. If the court determines that the involvement of non-custodial parents is contrary to the best interests of the child, the agency is no longer required to make efforts and involvement of the non-custodial parent would be NA.

In all cases, if the non-custodial parent cannot be located despite diligent efforts by the agency, the involvement of the non-custodial parent would be NA.

Diligent efforts to locate a non-custodial or absent parent includes evidence that the agency made sufficient inquiry into the parent's identity, location and status. Generally, this would extend beyond simply asking a custodial parent once and not pursuing the matter further. Agencies can access viable sources of information, such as parent locator services through child support, case

files, and/or central registries in efforts to locate non-custodial or absent parents. Some inquiry about relatives of the non-custodial parent should be made, as well as efforts to contact relatives if they are identified.

Supervisors may wish to review the PIP TIP: Involving Fathers, dedicated to assessing and evaluating the role of fathers in child welfare cases.

Minnesota Department of Human Services
January 2008

Working Definitions

Parental Involvement Policy Child & Family Services Division - Olmsted County February 26, 2008

This is to provide guidance and to support the work / practice outlined in the Parental Involvement Policy. Definitions of words referenced in the Parental Involvement Policy, Child & Family Services Review (CFSR) and consensus within the agency.

Actively Involved:

CFSR (2008) Item 18:

Actively involved: means the agency involved the parent in (1) identifying strengths and needs, (2) identifying services and service providers, (3) establishing goals in case plans, (4) evaluating progress towards goals, and (5) discussing the family plan in case planning meetings (is strongly encouraged).

Agency expectation: All parents will be contacted /engaged, needs and strengths assessed, with frequency and quality of contacts being sufficient to ensure safety, permanency, and well-being of child(ren) and promote achievement of positive outcomes for the family.

Assessment:

CFSR (2008) Item 17: see *Needs Assessment*

Agency expectation: Social workers will utilize the agency identified formal screening /safety / assessment tools (see Documentation Policy For Child Protection & Child Welfare Cases, updated 11/192007). Social workers will utilize informal means involving deliberate conversations with parents, providers, collaterals, & supervisors to determine strengths, needs, safety, progress, etc.

Concerted Efforts:

CFSR (2008) Item 18: “To determine whether...**concerted efforts** were made (or being made to involve parents and childrenin the case planning process on an ongoing basis.”

Concerted efforts: not specifically defined in CFSR, they go on to use the term actively involved.

Actively involved: means the agency involved the parent in (1) identifying strengths and needs, (2) identifying services and service providers, (3) establishing goals in case plans, (4) evaluating progress towards goals, and (5) discussing the case plan in case planning meetings.

Agency expectation: Social workers will make every effort, even “heroic efforts,” to engage parents on an ongoing basis. Our agency strives to go beyond the “reasonable” efforts required in statutes.

Contrary (CFRS) / Contraindicated (COA):

CFSR (2008) Item 18: “parent’s involvement was determined to be **contrary to the child’s safety or best interests**. Contrary defined as “*unmanageable risk*”- *not define by CFSR, example given, the parents are considered abusive parents whose contacts with the child continue to pose unmanageable risks.*

Agency expectation: Social workers will engage all parents unless contraindicated or a safety concern is identified and reviewed within in a consultation group and/or with a supervisor. Expectation is the contraindication / safety concern is documented and revisited periodically, at minimum when a case plan is updated.

Custody:

Common Legal Terms:

Joint custody is a court order whereby custody of a child is awarded to both parties. Many states recognize two forms of joint custody: joint physical custody, and joint legal custody. In joint physical custody, which is also known as joint physical care, actual lodging and care of the child is shared according to a court-ordered custody schedule. In joint legal custody, both parents share the ability to have access to educational, health, and other records, and have equal decision-making status where the welfare of the child is concerned. It is important to note that joint physical custody and joint legal custody are different aspects of custody, and determination is often made separately in many states' divorce courts. E.g., it is possible to have joint legal custody, but for one parent to have primary physical custody.

Sole custody is an arrangement whereby only one parent has physical and legal custody of a child and the other parent has visitation rights. Sole custody is presumed to be with the mother if the parents were not married and a court order was not issued altering the custodial arrangement.

Family-Centered-Practice: (<http://www.childwelfare.gov/famcentered/overview/>)

Family-centered practice is a way of working with families, both formally and informally, across service systems to enhance their capacity to care for and protect their children. It focuses on the needs and welfare of children within the context of their families and communities. Family-centered practice recognizes the strengths of family relationships and builds on these strengths to achieve optimal outcomes. Family is defined broadly to include birth, blended, kinship, and foster and adoptive families.

Family-centered practice includes a range of strategies, including advocating for improved conditions for families, supporting them, stabilizing those in crisis, reunifying those who are separated, building new families, and connecting families to the resources that will sustain them in the future.

Kinship / Relative:

Minnesota Statutes, Section 260C.007, subdivision 27

"Relative" means a person related to the child by blood, marriage, or adoption, or an individual who is an important friend with whom the child has resided or had significant contact. For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of law or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1903.

Minnesota Statutes, Section 260C.212 Subd. 5.

Relative search; (a) In implementing the requirement that the responsible social services agency must consider placement with a relative under subdivision 2 without delay after identifying the need for placement of the child in foster care, the responsible social services agency shall identify relatives of the child and notify them of the need for a foster care home for the child and of the possibility of the need for a permanent out-of-home placement of the child. The relative search required by this section shall be reasonable and comprehensive in scope and may last up to six months or until a fit and willing relative is identified. The relative search required by this section shall include both maternal relatives of the child and paternal relatives of the child, if paternity is adjudicated. The relatives must be notified that they must keep the responsible social services agency informed of their current address in order to receive notice that a permanent placement is being sought for the child. A relative who fails to provide a current address to the responsible social services agency forfeits the right to notice of the possibility of permanent placement. A decision by a relative not to be a placement resource at the beginning of the case shall not affect whether the relative is considered for placement of the child with that relative later.

Needs Assessment:

CFSR (2008) Item 17:

Formal or informal comprehensive needs assessment: Assessment of needs may take different forms. For example, needs may be assessed through a formal evaluation conducted by another agency or by a contracted provider or through a more informal case planning process involving intensive interviews with the child, family, service providers, etc.

Assessment of parents' needs refers to determination of what parents need to provide appropriate care and supervision to ensure the safety and well-being of their children.

Agency expectation: see Assessment

Parent:

CFSR (2008) Item 17:

For in-home cases, "parents" are defined as the children's primary caregivers with whom the children live (for example, biological parents, relatives, guardians, adopted parents, etc) or a noncustodial parent who is involved, or has indicated a desire to be involved in the child's life.

For foster care cases, "parents" include the child's parents, or the child's primary caregivers (if other than the biological parents) from whom the child was removed. "Parents" include adoptive parents if the adoption has been finalized.

Paternity:

Common Legal Terms:

Paternity is the legal acknowledgment of the parental relationship between a man and a child usually based on several factors. Under common law a child born to the wife during a marriage is usually presumed to be the husband's child. This concept is the "presumption of lawful paternity", and assigns to the husband complete rights, duties and obligations as to the child. The presumption, however, can be sometimes be rebutted by evidence to the contrary, at least prior to a formal court ruling involving the putative paternity (this can be a decree finding during a divorce, annulment, or legal separation. Jurisdictions differ widely on whether, when, and under what circumstances a judgment establishing paternity or a support obligation founded on the presumption can be set aside on the grounds that the husband was not in fact the father. In the case of an unwed mother, a man may come forward and accept the paternity of the child, the mother may petition the court for a determination or paternity can be determined by what is believed to be in the child's best interest.

Putative Father Registry:

The state of Minnesota maintains a putative father registry through the Minnesota Health Department and must be consulted if the child is born to an unwed mother. Males may register with the putative father registry if they believe that they might be the father of an unborn child and may do so up to 30 days after the birth of the child.

Quality of visits:

CFSR (2008) Item 20:

Quality of visits refers to length of visits, location of visits, and the focus was on issues pertaining to the safety, permanency, and well-being of the child and promote achievement of case goals.

Agency expectation: same as CFSR.

Unmanageable Risks:

CFSR (2008) Item 18:

Unmanageable risk: not define by CFSR, example given, the parents are considered abusive parents whose contacts with the child continue to pose unmanageable risks.

Data Privacy Considerations

Parental Involvement Policy

Child & Family Services Division - Olmsted County

February 27, 2008

This is to provide guidance and to support the work / practice outlined in the Parental Involvement Policy. Questions often come up about data privacy when parents are not together, never married, paternity not established, or primary caregiver is not giving consent to contact the other parent.

- 1) Preference is that we are able to have conversations with parents and children about importance of the involvement of all parents and written consent (if needed) is given to contact the other parent.
- 2) Preference is to have a release of information signed between non-married / never married parents that specifies what information will be shared. Generally we can share information about their child(ren) without a release if a parent has "parental rights." Care must be exercised to not share information specifically about the other parent, unless a parent has given written consent to the release of personal information to the other parent. Specific care and consideration should be given in cases of domestic violence or other situations that contraindicate contacts.
- 3) When conversations with one parent does not result in permission to contact / involve the other parent you are encouraged to bring it to your consultation team and/or supervisor for discussion. Leverage of the court maybe considered if there is a CHIPS as we can petition the court to order / allow contact with the other parent.
- 4) When a family is still in a "child protective services" assessment (either Family Assessment or Family Investigative) the agency has authority to have conversations without releases per:
626.556 REPORTING OF MALTREATMENT OF MINORS
Subd. 3d. **Authority to interview.** The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan.
- 5) Diligent efforts should be made to be aware of any current court documents that provide for or limit a parent's parental rights. If at all possible workers should review documents and obtain copies. Documents may indicate whether "legal custody" is shared or sole, and whether "physical custody" is shared or sole.
 - a) Married – parents share legal & physical custody, unless there is an active Order for Protection (OFP) or Temporary Restraining Order (TRO) indicating otherwise.
 - b) Divorce – legal divorce custody agreement spells out parental involvement.
 - c) Paternity petition (never married) – legal custody agreement spells out parental involvement.
 - d) Order for Protection (OFP), a judge spells out any limits to the rights of a parent.
 - e) Temporary Restraining Order (TRO), a judge spells out any limits to rights of a parent.
 - f) Legal paternity never established (never married) – father's involvement is purely at the discretion of the mother, father may still be required to pay child support (typically through the child support department). We should still be working to engage the father.
- 6) Disclosure of foster parent's name, phone number, & address to parents.
This was addressed in December 2006 by Rob Sawyer, Director Child & Family Division & Geoff Hjerleid, Assistant County Attorney:

It is our understanding that a parent has a right to know where their child or youth is unless there is an “exceptional circumstance.” These are rare and based on a significant concern that there is a risk of harm to the child, youth, caretaker or the caretaker’s family. It is governed by Juvenile Protection Rule 8.04, unless otherwise ordered by the Court, parties shall have access for inspection and copying of all records in the Court file, except for audio and video tapes of children alleging or describing abuse, records that identify reporters or maltreatment, and HIV test results.

- 7) Engaging the noncustodial or nonadjudicated parent when a child is in placement, here is our statutory responsibility:

MS 260C.201 Subd.1. When a child is in placement, the local social services agency shall make diligent efforts to identify, locate, and where appropriate, offer services to both parents of the child. If a noncustodial or nonadjudicated parent is willing and capable of providing for the day-to-day care of the child the agency may seek authority from custodial parent or the court to have that parent assume day-to-day care of the child. If the parent is not an adjudicated parent, the agency shall require the nonadjudicated parent to cooperate with paternity establishment as part of the case plan. If, after the provision of services, the child cannot return to the care of the parent from whom the child was removed or who had legal custody at the time the child was removed, the agency may petition on behalf of a noncustodial parent to establish legal custody with that parent under MS 260C.201, subd. 11. If paternity is established, it may be established in the same proceeding.

- 8) What if a child is needing placement or there is a need to move child from one placement to another? We are allowed to disclose information to relatives when a child is at risk of placement or a move from one placement to another is necessary:

Minnesota Statutes, Section 260C.212, subd. 5 (b)

A responsible social services agency may disclose private or confidential data, as defined in section [13.02](#), to relatives of the child for the purpose of locating a suitable placement. The agency shall disclose only data that is necessary to facilitate possible placement with relatives. If the child's parent refuses to give the responsible social services agency information sufficient to identify the maternal and paternal relatives of the child, the agency shall ask the juvenile court to order the parent to provide the necessary information. If a parent makes an explicit request that relatives or a specific relative not be contacted or considered for placement, the agency shall bring the parent's request to the attention of the court to determine whether the parent's request is consistent with the best interests of the child and the agency shall not contact relatives or a specific relative unless authorized to do so by the juvenile court.