



Trial Home Visits Legal Basics

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THV: Basics

- CHIPS disposition available since August 1, 2005; *Minn. Stat. 260C.201 subd. 1 (3)*
- Title IV-E:
 - Agency continues to have custody
 - No need to re-establish IV-E eligibility if child returns to FC
 - Cannot exceed 6 months
 - Use terminology “THV” and not PS



THV: Requirements

Court order; not available for voluntary placement

- If child returns home while on voluntary placement, either:
 - visit as part of the OHP; or
 - termination of the placement
- Visits under OHPP should not be for extended periods of time



THV: Requirements

- Order must follow an award of legal custody to the agency
 - Child must have been removed by court order and custody awarded to the responsible social services agency
 - Child “returned” to parent during 72 hour “police hold” is not on THV
 - PS, if filed in court



THV: Requirements

- Order must be for THV to parent or guardian from whom child was removed
- THV generally not available for:
 - noncustodial parent
 - relative



THV: Who is “parent or guardian from whom child was removed?”

- Joint legal and physical custody (removed from both)
- Sole physical
- Actual physical
- Court ordered guardianship
- Case by case:
 - Joint legal (removed from only one parent)
 - No legal status



THV: agency responsibility & authority

- Agency retains legal custody:
 - Child safety
 - Child well-being: medical, mental health, and educational needs
- Ability to see child
 - School
 - Child care facility
 - Elsewhere



THV: agency responsibility & authority

- Access information under *Minn. Stat. 260C.208*
- Provide services:
 - parent
 - child, medical, mental health, and education



THV: agency responsibility & authority

- May terminate THV without prior order or authorization
 - child is returned to foster care
 - advise court and parties within 3 days of termination of THV
 - report to court
- Agency should have policy:
 - Who makes decision
 - How removal occurs:
 - worker
 - parent
 - law enforcement



THV: agency report to the court: timing

- At end of THV, either when
 - terminated by agency; or
 - when child remains with parent (court order or six months)



THV: agency report to court: content

- Describe child's circumstances during THV
 - Safety concerns and how addressed
 - Parent's use of services
 - Child's needs and how met by services
 - Other supports that have been used
 - Reports from collateral service providers
 - How is the child, parent, and family doing



THV: agency report to court: content

- Recommend appropriate orders related to child's safety and stability
 - If child returned to foster care:
 - LC remains with agency
 - CPP
 - new/other services?
 - permanency proceedings?
 - If child remains at home:
 - PS with conditions prescribed by court
 - monitoring
 - dismissal



THV: court requirements if child returns to FC

- Conduct hearing within 10 days of notice of termination of THV
- Order other disposition and/or conduct permanency hearing
- Hearing time may be extended for good cause and in child's best interests, but may not exceed 12 month in foster care



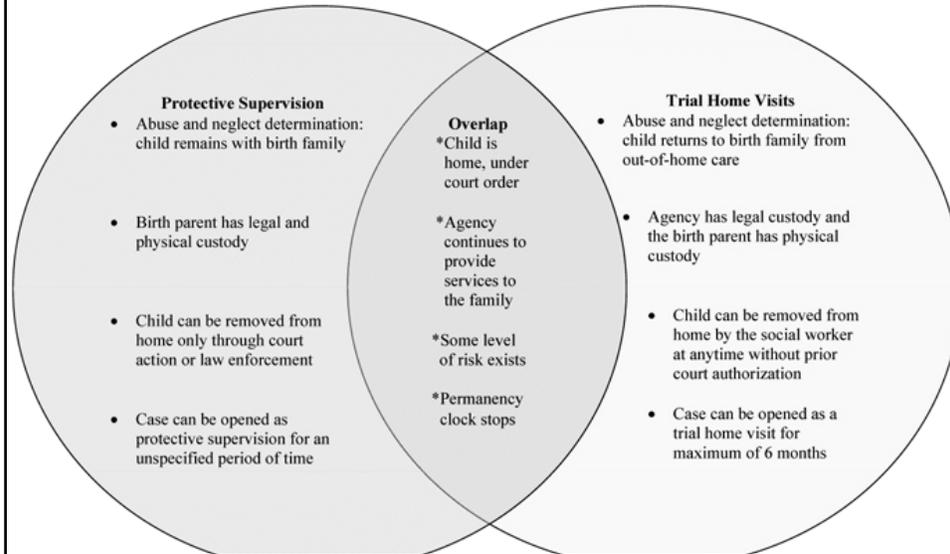
Common Questions

- What is the difference between THV and PS?
- What is county liability for child maltreatment that recurs when child is on THV? Or for accident?
- Can THV be ordered for noncustodial parent?



CQ: THV and PS

Diagram provided with permission: Center for Advanced Studies in Child Welfare
Ester Wattenberg Professor, School of Social Work, U of M



CQ: County liability

- Case by case determination
- Some judicial immunity
- Do what
 - you are ordered to do
 - regulations require
 - case plan requires
 - agency policy requires
- Gather facts, apply professional judgment
- Connection between agency's action/failure to act and harm



CQ: THV -- legal and living status of parent or guardian

- Unmarried parents who both live with the child and child is removed from both
- Parents with joint legal and physical custody: child is removed from one, but not the other
- Parents with joint legal, but sole physical and
 - Child is removed from physical custodian
 - Child is removed from “non” physical custodian



THV: strategy for successful reunification

- Plan THV with parent(s)
 - Services and supports for both parent(s) and child
 - Visits with parent(s)
 - Visits with child
- Work together to sustain reunification
- If problems develop,
 - can other services or supports be put in place?
 - Return to court without removal?
- Use SDM safety assessment as check on families ability to protect child

