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INTRODUCTION

Laws governing child welfare exist at virtually every level. Federal law requires states to have a continuum of services and provides funding to them as long as specific requirements are met. Based on the federal statutes, states develop their own policies that define exactly how services will be provided. In jurisdictions where all or part of the services are contracted to local government, the governing body of that jurisdiction has its own ordinances. In each case the law of the higher level of government is regarded as superior, and each jurisdiction drafts its policies in accordance with what has been enacted at higher levels. One example can be found in laws regarding the investigation of allegations of abuse and neglect. Federal law requires that a system be in place for conducting investigations and provides general guidelines for what should happen in the course of those investigations. State law tailors these requirements to its own jurisdictions by mandating the operation of hotlines and abuse registries, as well as creating the agencies that are responsible for facilitating the process. In some cases local governments have assumed responsibility for some portion of the investigation; for example, medical examinations of children who have allegedly been sexually abused are sometimes conducted by employees of local governments. When this is the case, local policy must create and direct that agency.

It is important to recognize that the structure of child welfare systems across states and even across counties and cities is often varied. Although the legislation that mandates protection for abused and neglected children is federal, that policy offers little specific direction as to how services are to be delivered. The vast majority of the policy that directs child welfare is at the state level, and it differs somewhat from state to state. This short volume does not allow for a full investigation of the specific policies of each state. Rather, it focuses on the policies and procedures that are most common across states.

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Putting It Into Practice

The Sexual Abuse Response Team (SART) of Broward County, Florida, is an example of a local government using state dollars in combination with its own to provide a specific service in the child welfare system. State child welfare investigators transport children who are believed to have been sexually abused to SART for medical examination, medical treatment, and the initiation of intervention to help children deal with their abusive experiences. The centralized location permits resources and expertise to be focused in a single office, optimizing quality and speed of services as well as promoting the efficient use of supportive funding.

Readers should consult the policy and procedure manuals of the agency in charge of child welfare in their own states.

It is also important to understand the way in which the child welfare system works. It is a vast system, with its own language, procedures, funding sources, and problems. Without knowing the terminologies that are used and processes that must be navigated, the child welfare practitioner cannot function effectively, resulting in personal ineffectiveness and inadequate services for children and families who are desperately in need of help and support. Foundational to such knowledge is an understanding of the agencies and individuals that comprise the system, the legal processes that drive it, and the process in which child welfare agencies engage.

THE AGENCIES AND ORGANIZATIONS

One of the most important pieces of information involves the agencies and organizations that comprise the system. Without understanding them and the roles they play, it can be difficult or even impossible to function successfully within the system. When participants in the system cannot function effectively, the system breaks down, and children suffer as a result. Rapid Reference 1.1 highlights the agencies and individuals that make up the child welfare system.

The Court

The juvenile court operates under a different set of philosophies and rules than do the courts that try adults. The difference is in large part due to a pair

of legal concepts that underlie and direct the court's decisions: *parens patriae* and the rights of parents (Ellis & Sowers, 2001). The rights of parents are sometimes seen as working in concert with *parens patriae*, sometimes as opposing it. For example, *parens patriae* supports the right of the state to remove children from their biological homes. When parents recognize their inability to deal with a child's needs and seek the assistance of the state, *parens patriae* allows the court to provide relief. However, when parents do not wish court intervention and find it forced upon them, the rights of parents are in opposition to the doctrine of *parens patriae*. Whatever the dominant philosophy, the courts were originally designed to ensure that children are protected and that they have a reasonable opportunity to develop successfully either in their biological homes or in some alternative setting.

Although the original intent of the juvenile court was that the best interests of children could be considered in a nonadversarial environment (Mather & Lager, 2000), there is, in fact, a great deal of controversy surrounding many child welfare cases. Parents often feel that child welfare agencies and the court are unjustified in their interference. Court personnel and agency workers may disagree as to what intervention would be appropriate for a child. Agencies that provide ancillary services may accuse a child welfare agency of insufficient activity on behalf of a child or vice versa. Volunteer advocates who speak on behalf of children may charge that an agency is acting to protect itself rather than to help a child and his or her family. All too often the needs of the child and family are lost in the controversy between interested parties.

Rapid Reference 1.1

The Agencies and Individuals in Child Welfare

- The juvenile court
- Child welfare agencies
- Ancillary service agencies
- Volunteers
- Foster parents

DON'T FORGET

Parens patriae refers to the responsibility of the court to act as parent to a child if parents are unable or unwilling to do so appropriately. Parental rights refer to the right of a parent to make primary decisions regarding a child's future and welfare.

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CAUTION

Both a judge's spoken and written orders must be completely understood. Failure to comply may result in a finding of contempt of court or even charges of criminal neglect.

It is also important to understand that the juvenile court exists in various configurations and functions under different names in different jurisdictions. In some areas the judges hear all cases related to delinquency and child welfare in the same courtroom. In other areas some judges hear only

delinquency cases and others hear only dependency cases. Some jurisdictions have family courts that oversee all issues related to families such as dependency and divorce. Other specialized courts are sometimes involved. For example, jurisdictions may have mental health courts, teen courts, substance abuse courts, and others that play some role in decision making (Ballou et al., 2001).

Regardless of their structures, courts are composed of persons in various positions. These include judges, referees, court administrators, employees of court-operated programs, and court staff. Practitioners must understand the role of each, as well as the way in which they interact, in order to interact successfully with this component of the child welfare system.

Rapid Reference 1.2

1. *Case plan*: Strategies are designated that are intended to facilitate the reunion of the child with its parent or parents.
2. *Termination of custody decisions*: Children are released from state custody and returned to their biological parents.
3. *Petitions for the termination of parental rights*: Custodians such as state agencies apply to have the rights of the parents to custody and control of a child permanently revoked.
4. *Adoption petitions*: Individuals or agencies ask the court to allow a child whose parents' rights have been terminated to be adopted by another responsible person.
5. *Emancipation petitions*: Custodians ask the court to release children who have attained the age of the majority in that jurisdiction from their custody and control.

Judges hear cases and make many decisions regarding the fate of children who enter the system. Although children are most often taken into custody by an employee of an investigative agency, judges usually make the final decision about whether that child will remain in custody or will be returned to its family. They usually also have the power to approve or disapprove plans developed regarding the child's future. Cases that are scheduled to come before the judge are placed on his or her *docket*. Judges are provided a daily or weekly listing of cases to be heard. Such cases include case plans, termination of custody, termination of parental rights, adoption petitions, and emancipation petitions, which are described in Rapid Reference 1.2.

Judges appoint referees to perform specific actions in their stead. Typically, referees supervise hearings that are not expected to require judicial decisions. This provides a means of observation and communication for judges whose overloaded dockets do not permit their personal involvement. Referees may be authorized to make specific kinds of decisions but may be required to refer cases to judges for other decisions. One example of a type of hearing a referee might supervise is a regularly scheduled report on the condition of a child in custody. If, however, the time had come to consider the termination of parental rights, a hearing would be scheduled with the judge.

The daily operation of juvenile courts may be supervised by a judge when in smaller settings. In larger jurisdictions there is often an employee of the court known as a court administrator who performs these functions. The court administrators supervise other employees to ensure that such tasks as docket development, paperwork processing, collaboration with external agencies, and operation of internal programs are adequately and efficiently performed. Although judges are the persons who are in charge of the courts,

Putting It Into Practice

Imagine that a caseworker had spent months working with a mother on issues related to substance abuse, parenting skills, and responsible behavior. Should this mother consistently fail urine tests, miss scheduled visits with her child, and display poor interactions with the child, the worker might eventually decide that she would make no improvement and that this represented a danger to the child. The worker might then arrange a hearing to discuss the possibility of the termination of parental rights.

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they are often very dependent on the administrators for daily decision making and in their interactions with the community.

Some courts operate their own programs for the children they serve. These programs may include counseling services for children and their families, sexual abuse diagnosis and treatment teams, review board supervisors, intensive home-based service programs, and others. The programs are typically funded by outside sources that can create a degree of accountability outside the court, which is often a desirable commodity.

Juvenile courts frequently include various staff members such as administrative assistants, secretaries, and security personnel. Each of these persons typically provides very specialized services within a fairly limited range of activity. For example, judges often have assistants whose responsibilities include developing dockets, scheduling appointments, interacting with the offices of other judges, initiating and receiving correspondences, and handling the office telephone. This assistant often shares an office with a law enforcement officer whose duties include controlling access to the courtroom and maintaining order within the court. Although these two work in close proximity, neither would be likely to attempt to perform any of the duties of the other. Also important to remember is that each may wield a significant amount of power related to the access of judges, program directors, and others. The reason is that they may have the judge's trust and can cause access to the judge to be granted or denied with a comment or brief note to the judge.

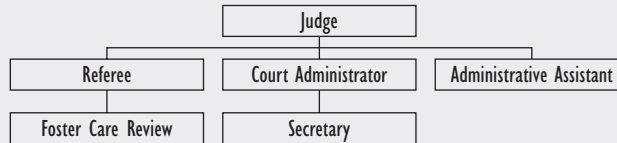
Given the sometimes extensive and always variable construction of the court in different jurisdictions, it is very important to understand whom the court employs, what their roles are, and how the functions they perform relate to one another. One useful way of developing such an understanding is by creating an *organizational table*, which is a graphic representation of an organization that identifies positions in boxes or circles and the direction of authority with lines or arrows. An example of a hypothetical organizational table can be found in Rapid Reference 1.3.

CHILD WELFARE AGENCIES

For the purposes of this discussion, child welfare agencies are considered those agencies that fund, monitor, or facilitate the investigations of abuse, neglect, and abandonment of children; arrange alternative placements and case plans

Rapid Reference 1.3

Organization for a Hypothetical Juvenile Court



for those removed from their homes; and are responsible for developing long-term arrangements for the care of children who will not return to their biological parents or be adopted. Traditionally, these services have been provided by state agencies, but in recent years states have begun to contract with local governments and private agencies to provide many of these services.

In jurisdictions where the state provides direct child welfare services, there is often one large agency that provides the bulk of those services. Divisions of those agencies with names like “protective investigations” or “child protective services” conduct investigations of abuse, neglect, or abandonment. Other divisions locate alternative housing, provide supervision for children in care, facilitate the adoption process, and help older children prepare for independent living as adults. These agencies typically receive money from the federal government to conduct their operations. Federal money is sometimes supplemented with state, local, and private dollars.

In other jurisdictions child welfare services are provided by some combination of public and private agencies. The private parts of the system are often funded with dollars distributed by the state agency responsible for child welfare. In such cases the state agency also typically performs monitoring functions designed to ensure that services are being adequately provided by the agencies that receive their funds. Some jurisdictions have privatized the entire service system so that someone other than the state government provides all direct services.

An additional and critical service offered by child welfare agencies is early intervention. In some cases the investigatory unit may visit a family and determine that although conditions in the home are not sufficient to warrant

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the removal of a child, sufficient risk exists that specific services are necessary to reduce the risk of future harm to the child. In these cases specialized units of child welfare agencies or ancillary agencies may offer to provide services to the family on a voluntary basis. The agency's activities might include a wide variety of services from accessing financial resources or painting bedrooms to providing counseling or other mental health services.

As with the juvenile court system, it is critical to understand the structure and role of the direct service agencies in the child welfare system. Specific divisions and agencies often provide specialized services and may be unable to perform any of the tasks assigned to other groups. It may be helpful for each practitioner to develop an organizational table of the agency or agencies that provide these services in his or her community.

Ancillary Service Agencies

In addition to the agencies that provide direct child welfare services, a variety of agencies provide ancillary services to both the children in custody and their families. These include mental health providers, substance abuse treatment providers, home service agencies, medical providers, educational systems, and intensive case management providers. Services may be provided in the agency's offices, in the family's home, at the child's school, or in a variety of other settings.

Mental health agencies provide a variety of services to children and families. Services may include individual and family counseling, group therapy, assessment and diagnosis, and more intensive treatment of mental illness. Treatment settings may include in-home, in-community, outpatient, day treatment, or residential programs. Often, mental health needs are recognized or suspected by an employee of the child welfare agency and may be mandated by the court as a part of the plan to reunify a child with its parents. In these cases the court usually requires a satisfactory report of progress before children are returned to their parents. Before services are mandated, a judge typically requires a mental health evaluation. The evaluation usually begins with a psychosocial assessment, in which the identified client and sometimes significant others are asked a series of questions about several dimensions of the client's life. Certain kinds of answers to these questions can alert the evaluator to the need for deeper investigation. If deeper investigation is required, the client

may be asked to complete a series of interviews or pen-and-pencil questionnaires that are designed to reveal the presence of specific mental disorders.

A second type of ancillary provider is the substance abuse treatment agency. As with mental health agencies, substance abuse providers most often become involved because of a referral from a child welfare agency, and often at the order of a judge. Services may be provided to the child or children taken into custody, to siblings, or to parents, depending on what the need is believed to be. Substance abuse providers also typically initiate their services with a psychosocial evaluation that may differ from that of the mental health provider in that it may include more specific questions about a history of substance abuse. Substance abuse professionals may also conduct chemical testing such as urinalysis to determine what drugs are present in the person's system. Following the presentation of the findings to the court, the judge may elect to mandate treatment, or the client may elect to undergo treatment voluntarily.

The term *home service agency* is used here to designate agencies that provide a broad range of physical services in the homes of families whose children have been taken into custody. Some children are removed in large part because the dilapidated condition of their homes constitutes a significant risk of harm. Home service agencies help to alleviate those dangerous conditions. Although their role varies from family to family, these agencies engage in such activities as housekeeping assistance and training, nutritional advising, and home maintenance. The activities are often initially very intensive and then diminish as work is accomplished and competencies are gained.

Other agencies offer medical and dental services. Children who are taken into custody have often had their physical needs neglected. Some may be malnourished or suffer from a long-term untreated illness. Others may have undiagnosed problems with vision, hearing, or their teeth. Other children in the home or even the parents may have similar difficulties. Child welfare agencies often refer children or family members to such providers for diagnosis and treatment.

Children who are taken into state custody frequently experience educational needs. They may benefit from testing, tutoring, or educational guidance. Children generally are either part of or associated with local school systems. Child welfare workers suspecting these needs may refer children to these agencies (often associated with the school system) for assistance.

In some jurisdictions there are agencies that provide intensive case management services. These services are often selected for specialized situations, such as when child welfare workers think that the removal of a child may be avoided. Teams of workers from the agency provide a very broad range of services, often helping with housework, engaging in minor home repair, assessment, counseling, psychoeducation, and referral to additional services.

Volunteers

A fourth group that plays an important role in child welfare is the volunteers. Volunteers may be professionals, paraprofessionals, or persons without a professional background. Volunteers are trained to engage in specific activities to help children and families in the system. Volunteers may include attorneys ad litem, guardians ad litem, court-appointed special advocates (CASAs), human service boards, and service review boards.

Attorneys ad litem are attorneys who represent children on a pro bono (free of charge) basis. In a system where families and agencies may become so embroiled in controversy that the interests of the children are forgotten, attorneys ad litem are responsible for keeping the interests of the child paramount. Although other attorneys are often involved, including lawyers representing parents, child welfare agencies, or other providers, the attorney ad litem exists to provide a voice for a child who might otherwise be forgotten.

Some jurisdictions have volunteers and paraprofessionals who receive specialized training to speak on behalf of children even though they do not have formal legal training. These volunteers, often known as *guardians ad litem*, cannot act as attorneys but are respected by the court and participate actively in advocacy and decision-making processes. The use of terminology regarding guardians between jurisdictions can be confusing. In some areas the term *guardian ad litem* may refer to attorneys. In others it may refer to citizen volunteers. To further complicate matters, either attorneys or citizen volunteers may be referred to as CASAs, depending on the jurisdiction in which they are located. In either case their functions are similar, except that citizen volunteers cannot perform the legal functions performed by attorneys.

Human service boards are composed of local agency heads and other community members. Their function is to provide support, advice, and guidance to child welfare administrators. In some jurisdictions these boards

have a tremendous amount of influence. In others they do little more than offer their insights and opinions. In still other areas these boards do not exist at all.

Some jurisdictions also have service review boards. These boards are responsible for monitoring specific activities of child welfare agencies and the children in their care. One example used in several jurisdictions is the foster care review board. Foster care review boards consist of concerned citizens from diverse backgrounds who receive specialized training and become members of panels that conduct periodic reviews of the condition of children in state custody. They are typically unpaid and serve a term with a specific limit, such as three years. Although these boards have no real power, they do have the authority to make recommendations to direct care workers. Should the direct care workers not comply, the board can bring the situation to the judge's attention.

Foster Parents

Foster parents are persons who agree to house, clothe, and care for children in state custody. They have some, but not all, of the authority of biological parents. Typically, they receive a small monthly stipend to help support the children they care for and have some assistance from a direct care worker. Children with special needs are often assigned to specialized homes. For example, a child with an emotional disorder may be placed in a *therapeutic foster home with wraparound services*, as described in Rapid Reference 1.4.

Another example of a specialized home is the *medical foster home*, in which children with severe medical problems are supervised by foster parents who are trained to deal with those conditions. Other specialized homes exist in some jurisdictions. These homes may be operated either by the child welfare agency or by an ancillary agency. Yet another specialized form of care

Rapid Reference 1.4

Therapeutic foster homes have parents with specialized training to deal with the child's problems (e.g., medical or behavioral). Wraparound services are provided by ancillary agencies to support the family and include services such as counseling and skills training at no cost to the foster family.

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is commonly known as kinship care or relative care. In these situations biological relatives agree to assume responsibility for the child. They may be identified as foster parents or relative caregivers or may adopt the child.

LEGAL PROCESSES

Children who are taken into state custody are subjected to a series of legal processes by the court system. These processes begin shortly after the children are removed from their homes. State guidelines vary for the permitted delay, but many require that a child come before the judge within 48 hours of being taken into custody. The processes include shelter hearings, adjudicatory hearings, dispositional hearings, supervisory hearings, permanency hearings, hearings regarding the termination of parental rights (TPR), adoption hearings, and hearings to approve the release of the child from state custody. Other hearings may be held to deal with specific situations. The names of all of these types of hearings vary between jurisdictions. Hearings may be initiated by the agency that is supervising the child, by an ancillary agency, by the attorney for the child, by the attorney for the child's parents, or by the court itself.

The first phase of the legal process is the shelter hearing. At this hearing the judge determines whether sufficient evidence exists that the child has been harmed or is endangered to warrant remaining in temporary custody while the cases for all parties are being prepared. If sufficient evidence is

DON'T FORGET

Court Processes

- Shelter hearings
- Adjudicatory hearings
- Dispositional hearings
- Supervisory hearings
- Permanency hearings
- Hearings regarding the termination of parental rights
- Adoption hearings
- Hearings to approve the release of the child from state custody

found, the child is placed in temporary shelter with the child welfare agency. Alternatively, the judge may place the child with relatives, return the child to the parents with recommendations that specific services be received, or reverse the action of the child welfare agency, releasing the child from custody.

The next major step in the legal process is the adjudicatory hearing. At this point a decision is made as to whether abuse, neglect, or abandonment has actually occurred. All parties present their cases, and the judges rule based on the evidence that they provide. Although the adjudicatory hearing determines whether abuse has occurred, it does not determine where the child will reside. The judge may choose to return the child to his or her parents with no stipulations, to return the child to its parents with specific provisions to be overseen by child welfare workers, or to adjudicate the child dependent and place the child in the custody of the child welfare agency.

A dispositional hearing follows the adjudicatory hearing. Here, a more long-term decision is made about the fate of the child. Namely, a decision is made as to where the child will reside, and a *case plan* (described in Rapid Reference 1.5) is approved by the court.

The case plan includes a series of activities in which the children and their families must engage in order to achieve reunification. If the parents do not wish to regain custody of the child, a plan may be developed to arrange an alternative placement and terminate parental rights.

Often, a series of supervisory hearings follows the adjudicatory hearing. These hearings are intended to ensure that the child is receiving adequate care and that the case plan is being followed. In some jurisdictions these may be overseen by referees or service review boards rather than by judges. When this is the case, reviewers have the right to schedule a hearing with the judge when necessary.

CAUTION

The names of types of hearings vary across jurisdictions.

Rapid Reference 1.5

Case plans (discussed in greater detail in Chapter 4) are essentially written strategies designed to facilitate one of three outcomes for a child: reunification, long-term foster care, or adoption.

The successful completion of a case plan leads to a hearing to review the possibility of release from state custody. If the parents have been diligent in their efforts and have, as a result, demonstrated sufficient willingness or capacity to provide safe and adequate care for their child, the judge may order that the supervisory activities of the state be terminated and the child be reunited with the parents. Such hearings also occur when a child who has reached the age of majority (generally age 18) is officially released.

When parents make little or no progress toward case plan completion, a hearing may take place in which TPR is considered. At these hearings, those petitioning the court to end the rights of parents present their case, and those who oppose it argue theirs. Many TPR hearings occur with little or no opposition from the parent. Many others are vehemently contested. The foundational philosophies of the court may come into conflict here, as was mentioned earlier in this chapter.

When parental rights have been terminated, an attempt may be made to arrange that the child be adopted. When a prospective parent has been identified and prepared, the child welfare agency may petition the court to allow this to occur. The hearings in which the petitions are presented are often called *adoption hearings*.

The court system is replete with specialized documents, motions, and orders. One of the essentials of child welfare is a basic understanding of the most common of these. Petitions are documents presented or prepared by an attorney that ask the court to consider making a decision that changes something about the status of a case. Participants then argue in support of or in opposition to the petition in order to inform the court's decision. Court orders are legally binding statements or documents that compel persons named within to respond in certain ways. For example, a judge might issue an order requiring that the child welfare agency seek psychiatric care of a juvenile in its custody. A specific type of order is the *rule to show cause* when a participant in a case is required to explain why specific essential actions, often part of a previous order, have not been taken. Participants who do not respond appropriately to the requirements may be found to be in contempt of court. Those who do not discharge their duties in a responsible manner may find themselves charged with criminal neglect. Each carries its own specific and undesirable (for the errant participant) consequences.

DON'T FORGET

- The structure of the child welfare system may vary significantly across jurisdictions. Some are operated primarily by the state, whereas others are principally in the hands of private agencies.
- Despite the intention that the juvenile court be nonadversarial, it is in fact often very adversarial.
- Two of the central philosophies of the juvenile court that often conflict are *parens patriae* and parental rights.
- The right of judges to make specific decisions varies across jurisdictions.
- Child welfare agencies are required to ensure that allegations of abuse, neglect, or abandonment are thoroughly investigated.
- Permanency plans must be developed within 18 months of the time children enter care.
- Ultimately, children may be adopted or placed in long-term foster care.

The authority of the court varies somewhat across jurisdictions. In some areas, for example, a judge may order that a child be placed in a specific home or treatment facility. In other jurisdictions the judge may decide on the level of care a child will receive but be restricted from identifying a specific facility.

CHILD WELFARE AGENCY PROCESSES

The previous section provided an overview of processes that occur in the juvenile court. Child welfare agencies have their own set of processes (summarized in Rapid Reference 1.6) that typically initiate or respond to court activity.

Child welfare activities are typically initiated when an *allegation* of abuse or neglect is received. Many states operate telephone hot lines that receive these allegations. Trained operators collect essential information and screen the calls for those that can be identified as errant or fraudulent. Reports that are screened out are logged and filed. Those that appear to have merit are forwarded to investigatory workers at the child welfare agency.

Rapid Reference 1.6

Child Welfare Agency Processes

- Allegation
- Investigation
- Supportive services
- Placement
- Reunification
- Termination of parental rights
- Adoption
- Long-term foster care
- Independent living

The investigators who receive the report also review it for credibility before proceeding. If an allegation is believed to be credible, an *investigation* is initiated. Investigators may visit the child's home, neighbors, school, church, or other locations to determine whether abuse appears to have occurred and what its nature and severity has been. If it appears that abuse has occurred, the investigator may take the child into custody or take other steps to ensure that the child experiences no further harm.

Often, investigators determine that conditions in the child's environment are bad but not sufficient to warrant removal. In such cases the worker may recommend that the family receive *supportive services* from an agency that provides early intervention. The goal of the services would be to reduce the risk that abusive conditions might occur or reoccur. Families might choose to accept or reject these services. Support services could include child care, homemaker services, transportation, and parenting classes, among others.

Children who are taken into custody are provided living arrangements in what are commonly called *placements*. The initial placement is the *shelter*, a temporary arrangement (which may actually be a foster home) in which the child resides until the court determines whether the child will remain in custody on a longer term basis. If the child is adjudicated dependent, he or she is moved into foster care, kinship care, or some form of more specialized care.

The case plan for each child should state the ultimate goal for the child. Historically, federal and state legislation have required an emphasis on

reunification, which is a return to the biological parents. As the number of children in foster care has grown and it has become clear that some parents will be unable or unwilling ever to resume caring for their children, legislators have

moved to compel child welfare agencies to make speedier decisions about long-term goals for children. If it appears that the child cannot be returned to the parents by that time, plans must be made either to attempt to find adoptive parents or to place the child in long-term foster care.

If reunification cannot be accomplished, the child welfare agency must petition the court for the *termination of parental rights*. When parents' rights are terminated, they lose all legal authority and responsibility for the child. Rights may then be transferred to the agency or to some other person through the adoption process.

Adoption occurs when an adult or pair of adults assume the legal responsibilities as parent of a child. The rights of the state as parent are terminated, and the new parents assume full responsibility for the child. Historically, *adoption* has been seen as the ideal situation for children who cannot be returned to the parents because it most closely approximates a natural family environment.

When a child whose parents have had their rights terminated cannot or will not be placed in an adoptive home, the child is given a goal of *long-term foster care*. An attempt is normally made to place the child in a home where it can stay indefinitely, that is, until it reaches the age of the majority in that jurisdiction. Some children may become eligible as older teens to participate in a program known as *independent living*. These children are placed in an environment in which they live semi-independently, for example, in their own apartments in a cluster of other apartments inhabited by other children in the program.

When a child who has remained in foster care reaches the age of majority, the child welfare agency's responsibility to provide for the child ends. In some states certain conditions may allow a child to remain in care for a longer period of time. For example, some jurisdictions allow custody to continue until a child has graduated from high school or has received a university education. Typically, a child's exit from custody is acknowledged for the records of both the court and the child welfare agency in a final hearing.

CAUTION

Generally, a permanent plan should be made within 18 months of a child's entering care.

CHAPTER SUMMARY

This chapter described the essential players and processes in the child welfare system. If these persons and processes are not understood, the professionals attempting to function within the system are likely to be frustrated and ineffectual. The next chapters discuss the essentials of each of the phases of the child welfare process.



TEST YOURSELF



1. **The structure of child welfare systems is consistent across cities, counties, and states.** True or False?
2. **Some jurisdictions have privatized the entire child welfare system.** True or False?
3. ***Parens patriae* refers to the responsibility of the court to act as parent to a child if parents are unable or unwilling to do so appropriately.** True or False?
4. **Ancillary service providers include all but which of the following?**
 - (a) Mental health counselors
 - (b) Foster home placements
 - (c) Medical doctors
 - (d) Intensive case managers
5. **Investigations into allegations of abuse and neglect are typically reported to**
 - (a) Police departments
 - (b) Mental health providers
 - (c) Telephone hot lines
 - (d) Foster care workers
6. **The term *placements* may refer to**
 - (a) Foster care, kinship care, or residential care
 - (b) Protective investigations or child protective services
 - (c) Alternative arrangements of the juvenile court: dependency, delinquency, and family
 - (d) Shelter, adjudicator, and dispositional hearings

7. Termination of parental rights typically occurs

- (a) When parents have successfully completed their case plan
- (b) When parents have shown themselves to be unable or unwilling to complete their case plan
- (c) When foster care workers develop a case plan
- (d) When allegations of abuse and neglect are found to be substantive

8. Adoption is a legal act in which

- (a) The rights of biological parents are terminated
- (b) A child is placed in the care of a foster family
- (c) An adult or adults agree to become the legal parents of a child, assuming full responsibility for the child's future and well-being
- (d) A judge concurs with the findings of a protective investigator and orders that a child be placed in the custody of the state

9. Independent living refers to

- (a) The process by which a child is declared dependent on the state
- (b) The process by which a child is emancipated from state supervision
- (c) The process of preparing a child to live on its own as an adult
- (d) The process of arranging a long-term placement for a child

10. Permanency plans must be developed within what period of the day a child enters care?

- (a) 18 months
- (b) 6 months
- (c) 2 years
- (d) 12 months

Answers. 1. False; 2. True; 3. True; 4. b; 5. c; 6. a; 7. b; 8. c; 9. c; 10. a.

