

SECTION 7: WHAT HAPPENS AFTER MY CHILD IS PLACED IN OUT OF HOME CARE?



WHAT RESPONSIBILITY DOES THE DEPARTMENT OF CHILD SAFETY HAVE TO HELP ME SO THAT MY CHILD CAN RETURN HOME?

Federal law requires that DCS make “reasonable efforts” to do the following:

1. Keep children in their own homes
2. Provide services so that children can return safely
3. Help children achieve other permanent placement

A variety of services such as counseling, substance abuse treatment, mental health services, parent training, transportation, crisis intervention, and others can be provided. These services should meet your needs as well as the needs of your child. These services will be discussed at the case plan staffing, and documented in your family’s case plan.

WHAT DOES “REUNIFICATION” MEAN?

Reunification means that a child returns home to their family after being in an out of home placement. Reunification is the preferred goal for children who have been placed out of home.

HOW CAN I MAKE REUNIFICATION HAPPEN?

You can help by fulfilling your responsibilities to do the following:

- Visit and communicate with your child
- Participate in the services described in the case plan
- Stay in contact with your DCS Specialist
- Provide information about your progress and changes in your life to your DCS Specialist and your attorney
- Reach out to your Department of Child Safety Specialist and Attorney if you need help or are in need of additional support

DOES DCS HAVE TO PROVIDE SERVICES FOR ME AND MY FAMILY?

Yes, *for most families*. In very rare circumstances, a judge can decide that the the Department of Child Safety does not have to make reasonable efforts to help your child return home if there are “aggravated circumstances.” <https://www.childwelfare.gov/pubPDFs/reunify.pdf#page=4&view=Summaries> of State laws Child Welfare Information Gateway 2020. Reasonable efforts to preserve or reunify families and achieve permanency for children. Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families, Children’s Bureau.

HOW WILL THE DECISION BE MADE FOR MY CHILD TO RETURN HOME?

The decision concerning your child’s permanent placement will be determined by your actions and ability to provide for the safety and well-being of your child. That determination will be made by the court, and based upon your family’s progress in achieving the goals outlined in your case plan. Your DCS Specialist will provide updates to the court on your progress at each court hearing. When the court has determined that you can provide for the safety and well-being of your child, your child will return home.

WILL I GET CUSTODY BACK OF MY CHILD ONCE HE/SHE RETURNS HOME?

It *depends*. You might get full custody back when your child returns home, and you will no longer be involved with the Department of Child Safety, if the court has dismissed the dependency. Or you might have only physical custody of your child. This means your child would be living with you, but DCS would still have legal custody. Often this occurs while your family is completing reunification services, and the court wants to continue to monitor your progress while your child is back in your home.

Open communication with your Department of Child Safety Specialist and the Juvenile Court is a key component to reunification. It is important to communicate about not only your successes but also your struggles.

If the Department of Child Safety keeps legal custody, and your child has been returned home, dismissal of the dependency will be based on the successful completion of your case plan goals, and the services associated with the case plan. When successful completion occurs, the court will be notified by the DCS Specialist, who will request that the dependency be dismissed. Once the dependency has been dismissed you will regain full legal and physical custody of your child. After you have regained custody, the Department of Child Safety may refer you to voluntary community based supports and services to assist you in ensuring that your child remains safe and your family remains stable.

WHEN WILL THE DEPARTMENT OF CHILD SAFETY AND THE COURT NO LONGER BE INVOLVED WITH MY FAMILY?

Once your child is at home with you, and the court has dismissed the dependency, and all monitoring activities by the Department of Child Safety have ended. Full custody has been returned to you, and you are no longer required to participate in services, your Department of Child Safety case can be completely closed. The timing of case closure is unique to every family's circumstances.

PRACTICAL TIPS FOR FAMILIES

- Participate in all services that you are offered to assist you to overcome the deficiencies in the caregiver protective capacities that brought your child into care. Your diligent efforts will help bring your child home.
- Make sure you know and understand the "conditions for return", which describe your behaviors and the family circumstances that need to exist for your child to return home. You need to know what is required and the time frame to do it in. This information will be located in your case plan.
- If you think you will need on-going support services after your child returns home, talk with your DCS Specialist about how to get them.

WHERE COULD MY CHILD GO AFTER OUT OF HOME CARE IF HE/SHE DOES NOT RETURN HOME?

If it is determined that your child cannot be safely returned to your home with you, there are several permanency options available. If your parental rights have been terminated by the court your child will become legally free to be adopted by a family member, their foster parent, or another unrelated family. Depending on the age of your child and your family circumstance, a family member, the foster parent or a family friend may be appointed as your child's legal guardian. Older youth may choose to be enrolled in independent living services, which will teach the skills necessary to live independently when they reach adulthood (18 years of age). If your child is unable to return home the following permanency options are available:

ADOPTION

WHAT DOES ADOPTION MEAN?

Adoption is a legal process whereby a person(s) assumes parenting and all parental rights and responsibilities for a child born to another family. An adoption occurs only when the birth parents or legal parents of a child have voluntarily relinquished their parental rights, or a court has terminated the parent's right to the child. This may occur when the birth parents or legal parents are unable to care for and protect the child.

UNDER WHAT CIRCUMSTANCES CAN A CHILD BE ADOPTED?

A child cannot be adopted unless the parental rights and responsibilities have been terminated permanently. There are two ways that can happen.

Permanent Voluntary Relinquishment of All Parental Rights - A parent can agree to surrender all parental rights permanently to their child if they want someone else to adopt the child. When someone voluntarily surrenders all parental rights, it is a permanent decision. This means that the parent willingly agrees to have someone else become the child's parent. If a parent decides to permanently surrender their parental rights, they will sign a document, stating that they are knowingly relinquishing their parental rights, and this document will be presented to the court. When a parent voluntarily relinquishes their parental rights to a child, it is because they believe this decision to be in the best interest of the child.

Your involvement in permanency decisions is key to ensuring that your child has positive outcomes in their permanent placement. If you have any questions about the process, it is important to speak to your DCS Specialist and your Attorney.

There are several reasons why a parent might choose voluntary relinquishment instead of an involuntary termination by a court. **Here are two examples:**

1. If a parent believes that adoption is the best plan for their child, signing a voluntary relinquishment agreement may allow the parent to be involved in planning for the child's adoptive placement.
2. If a child is old enough to understand what an adoption plan is, and the parent explains their decision to support the adoption plan, the child may adjust to the adoptive family more easily by relieving that child of the burden of believing that the family is rejecting them, or that they are to blame for the adoption.

PRACTICAL TIPS FOR FAMILIES

- If you are thinking about signing a voluntary relinquishment so that your child can be adopted, make sure that you understand your rights and any alternatives to this. It is important that you speak to your assigned DCS Specialist and your attorney about this option.
- If English is not your first language, you can ask to have the agreement translated into your own language and for an interpreter to be present.
- Signing a voluntary relinquishment can be a scary, since it is a permanent decision. Speak to your support network about whether this decision is best for you and your family.

IF MY PARENTAL RIGHTS ARE TERMINATED, WILL MY CHILD BE ADOPTED?

Not all children of parents whose parental rights are terminated are adopted. Some children are adopted immediately, and others remain in foster care while an adoptive family is found. A child over the age of twelve (12) years old must agree to an adoption, and state so in open court. The Department of Child Safety makes every effort to identify a permanent placement for your child as soon as possible.

WHO MIGHT ADOPT MY CHILD?

Many children are adopted by their foster parents. In many families children are adopted by relatives, and some children are adopted by families that have no relationship to the child.

IF MY CHILD IS GOING TO BE ADOPTED, WILL MY CHILD HAVE A SAY IN THE DECISION TO BE ADOPTED?

It is good practice for adults involved in planning for adoption to include the child or youth in the decision making process. During the adoption planning, include the Guardian Ad Litem, an attorney appointed by the court will consult with the child or youth and present what they believe to represent the best interest of the child. The child may have a Court Appointed Special Advocate (CASA), <http://www.azcourts.gov/CASA>) who will speak to the child about their wishes regarding adoption, and will provide information to the judge. The parents/guardian and other family members or foster parents may also be involved in the planning, in addition to the assigned DCS Specialist. Arizona law states that an adoption cannot occur for a child twelve years of age or older unless the child gives consent. A child who is twelve years of age or older, must give consent in open court, A.R.S. – §8 -106. If a child who is twelve years of age, or older disagrees with any decisions being made, they can also have legal representation by an attorney other than the Guardian Ad Litem, who will represent what the child believes is in their best interest.

WILL I BE ABLE TO HAVE A RELATIONSHIP WITH MY CHILD AFTER THE ADOPTION?

It depends on several factors, including the age of the child at the time of the adoption. If your child has an open adoption, you will be able to have contact. An open adoption is an agreement reached between the birth parents and adoptive parents that allows contact between the birth parents, sometimes with other members of the birth family, the adoptive parents, and the child after the adoption is final. Contact with your child is more likely to occur with kinship adoption.

IF MY CHILD IS ADOPTED, WILL THERE BE ANY SERVICES AND SUPPORTS PROVIDED TO THE ADOPTIVE FAMILY?

Adoptive families can receive adoption subsidy for children with special needs who were in foster care. Federal law requires states to provide health insurance for children who are adopted with special needs, regardless of the adoptive families income.

GUARDIANSHIP/KINSHIP CARE

WHAT DOES GUARDIANSHIP MEAN?

Legal guardianship for a child is a relationship between the child and a caretaker that is created by the court. In Arizona there are two types of guardianships.

The first is Title 14 Guardianship, which is voluntary, with the consent of both parents, and meant to be temporary. The Title 14 Guardianship is usually established for a short time, in situations where the legal parent(s) are working out of town, vacationing or during a military deployment, or it can continue until the child reaches the age of 18. The legal parents can revoke consent at any time, without providing a reason. There is no involvement by the Department of Child Safety.

The second type is the Title 8 Guardianship, which is a permanent guardianship, established through the Juvenile Court, and the guardian remains responsible for the child until the child reaches the age of 18 years. This permanent guardianship cannot be easily terminated. Parents would have to petition the court, and must provide good cause for the revocation of the guardianship. Revocation is rare. The court, with the assistance of the Department of Child Safety reviews the status of a Title 8 Guardianship annually.

The guardian undertakes the role similar to a parent. The following parental rights are usually transferred to the guardian:

- Protection
- Decision-Making
- Custody
- Care and Control
- Education
- Medical Care

WHY WOULD LEGAL GUARDIANSHIP BE SELECTED AS A PERMANENT PLAN FOR MY CHILD?

Legal guardianship is a legally established permanency plan. In certain situations guardianship may be preferable to adoption, by allowing for the familial bond between you and your child to remain. The court would need to determine that the following were true before appointing a guardian for your child:

- You will never be able to provide for your child
- Adoption is either not possible or is not appropriate for your child
- The person proposed to be the guardian is suitable and able to provide a safe and stable permanent home
- Permanent guardianship is in your child's best interests

CAN I SELECT MY CHILD'S GUARDIAN?

You can suggest someone who might be your child's legal guardian. It is important to tell your Attorney and your child's Department of Child Safety Specialist about a friend or relative that you believe is willing and able to become your child's guardian. The agency will conduct a home study and criminal background check. They do the same for all people who apply to be adoptive and foster parents. After hearing all of the information about the guardian, the court makes the final decision as to who will be your child's guardian.

CAN A RELATIVE BECOME MY CHILD'S LEGAL GUARDIAN?

Federal law encourages states to consider choosing an adult relative, over a nonrelated person. The relative caregiver must meet the state's standards for child protection. When a relative becomes a child's legal guardian, it is called kinship care. If kinship guardianship is possible, it is always preferable to an unrelated person becoming the guardian.

HOW WOULD MY FAMILY BENEFIT FROM A GUARDIANSHIP ARRANGEMENT?

Guardians are often relatives or close family friends. This arrangement can provide children with a sense of permanency, a sense of having a place to call home, a feeling of belonging and connectedness, and

Legal guardianship arrangements are best utilized as an alternative to adoption. The decision to establish a legal guardianship arrangement is not made by a single person, and it is a collaborative decision amongst the entire team involved with your family.

an identity linked to family, tradition, culture, and community. It allows children to define themselves as belonging to a family. It can help them feel cared for by adults with whom they are bound by ties of family heritage and long-term relationships.

Unlike adoption, a guardianship arrangement allows your child's custody to be transferred to the legal guardian without permanently terminating all of your parental rights. This usually allows you, the parent, to have on-going contact with your child, if it is in the best interest of your child. Guardianship is sometimes selected as the plan for older youth in foster care who cannot return home, do not want to be adopted, and wish to maintain ties with their family.

YOUNG ADULT PROGRAM

WHAT IS THE YOUNG ADULT PROGRAM?

The Young Adult Program refers to the array of supports and services the Department of Child Safety has that support young people ages 14 – 21 successfully transition to adulthood. The Program focuses on the ability of youth to examine alternatives and make informed decisions to direct their own life. This ability requires the youth to have the availability of information, financial resources and peer group support systems to provide for their basic needs. All youth 14 and older will be provided with opportunities to participate in programs and services that will help to prepare them for adulthood, or living on their own.

Extended Foster Care: When young people reach the age of majority, eighteen years old, they can choose to remain in the Extended Foster Care program with the Department of Child Safety. Even though young people are legal adults, they continue to receive case management, housing assistance, and supports from the Department of Child Safety until their twenty-first birthday. Young people can elect to end their Extended Foster Care Voluntary Placement Agreement at any time between their eighteenth and twenty-first birthdays. Young adults in Extended Foster Care can remain in a foster home, group home, kinship placement or in an apartment on their own.

It is important that young people ages fourteen and older have a robust and comprehensive transition plan. Parents are encouraged to be part of the young person's transition plan, as supportive adults can be the best supportive factor for young people. Transition plans should include goals related to education, career exploration, mental health needs, financial literacy, health, relationships, transportation and more. It is important that young people are the drivers of their transition planning and have knowledge of:

1. Financial Literacy
2. Transportation Options
3. Career Exploration
4. Educational Opportunities
5. Formulating Relationships
6. Health and Mental Health Care
7. Communication Skills
8. Community Resources

WHEN IS A YOUTH CONSIDERED AN ADULT AND ABLE TO LEAVE FOSTER CARE?

When a youth in foster care reaches their eighteenth birthday they are considered an adult. Therefore, if a young person is under the care of the Department of Child Safety on their eighteenth birthday, the Department of Child Safety is no longer responsible for them. At eighteen years old, the youth is free to make their own decisions. A youth who is eighteen years old, but not yet twenty-one years old can choose to remain in the care of the Department of Child Safety by signing a voluntary agreement, whereby the youth agrees to continue to be supervised by a DCS Specialist, even though the Department of Child Safety is no longer legally responsible for the youth.

WILL DCS HELP PREPARE YOUTH FOR ADULTHOOD?

Yes. In Arizona, the Department of Child Safety begins transition planning for adulthood at age fourteen. A federal program, the Chafee Foster Care Program for Successful Transition to Adulthood makes resources available to states to support youth ages fourteen and older prepare to successfully transition to adulthood.

WHAT ARE THE YOUNG ADULT PROGRAM CASE MANAGEMENT UNITS?

In 1999, the U.S. Congress passed the Chafee Foster Care Independence Program, since updated to provide federal funds to states for services to help four groups of young people:

- Children and youth in foster care between the ages of 14 - 21.
- Youth who aged out of foster care and are between 18-21 (or up to 23 in states that extend foster care to 21).
- Children and youth who left foster care at 16 or older for kinship guardianship or adoption, until they reach 21 (or up to 23 in states that extend foster care to 21).
- Children and youth who had been in foster care between 16 - 21 and left foster care for some other reason besides aging out of foster care, kinship guardianship or adoption.

Young people who were in foster care on their eighteenth birthday may be eligible for:

- Medicaid (AHCCCS) Coverage
- Payment Towards Room and Board Costs

IF A CHILD'S CASE PLAN CHANGES TO INDEPENDENT LIVING DOES IT MEAN THE DEPARTMENT OF CHILD SAFETY WILL NO LONGER TRY TO FIND A PERMANENT HOME FOR THEM?

No. A change to an independent living case plan does not relieve the Department of Child Safety from trying to make reasonable efforts to find a permanent home for any youth.

IF A YOUTH RECEIVES INDEPENDENT LIVING SERVICES, CAN THAT YOUTH STILL RETURN HOME?

Yes. The law says that independent living services should be seen as services to help young people transition to adulthood regardless of where they live when they leave foster care.