



THE SUPREME COURT *of* OHIO
OFFICE OF COURT SERVICES

**Navigating Dependency Cases During the COVID-19 Crisis Webinar:
Hearings, Worker Visits, & Parent Visitations**

RESOURCES

Ohio Websites:

- Ohio Supreme Court – [Coronavirus Resources](#)
- Ohio Department of Job & Family Services – [COVID-19 Information for Local Agencies](#)

Dependency Related Resources:

- National Association of Counsel for Children – [COVID-19 Resource Hub](#)
 - Example of Motion, Advocacy Tips, State Examples
- Children's Bureau – [COVID-19 Resources](#)
- American Bar Association: [Tips to Ensure Your Child Clients Have Access to Technology](#)

Virtual Visits

Recommendations by Age and How to Access Resources

By Rose Wentz

Newborns and Infants

Frequency: Daily contact for 10 to 15 minutes¹

Newborns first recognize their parent by their eyes, voice and smell. Have the caregiver hold the infant and direct the screen so the child can see the parent's face. While holding the infant in a way that allows him to hear the parent talk or sing. This encourages the infant to remember the parent and will help to maintain or enhance their connection to their parent. Feeding the child during the visit also helps the infant relate nourishment to both the caregiver and the birth parent. *The caregiver becomes the heart and hands of the parent.* (Rachel Barr and Lerner, 2015)

1. Prepare everyone. Talk about what will happen, how long the visit will be, and how you will say goodbye. Answer children's questions in simple, developmentally appropriate ways. Make sure everyone is on the same page. For young children, hellos and goodbyes are especially important to provide context and closure. Sesame Street has developed good materials, available in English and Spanish, to help with language to use with young children in [foster care](#) or [experiencing the incarceration of a parent](#). The parental incarceration toolkit includes some information about how to talk to children about visits, which may be adapted.²
2. **Get at eye level.** The caregiver should position the baby so that they can make eye contact with the person on the screen, making it as normal an interaction as possible. (Cynthia Burnson, n.d.) The parent should be sure to look at the webcam rather than the baby's face on the screen. This will ensure better eye contact. (Rachel Barr and Lerner, 2015)
3. **Be consistent.** Make video chat a regular event so it becomes part of the baby's routine. Make it seem normal, not over or undervalued, but something that is a regular part of their life. (Cynthia Burnson, n.d.)
4. **Work with the technology.** Choose mobile rather than desktop for the baby. All the buttons at a desktop computer can be distracting to the baby and take away from the interaction. Lag time and glitches in technology can also hinder the experience for the infant. If Grandma is frozen on the screen, whoever is holding

¹Screen Sense: Setting the Record Straight--Research-Based Guidelines for Screen Use for Children under 3 Years Old, Lerner, Claire; Barr, Rachel, *ZERO TO THREE*, v35 n4 p1-10 Mar 2015

² <https://www.nccdglobal.org/blog/successful-video-visits-young-children> Cynthia Burnson, PhD

the baby should explain that the internet isn't working correctly. (Cynthia Burnson, n.d.)

5. When the infant is old enough to sit in a chair or high chair the caregiver can set the phone/tablet in front the child. Giving the child something to eat. This allows the child and parent to interact with close facial contact.
6. If the caregiver has some item that has the scent of the parent or the child's home place that item on the child.
7. Caregiver, put toys in front of the child, and let the parent watch the baby play.³
8. Talk with each other about the baby's likes and dislikes and current routines. (Washington State DCYS, 2020)
9. Give the child a minute to adjust to seeing the parent on the screen. Repeat sessions frequently, especially at first to help the child learn how to interact with the parent. (Rachel Barr and Lerner, 2015)
10. Walk the infant around the room; point and name objects. Parent can do the same with their device. (Rachel Barr and Lerner, 2015)
11. Eliminate or reduce other distractions such as TV or loud music.

Toddlers to preschoolers

Frequency: Daily contact for 15 minutes direct interaction and up to 60 minutes screen time.

Children this age have a lot of experience with seeing things on a screen. At first they may not recognize the difference between a TV show and a live interaction with the parent. With repeated visits the child will learn the difference. Toddlers recognize their parents on the screen as well as seeing them in the same room. They are calmed down with video chats from parents versus phone calls or recordings. (Rachel Barr and Lerner, 2015) The child may touch the screen in an effort to touch the parent, this is OK. This may mean reconnecting with the parent and is a good sign the child is making a connection. Children this age have short attention spans and need to move a lot. As the these young children are developing fast the adults will need to try different activities as what works one visit may not work on the next visit.

1. Have many different activities plan. Be willing to allow the child to change activities. They are seldom able to sit for an entire book or story.
2. The child may run out of the view on the screen. As much as possible ask the caregiver to follow the child. Or have the phone/tablet placed so the parent can see the entire room especially during the play time part of the visit. The child is likely to run back to the screen to interact and then back to playing.

³ <https://www.dcyf.wa.gov/sites/default/files/pdf/FamilyTimeInterimPolicy.pdf>, WA State Family Time Interim Policy, March 2020.

3. Talk or play with the child if the visit is interrupted due to technical problems. The caregiver can make it a peek a boo type of game.
4. 15 minutes of direct interaction over 30 to 60 minutes is normal. Allow the child to play and the parent to watch the play. (Rachel Barr and Lerner, 2015)
5. The caregiver, parent and child will probably need to have a three way interaction to keep the child engaged. Some of the joy at this age is watching them play, learn and having fun. A good visit is not measured by how much the child talks directly to the parent. Just as in face-to-face visits much of the time is just allowing the child to play.
6. Use three or four person virtual visits to include siblings or other important people in the child's life.
7. As with all children eating together is a bonding activity. "Share" a snack or meal together.
8. Children this age are able to learn from the adult on the screen. Teach letters, numbers, names of objects, etc. (Rachel Barr and Lerner, 2015)
9. Some apps like Zoom allow the parent to select an activity from the internet (a book, a game, a virtual field trip) and this will also be displayed on the device that the caregiver is using.
10. Parents, try asking children questions about what they are doing, such as: "Where are you going?" "What are you doing right now?" "That looks like fun!" "Where are you running to so fast?" (Washington State DCYS, 2020)
11. Go with the flow of what children are doing rather than trying to gain their focus. (Washington State DCYS, 2020).
12. Remember a child this age is becoming independent. They will have good days and bad days, times they want to interact and times they do not want to. This is normal. The adults should continue to have virtual visits even if the child occasionally does not want to interact.
13. Come up with some playful activities that can be done over video beforehand. Some FaceTime apps have silly games and filters. Classics like telling [jokes or riddles](#), singing songs, [finger plays](#), peek-a-boo, and puppet shows are fun with all ages. With the caregiver's help, the child can gather things to show their parent or worker, such as art projects or favorite stuffed animals. Children and adults can "share" a snack over video. [Storytelling](#) is a powerful way to engage children. These do not need to be elaborate, pre-planned stories but can be as simple as an imaginary trip to the park. See our "Resources" section below for links to useful websites. For older children (approximately 5 years and up): Verbal games for verbal children can help avoid stale questions. Examples are, [Would You Rather](#), 20 Questions, Two Truths and a Lie, I Spy, and charades. [Pencil and paper games](#) such as Pictionary, tic-tac-toe, or Bingo are also fun for older children. (Cynthia Burnson, n.d.)
14. Follow the child's lead. If the child loses attention while listening to a book, switch to something more interactive. If you're using something mobile, like a phone or tablet, try a change of scenery by moving into another room or even outside. (Cynthia Burnson, n.d.)
15. Caregiver, set out toys for the child at the beginning of the visit, and engage in some pretend play with the child. (Washington State DCYS, 2020)

16. Caregiver, set up a teddy bear picnic and set the phone or computer with the parent up on a small chair so the child can serve them tea and those delicious pretend cookies. (Washington State DCYS, 2020)
17. Caregiver, keep in mind that remote visits will require your continued involvement to keep the interactions going, but try to watch for opportunities where you can fade into the background and let the parent engage with their child. (Washington State DCYS, 2020)
18. Children this age loves to show things off. Maybe the child can give the parent a tour of their room, their artwork, or their favorite toys. (Washington State DCYS, 2020)
19. Have a similar toy for the child and parent. Example playing with cars at the same time.
20. Record the parent reading a book. Send the recording and book to the child. Read the book together. Caregiver can play the recording other times when the parent is not available.
21. High quality interactive screen time is not the same as screen time where the child only watches a show. If the caregiver is limiting screen time, virtual visits should not be considered counted as part of the child's daily screen time.

School age

Frequency: 30-60 minutes 3 to 4 times a week. Daily calls are better.

School age children will be impacted by the lose of school, teachers, friends and the routines created by this. They will know about the virus and some of the impacts it is having on the people in their lives. Being asked to stay inside or at home will be difficult for most children this age. They know about smart phones, the internet and often know more about available options and activities. Get the child involved in planning the virtual visit. Answer their questions about the virus, your health and what is happening. Children this age usually do not understand death as we do as adults. What seems like a short time to adults seems like FOREVER to school age children.

1. There are many activities on websites that are designed for children of different grades. Make the visits fun.
2. Check with the child's teacher or caregiver about how the online teaching is occurring for the child. Support the child to do their homework. Apps like Zoom allow the child to share their screen with a parent so they can view the homework. Or the parent may be able to obtain information for parents being shared by the school. Or have the caregiver or child take a photo of the homework and send it to the parent.
3. Teach the child a new skill during the call: learn a song, play a musical instrument, a dance, a religious prayer, etc.

4. Plan for the next visit together. What does the child wish to do? What can the child teach the parent?
5. Have visits with other relatives, siblings, friends or pets involved.
6. Show the child where you are, their bedroom, their yard so they can see that these things are still there.
7. Set up a contest or game between the child and yourself about what you will do until your next visit.
8. Advocate that your child have contact with siblings and friends during this time. Have joint visits with siblings. Allowing them to have virtual visits with friends.
9. Many of the ideas for younger children also work for this age. Read to the child or have them read to the parent. Share meals. Tell stories.
10. Talk to the child about their emotions and fears.
11. Dance or play a physical game together with your cell phones moving with the person.
12. Have the child share their screen and show the parent what they do on the internet, apps they use, music programs, games, chatting with friends, etc.

Teenagers to young adults

Frequency: Once or twice a week for as much time as the youth needs. Allow the youth to have a say in frequency, length and when the virtual visits occur.

Youth are capable of understanding the concerns and issues related to COVID19. The adults need to explore with the youth the questions and concerns they have. Do not assume if they do not bring up the issue that there are no issues. Losing connections with school and friends have a large impact on youth, research indicates that connections with friends is strongest at this age. Some youth may have lost a job, income or housing. Past traumas may increase the stress of how to handle today's issues. They are looking for stability, concrete actions to address problems and reassurance that they have a support system that will help them through this time.

1. Talk about day to day activities.
2. Ask about school and how online learning is going. Support the youth's learning. If appropriate contact the youth's teacher.
3. Advocate that the youth can have time and resources to maintain connections with their friends.
4. Create a book for each other while contact is limited, like a journal.
5. Cook together - parents can talk a child through making a favorite family dish. Or do other learning activities together via the internet. Household tasks, hobbies, languages, music, repairs, sports, etc.

6. Check with the youth about their therapy and how it is going (or not). Advocate for the youth to have therapy. There can be virtual visits with their therapists or treatment group.
7. Do a three way call with the youth's caregiver to check in with each other.
8. Be open about your concerns, health and how you are handling the current situation.
9. Have the youth teach you something or show you how to use internet apps.
10. Check if the youth has the resources they need: food, housing, money, etc.
11. Youth may be in denial that they are vulnerable to the virus. Their desire to see friends is strong. Their need for independence and privacy is strong. The caregiver and parent need to talk to the youth about making safe decisions. The youth can literally walk away. Talk about the tough subjects: smoking, drug use, sex, and just hanging out with friends may be dangerous at this time.

Engaging the Caregivers and Parents

Support and help the caregiver and parents be able to have successful virtual visits. Both groups are essential to ensuring virtual visits will occur. This type of visits emphasizes that co-parenting is essential when child live in out of home placements.

1. Access to the equipment and internet.
2. Knowledge on how to use.
3. Confidentiality is possible on virtual visits
4. Benefits to all the parents/caregivers to support visits
5. Engage them in planning the time and activities that will occur
6. They will be modeling good parenting during the visits
7. PLAN, PLAN, PLAN – the professional should connect parents and caregivers before the first virtual visits. Discuss when and how the visit will occur. Practice using the program that will be used.
8. Show them examples of virtual visits. Discuss various options of types of virtual visits.
9. Determine if the professional will be part of the virtual visit (support, monitoring, coaching). Explain your role and agree on how coaching or advice will be shared during the visit (or afterwards).

Resources for engaging parents in virtual visits

Engaging relative caregivers: general ideas on engaging these caregivers

https://www.aecf.org/blog/engaging-kinship-caregivers-with-joseph-crumbley/?utm_source=eblast&utm_medium=email&utm_campaign=Child-Welfare/

Video examples of Virtual visits (These are simulations. The children in these videos are NOT children in the child welfare system.)

1. Reading an online book to a toddler. The grey image of a person on the screen is the professional observing the visit. The worker is deliberately not showing her face. <https://youtu.be/x-B7Tvd-Egc>
2. A Visit Supervisor helps a birth father and foster father meet and discuss what is happening with the children and then having a virtual meeting with two siblings. <https://www.fosteringconnectionsforfamilies.com/post/supportive-remote-visitation>

RESOURCES: Low or No Cost Technology Options for Virtual Participation and Contacts. Many new resources are being made available as the “stay at home” orders are lengthened. The list below does not include all options. Continue to check with your worker and check the internet for resources.

It is critical that ALL our families (birth, resource, relative, etc.) have access to some level of internet access. Having a cell phone does not equal having internet access and a data plan larger enough to support virtual visits.

Phones:

California has two programs for low income families and foster youth to obtain phones. For other states check if you have similar programs. Check your state or county child welfare agency. Many are developing new resources

<https://www.freegovernmentcellphones.net/states/washington-government-cell-phone-providers>

<https://www.cpuc.ca.gov/lifeline/>

<https://www.ifoster.org/ifoster-teams-up-to-provide-california-foster-youth-with-smartphones/>

Other possible resources: The child’s school may provide computers and visitation service providers maybe providing internet access to their clients.

Internet programs and apps: Each program has pros and cons. Check the program for details.

- Facetime - Video Calling o Get it on: Apple Products from the Apple App Store o Cost: Free o This is a video calling app that can only be downloaded from the Apple App store for video calling other Apple products
- Snapchat - Video Calling, Text Messaging, Video Messaging o Get it on: Android and Apple mobile devices. o Cost: Free o This is a video messaging app that allows all messages and conversations to not be saved.

- Whatsapp - Video Calling, Text Messaging o Get it on: Computers, and Android and Apple mobile devices. o Cost: Free o Whatsapp is an internationally used messaging app that is widely popular globally.
- Skype - Video Calling, Text Messaging o Get it on: Computers, web browsers, and Android and Apple mobile devices. o Cost: Free o Skype is a widely known video calling platform that uses Microsoft's AI technology for features such as live translations.
- Hangouts - Text Messaging, Video Calling o Get it on: Web browsers, and Android and Apple mobile devices. o Cost: Free o Google Hangouts is a robust communication platform on the web.
- Duo - Video Calling o Get it on: Android and Apple mobile devices o Cost: Free o This is the Google analog to Apple Facetime. But can be used on Android phones and iPhones.
- Signal / Telegram - Encrypted Text Messaging o Get it on: Android and Apple mobile devices o Cost: Free o Both Signal and Telegram are messaging applications that use end to end encryption.
- Facebook Messenger - Video Calling, Text Messaging o Get it on: Computers, web browsers, and Android and Apple mobile devices o Cost: Free o This is a communication service tied to Facebook's social network.
- Microsoft Teams - Video Calling, Text Messaging, Community Management, Productivity o Get it on: Computers, web browsers, and Android and Apple mobile devices. o Cost: Free o Teams is Microsoft's chat productivity application. It allows for collaborating and staying in contact with multiple people within the team.
- Discord - Video Calling, Text Messaging, Community Management o Get it on: Computers, and Android and Apple mobile devices o Cost: Free o Discord is a robust community management tool. Create servers or rooms for different interests or teams to communicate and keep in touch.
- FreeConference / FreeConferenceCall / FreeConferenceCalling - Conference Calling Service that is Free o Get it on: Create the account online using an email address and use the service with a phone. o Cost: Free o Each of the listed above are not typos. Each is an individual company that provides conference calling for free.
- Google Voice - Cloud Based Phone Number o Get it on: Computers, and Android and Apple mobile devices o Cost: Free if used to make calls within the United States. Calls to other countries have a cost per minute. o Google Voice is a cost effective way to have a phone number and make phone calls so long as you have access to the internet.

- GotoMeeting o Get it on: Computers, and Android and Apple mobile devices o Cost: Free for two weeks. o Video conference calling for many people
- Marco Polo o Get it on: iphone and ipad o Cost: free o "video walkie talkie," a video chat app that lets you send quick messages back and forth.
- Zoom o Get it on: Computers, and Android and Apple mobile devices o Cost: Free. o Video conference calling for many people, allows screen sharing, and white board.

Internet/WIFI

In response to COVID-19 developments, some internet providers are offering free services to low-income families and households with students.

April 1st Google announced that they will set up 100,000 wifi spots and free broadband in California. Check ongoing news for how this will be made available. Check with your state to see if there are similar programs occurring.

Free Comcast Xfinity internet Comcast Xfinity is currently offering its Internet Essentials program free for two months to new customers. The internet provider is also automatically increasing speeds for all Internet Essentials customers.

Comcast Xfinity Wi-Fi hotspots are also open and free to use by anyone. Free internet for students from Charter Spectrum Households with students K–12 or university students can sign up for a new Charter Spectrum internet account to get the first two months of internet with speeds up to 100 Mbps for free. Installation fees will be waived for those who qualify for the offer. Call 1-844-488-8395 to enroll. Spectrum Wi-Fi hotspots are also currently open and free to use. Free internet for students from Altice Altice internet providers Suddenlink and Optimum are offering 60 days of free internet service for households with K–12 or college students. Internet speeds are up to 30 Mbps if you do not already have access to a home internet plan. To sign up, call 1-866-200-9522 if you live in an area with Optimum internet service, or call 1-888-633-0030 if you live in an area with Suddenlink internet service.

Free low-income internet from Cox Until May 12, 2020, Cox is offering the first month of it's low-income internet program, Connect2Compete, for free. The internet service is also providing free phone and remote desktop support for technical support during that time. For more information from the college, go to: www.highspeedinternet.com/resources/are-there-government-programs-to-help-me-get-internetservice

EveryoneOn <https://www.everyoneon.org/lowcost-offers>

EveryoneOn is a non-profit program launched to provide basic Internet connectivity to American households, especially those with school going kids. Many local internet companies who offer free or cheap service are listed on this site.

EveryoneOn works in collaboration with major ISPs, educational institutes, and communities to bridge America's digital divide.

Free Wi-Fi Service from Educational Broadband

Educational Broadband Service is an initiative by [Federal Communications Commission](#) (FCC), communities and educational institutes to provide free Internet at home.

Under this system, lots of schools, colleges, and universities are providing free WI-FI to students.

Check with the child's school if they are providing internet access.

Wi-Fi Anywhere from US-Municipal

Most municipalities in the US provide something called Metropolitan Area Network (MAN) or simply Municipal Wi-Fi. Access to MAN is free. Check with your local government if they have this. They often have a map where there are hot spots. Unfortunately this usually means leaving one's home to get to a hot spot.

Things to do when you cannot be with your child. Ways to supplement In-Person visits or when those are not possible.

By Rose Marie Wentz

Your child counts on you, misses you and can be worried if they do not see you. Here is a list of activities that can help you maintain contact with your child. Check with your social worker if there are any restrictions about how you can have contact with your child.

The goal is for a child to maintain and enhance all their connections while living apart from ALL the key people in their lives. Connections include relatives, friends, pets, culture, the type of food you eat, smells, and routines. In this time of COVID19 and when a child is not living with their parent(s) many of these connections are lost or broken. With creativity and flexibility we can work together to reconnection your child to as many things as possible.

What are the best alternatives to In person visits? Methods that allow live audio and visual are best. Older children can appreciate receiving written correspondence but should be used as an additional method and not the primary method of the family making connections.

1. Virtual visits using programs that allow live interaction with voice and visual. Skype, Facetime, Zoom are some examples.
2. Audio only – phone calls and internet calling apps
3. Text only – live – SMS, chat apps and even email when done with immediately interaction
4. Recordings – no live interaction – recordings using audio and/or visual
5. Written – US mail, email, and other forms of written communication

Tips for video chats with children

To support children with their video chats:

1. Choose a good time of day. Don't set up for disappointment by picking a time when your child is tired, busy with other activities or restless.
2. Many short chats a week are more useful than one long chat.
3. Do not expect a young child to stay in front of the screen the entire time. Let the child run around in the room as they would normally if you were with them.

4. Help your child adjust to this way of talking with you. When young children interact in person, they pick up communication cues from sight, sound, smell, and touch. Since video chat only involves sight and sound, help your child to concentrate on those senses. Repeat questions, ask your child to ask questions, or point out things your child can see and identify. Depending on the child's age expect the child to change topics frequently or to not respond to your question directly.
5. Be patient!!!! Within a few sessions your child will become accustomed to this. Many children may know more about interacting using video chat apps than you do. **Ask your child teach you.**
6. Have materials ready – storybooks, musical instruments, your child's latest artwork, homework or whatever you plan to share so he doesn't lose interest as you, or the adult helping your child do the chat, scramble to find something.
7. Show your child where you are.
8. Let your child interact with others during the chat (as approved by your worker) siblings, pets, relatives, friends, etc.
9. Prepare your child that sometimes the internet "loses" calls. Let your child know you will call back as soon as possible, if this occurs.
- 10. Make it fun, something the child looks forward to doing again.**

Tips for adults chatting with young children:

1. Practice looking at the camera – it is tempting to keep your eyes on your own picture, or the images on the screen – but you really make eye contact when you look at the camera and that is better for interactive communication.
2. If there is an adult with your child you can ask them to help engage the child in activities with you. It is OK to talk to that adult, make sure any conversation is focused on interacting with the child not about adult issues.
3. Keep very young children engaged with you by playing 'peek a boo' – turn the camera away from you, then back to your face – and then sometimes when the camera comes back – you can surprise the kids by showing a book, or toy, or something else that you want to talk about.
4. Make sure to use the same greeting each time and in the same tone of voice when chatting with infants and toddlers. Infants and toddlers learn to recognize and feel comfortable with a real person on the screen when they hear that same sound each time they see the person. This is important because they often depend more on smell and touch when meeting a person – so they need more visual and sound cues to recognize you on video chat.
5. Think of new questions for each chat. The questions can be silly. Question like "how are you" can be difficult for younger children to answer. Ask specific questions about what they are doing right now.
6. Avoid talking too much about the virus or why you cannot be together right now. Of course truthfully answer your child's questions about these difficult topics. Your child may be worried about you and if you will get sick. Reassure your child about your situation and if you are sick give your child the information they can understand based on their age..

7. Use a lot of gestures and facial expressions. Be close to the camera – but not so close that your video partner can't see your hands. Don't be afraid to move – don't be a talking head.

To make video chats more interactive:

1. Try using a smart phone, tablet or laptop so you can both move around to show different views and different activities.
2. Have your child use as large of screen as possible so you are more normal size, i.e. a tablet rather than a phone screen. Check with the adult on the other end about how you look on the caregiver's screen. Sometimes turning the screen will make the picture become larger.
3. Pretend to share snacks. People on both sides of the screen have the same snack and the adults can pretend to hand it off - camera to camera - to a child's delight.
4. Eat a meal together (it does not have to be the same food).
5. Play music and sing – People on both ends of the camera can hear songs and sing or dance together, and join in with instruments or dancing.
6. Ask the child what they want to do. Plan the next chat session with your child as a way of finishing your time together. Remind the child when the next chat will be.
7. For older children consider using apps like ZOOM that allow you to not only see and talk to each other but also to write notes, share computer screens and other interactivities. Example: Your child can show you their homework and you can help them.
8. REMEMBER to say goodbye, kisses and hugs (yes one can hug your phone and pretend you receive the hug) just as you would when ending an in person visit.

Video chatting doesn't have to be a major event. A quick, spontaneous chat can be a fun way for distant grownups and children to feel close to each other. Several short chats a week may be better than one long chat.

Adapted from: <https://www.naeyc.org/our-work/families/tips-video-chatting-young-children>

Free video chat apps: Skype, Facetime, Facebook messenger, Zoom, Whatsap, Instagram and many more.

Need help obtaining a phone, tablet or internet access: See Handout on “Virtual Visit Recommendations and Resources”

Activities for virtual visits – Read “Virtual Visits Recommendations and Resources” for more specifics for each developmental ages and free and low cost options for internet access.

1. Many organization have resources on the internet to help parents and children: games, learning activities, advice, songs and much more. EX: www.PBSkids.org
If you use an app like ZOOM the parent can show the game, book or activity from their screen and the child will see the same thing on their screen.
2. Go on a virtual field trip together. Be sure to use a chat program so you can communicate with each other while looking at the same web site. A couple of places to start would be NASA's Web site at <http://www.nasa.gov> or the PBS Web site at <http://www.pbs.org>. <https://kidsactivitiesblog.com/135714/virtual-field-trips/> is an entire website of trips listed by the child's grade. Many museums, parks and zoos are offering virtual field trips or live viewings.
3. On phone calls/internet chats do imaginary outings together. Imagine we are going to our favorite place to get ice cream...
4. Read a your child's favorite book or tell them a story. There are many free internet books available to read. Libraries have many free downloadable books.
5. Play Internet games together. Ask your child which games they like to play. Many electronic games that your child knows can be played together online. Video chat apps like Facebook Messenger have games and program that puts hats, faces and other things on the people on the screen. Young children can love playing these games and stay very engaged with the person on the screen.
6. With permission from your worker: invite relatives, friends, siblings, pets to join the call. This can be done from 3 or more locations on most apps.

Other ways to stay connected with your child

1. Make a video or audiotape of you reading bedtime stories. Send it to your child along with the book. Or just send the message. This is easy using your smart phone or computer.
2. Send a package containing all the things your child will need if he or she gets sick or is home bound. For example, send a can of their favorite food, a special blanket or pillowcase, a video or audiotape wishing them a speedy recovery, crossword puzzles, or a stuffed animal.
3. Send your child a picture of you or one of both of you. If you wear a perfume or cologne spray some on a card. Mail it to your child.

4. Find unique things to write your letters on, for example, things your child likes—a favorite color of paper, stickers, or pictures of things they like; fun objects — napkins, paper tray liners, or pictures of you. Cut paper into special shapes (holiday shapes like shamrocks or hearts); or puzzles (cut your finished letter into pieces; try sending one piece at a time).
5. Do a letter each day. Send by mail or email. Start a letter and take it with you throughout the day – (or think about what to put in the letter throughout the day). Add a sentence every now and then and be sure to add where you are when you write the different sentences (i.e., at work, cooking, eating).
6. Begin a life's lessons booklet. Each week write down a few of the lessons you have learned in life and how you learned those lessons. When the booklet is full, send it to your child to use as he or she begins or continues the journey of life.
7. Arrange for flowers or pizza to be delivered to your child before or after a special event (e.g., a play, recital, or sports game, a holiday, birthday). Include a note telling them how proud you are of their accomplishment.
8. Draw pictures of what you do all day. Be sure to include things like what you eat and what you read. Things that you might think are boring, your kids will be very interested in reading about when they cannot see you. Have your child do the same.
9. Write a newsletter (have a regular issue of your own family newsletter with columns about each child, family events, and exciting news). Write about family stories, traditions, special event, past vacations, etc. Ask your relatives to add to the newsletter.
10. Make a package that contains cookie cutters and the non-perishable ingredients of your child's favorite cookie so you can "help" them bake while you are away.
11. Make a top 10 list of what you like about your child. Send it to them; may be one each day.
12. Send pictures of yourself doing different activities, in different places, making funny faces, etc.
13. For older children help with homework or home schooling.

Adapted from: The National Long Distance Relationship Building Institute. (2001). *20 long distance activities for dads at a distance* [On-line]. More suggestions are on this site. www.daads.com

Social Workers and Visit Supervisors:

1. Encourage and support parents to do as many of these activities as possible. Nothing can totally replace in person visits but having NO contact will be detrimental to the child and the parent. And may violate their legal rights.
2. Three way video chats are easy to set up and allow for a visit to be supervised.
3. Visit supervisors can provide support and guidance using three way chats. A pre chat practice session may be necessary to practice how provide guidance during the call (example: using written instruction that are available on some apps that go just to the parent).
4. Using apps such as Zoom and Web-ex allows for more options like written instructions that the child does not see.
5. Involve the child's caregiver in setting up and supporting the different types of connections. In this time of uncertainty anything all the adults can do to help the child maintain relationships will help the child.
6. Most of these apps allow for confidentiality of the caregiver's address and phone number. Check what is needed if this is necessary.
7. Research solutions rather than denying contact.



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
330 C Street, S.W.
Washington, D.C. 20201

March 12, 2020

Dear Child Welfare Professional,

Thank you for your continued engagement and partnership with us to address and mitigate the spread of COVID-19. We highly value our strong ongoing partnership, and hope to continue to be a resource to you as you implement community mitigation techniques. As you might imagine, a number of HHS divisions are releasing COVID-19-related information on funding and guidance. We thought it would be helpful to batch up information on key issues to keep you up-to-date.

Funding for States to Address COVID-19

Today, the Department of Health and Human Services (HHS) [announced](#) upcoming action by the Centers for Disease Control and Prevention (CDC) to provide resources to state and local jurisdictions in support of our nation's response to the coronavirus disease 2019 (COVID-19). The \$8.3 billion dollar Supplemental passed by Congress included [statutory language](#) which prescribed the exact formula for disbursing the money: states will receive 90% of their [2019 CDC PHEP grants](#). This marks the first tranche of funding to states from the \$8.3 billion supplemental. Today, CDC is contacting State Health Officers to move forward with awarding over \$560 million to states, localities, territories, and tribes. CDC will use existing networks to reach out to state and local jurisdictions to access this initial funding. To view the list of CDC funding actions to jurisdictions, click [here](#).

Helping Communities Know Mitigation Strategies

Yesterday, CDC released their "[Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission](#)." Essentially, this is a guide describing possible mitigation strategies for communities dealing with transmission at three different levels: (1) None/Minimal, (2) Moderate, or (3) Substantial. Community mitigation strategies, which are non-pharmaceutical interventions, are often the most available interventions to help slow the transmission of COVID-19 in communities. The Mitigation Plan includes a set of actions that persons and communities can take to slow the spread of respiratory virus infections. The Community Mitigation Plan can be found [here](#).

Guidance on Infection Control For Healthcare Workers

Yesterday, CDC released updated guidance on infection prevention and control recommendations. Healthcare workers are fighting this outbreak on the front lines, and this guidance is intended to provide assistance to healthcare settings that are handling suspected or confirmed cases of COVID-19. This guidance is applicable to all U.S. healthcare settings, but not for non-healthcare settings. There is separate guidance for that. The new guidance on infection control can be found [here](#).

Guidance for Preparing Workplaces

This week, the Department of Labor released practical guidance for how to prepare workplaces for COVID-19. This guidance will help to educate workers and employers about the COVID-19 outbreak. The guidance can be found [here](#).

Guidance for Laboratories

The CDC has been actively working to address the need for testing across the country. In addition to public health laboratories, private labs are doing testing. In addition to reviewing the [Updated Guidance on Evaluating and Testing Persons for Coronavirus Disease 2019](#), the CDC recently updated the [FAQ website for laboratories](#), and we encourage you to read through the site to answer preliminary questions, though we stand ready to answer other questions that you may have.

Guidance to Prepare Homeless Shelters

We recognize persons experiencing homelessness are an especially vulnerable population. CDC released guidance on March 9, to help homeless shelters plan, prepare and respond to COVID-19. The guidance can be found [here](#).

OMB Flexibilities

On March 9, 2020, OMB issued a memo that provides administrative relief for recipients and applicants of Federal financial assistance who are directly impacted by COVID-19. The grant flexibilities include 10 actions that HHS can take to provide short-term administrative and financial management relief, allowing funds to be awarded quicker and giving grantees the ability to focus on their critical response, research, or services. More information can be found [here](#).

General Preparation Information

On March 9, 2020, the White House Coronavirus Task Force released practical steps that we recommend posting and sharing to keep workplaces, school, home and commercial establishments safe. This information can be found [here](#).

The COVID-19 response is a whole-of-government effort and each department has a number of specific resources. We encourage you to explore those resources as necessary to respond to the situation in your communities.

If you have any questions on these items or other issues, please feel free to reach out.

Thanks,



Elizabeth Darling

Commissioner

Administration on Children, Youth and Families

U.S. Department of Health and Human Services



ADMINISTRATION FOR
CHILDREN & FAMILIES

330 C Street, S.W., Washington, DC 20201 | www.acf.hhs.gov

DATE: March 30, 2020

FROM: Ben Goldhaber^{BG}
Deputy Assistant Secretary for Administration
and Chief Grants Management Officer
Administration for Children and Families

TO: Administration for Children and Families (ACF) Grantees and Recipients

SUBJECT: **Information Memorandum: IM-ACF-OA-2020-01:**
ACF grant flexibilities in conducting human service activities related to or
affected by COVID-19

The Administration for Children and Families (ACF) is deeply concerned for the health and safety of people involved in ACF programs and about the effects on the human service enterprise in the areas affected by the U.S. Department of Health and Human Services ([HHS-declared public health emergency for COVID-19](#)). Due to the exceptional impact of the public health emergency declared on January 31, 2020 (retroactive to January 27, 2020), I want to assure ACF's grantee and recipient (grantee/recipient) community that ACF will be doing its part to help you continue your work.

To the extent permitted by law, and in accordance with 45 CFR §75.102(a), this memorandum provides short-term relief for administrative, financial management, and audit requirements under [45 CFR Part 75](#) (the HHS implementation of [2 CFR Part 200](#)), Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, without compromising Federal financial assistance accountability requirements. These exceptions are time-limited and will be reassessed by the Office of Management and Budget (OMB) within 90 days of the M-20-17 memo, dated March 19, 2020. If OMB extends the flexibilities contained in their M-20-17 memo, HHS and ACF will also re-evaluate the extension of the exceptions. These flexibilities are applicable to ACF applicants and grantees/recipients where the entity is conducting human service activities related to or affected by COVID-19. Affected entities are those that have been closed or that have business activities that are hindered due to COVID-19 precautionary measures and/or illnesses. *Entities that are affected will be asked to provide documentation to the respective ACF Program Office describing the effects, including how long their program and ACF-related work or instruction were and/or will be affected.* While the following requirements detail general flexibilities that ACF is offering during this public health emergency, please review program-specific COVID-19 guidance and flexibilities as some citations listed below do not apply directly. For example, as it relates to block grants, States may apply these flexibilities to block grants consistent with their own authorities.

1. Flexibility with System for Award Management (SAM) registration. ([45 CFR §75.205](#); [2 CFR §200.205](#))

ACF is relaxing the requirement for active SAM registration at the time of application in order to expeditiously issue funding. However, Federal awarding agency review of risk posed by applicants at the time of award continues to apply. Current registrants in SAM with active registrations expiring before May 16, 2020, will be afforded a one-time extension of 60 days.

2. Flexibility with application deadlines. ([45 CFR §75.202](#); [2 CFR § 200.202](#))

ACF is providing flexibility with regard to the submission of competing applications in response to specific announcements. As appropriate, ACF will post specific guidance on its websites and/or provide a point of contact for an Agency program official.

3. No-cost extensions on expiring awards. ([45 CFR §75.308](#); [2 CFR §200.308](#))

To the extent permitted by law and at the respective Program Office's discretion, ACF will consider no-cost extension requests for awards active as of March 31, 2020, and scheduled to expire up to December 31, 2020, for a period of up to twelve (12) months. This will allow time for grantee/recipient assessments, resumption of individual projects, and a report on program progress and financial status to ACF staff. See Item #9 regarding financial, performance, and other reporting.

4. Abbreviated non-competitive continuation requests. ([45 CFR §75.308](#); [2 CFR §200.308](#))

For continuation requests scheduled to come in from April 1, 2020, to December 31, 2020, from projects with planned future support, ACF will accept a brief statement from grantees/recipients to verify that they are in a position to: 1) resume or restore their project activities; and 2) accept a planned continuation award. ACF will post any specific instructions on our website at <https://www.acf.hhs.gov/coronavirus>. ACF will examine the need to extend this approach on subsequent continuation award start dates as grantees/recipients have an opportunity to assess their situations.

5. Allowability of salaries and other project activities. ([45 CFR §75.403](#), [45 CFR §75.404](#), [45 CFR §75.405](#), [45 CFR §75.430](#), [45 CFR §75.431](#), [45 CFR Part 75 Subpart E – Cost Principles](#); [2 CFR §200.403](#), [2 CFR §200.404](#), [2 CFR § 200.405](#), [2 CFR §200.430](#), [2 CFR §200.431](#), [2 CFR Part 200 Subpart E – Cost Principles](#))

To the extent permitted by law, ACF will allow grantees/recipients to continue to charge salaries and benefits to their currently active awards consistent with the grantees/recipients' policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. Grantees/recipients will be permitted to amend/create emergency policies in order to put emergency contingencies in place. ACF will allow other allowable costs (e.g., program-related, allocable, reasonable) that are necessary to resume activities supported by the award to be charged to their awards, consistent with applicable Federal cost principles and the benefit to the project. ACF will evaluate the grantee's/recipients ability to resume the project

activity in the future and the appropriateness of future funding, as done under normal circumstances based on subsequent progress reports and other communications with the grantee/recipient. ACF will require grantees/recipients to maintain appropriate records and cost documentation as required by [45 CFR §75.302 \(2 CFR §200.302\)](#) (financial management) and [45 CFR §75.361 \(2 CFR §200.333\)](#) (record retention), to substantiate the charging of any salaries and other project activities costs related to interruption of operations or services.

6. Allowability of Costs not Normally Chargeable to Awards. ([45 CFR §75.403](#), [45 CFR §75.404](#), [45 CFR §75.405](#), [45 CFR Part 75 Subpart E – Cost Principles](#); [2 CFR §200.403](#), [2 CFR §200.404](#), [2 CFR § 200.405](#), [2 CFR Part 200 Subpart E – Cost Principles](#))

To the extent permitted by law, ACF will allow grantees/recipients who incur costs related to the cancellation of events, travel, and/or other activities necessary and reasonable for the performance of the award, or the pausing and restarting of grant funded activities **due to the public health emergency**, to charge these costs to their award without regard to allowability of costs, reasonable costs, and allocable costs. ACF will allow grantees/recipients to charge the full cost of cancellation when the event, travel, and/or other activities are conducted under the auspices of the grant. **Grantees/recipients should not assume additional funds will be available should the charging of cancellation or other fees result in a shortage of funds to eventually carry out the event, travel, and/or other activities.** ACF will require grantees/recipients to maintain appropriate records and cost documentation as required by [45 CFR §75.302 \(2 CFR §200.302\)](#) (financial management) and [45 CFR §75.361 \(2 CFR §200.333\)](#) (record retention), to substantiate the charging of any cancellation or other fees related to interruption of operations or services **due to the public health emergency**. As appropriate, ACF will post additional guidance on specific types of costs on its websites and/or provide a point of contact for an Agency program official.

7. Prior approval requirement waivers. ([45 CFR §75.407](#); [2 CFR §200.407](#))

To the extent permitted by law and at the respective Program Office's discretion, ACF will waive existing requirements to seek prior approval for allowable costs within program-specific authorities to effectively address the public health emergency response. However, grantees/recipients may continue to seek prior approval to avoid any potential disallowance or dispute based on unreasonableness or allocability for the allowable cost proposed or charged to the Federal award related to COVID-19. Grantees/recipients should remain in communication with Office of Grants Management (OGM) and must continue to act within existing guidelines for use of Federal funds. This temporary flexibility does not make unallowable expenses allowable under a Federal award. ***For those selected items of cost that are not directly related to COVID-19, the prior approval requirements remain in effect.*** All costs charged to Federal awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in this memorandum. ACF is requiring grantees/recipients to maintain appropriate records and cost documentation as required by [45 CFR §75.302 \(2 CFR §200.302\)](#) (financial management) and [45 CFR §75.361 \(2 CFR §200.333\)](#) (record retention), to substantiate the charging of any cancellation or other fees related to interruption of operations or services. As appropriate, ACF will post additional guidance on specific types of costs being

allowed (or not allowed) on its websites and/or will provide a point of contact for an ACF program official.

8. Exemption of certain procurement requirements. ([45 CFR §75.328](#), [45 CFR §75.330](#); [2 CFR §200.319\(b\)](#), [2 CFR §200.321](#))

As appropriate, ACF will waive the procurement requirements related to geographical preferences and contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

9. Extension of financial, performance, and other reporting. ([45 CFR §75.341](#), [45 CFR §75.342](#), [45 CFR §75.343](#); [2 CFR §200.327](#), [2 CFR §200.328](#), [2 CFR §200.329](#))

ACF will allow grantees/recipients to delay submission of financial, performance, and other reports up to three (3) months beyond the normal due date. Grantees will be allowed to continue to draw down Federal funds without the expected submission of these reports. However, these reports must be submitted at the end of the postponed period. Grantees/recipients must continue to notify the agency of problems, delays or adverse conditions, including those related to COVID-19 as required by [45 CFR §75.342\(d\)\(1\)](#) and [2 CFR §200.328\(d\)\(1\)](#).

10. Extension of currently approved indirect cost rates. ([45 CFR §75.414.\(c\)](#); [2 CFR §200.414\(c\)](#))

The flexibility to extend currently approved indirect cost rates is the responsibility of the [HHS Payment Support Center, Cost Allocation Services \(PSC/CAS\)](#). Grantees/recipients are instructed to contact PSC/CAS at PMSSupport@psc.hhs.gov or 877-614-5533 with any cost allocation and indirect cost rate questions. As a courtesy, grantees/recipients are encouraged to copy their respective assigned OGM specialist.

11. Extension of closeout. ([45 CFR §75.381](#); [2 CFR §200.343](#))

ACF will allow the grantee/recipient to delay submission of any pending financial, performance, and other reports required by the terms of the award for the closeout of expired projects, provided that proper notice about the reporting delay is given by the grantee/recipient to the Agency. This delay in submitting closeout reports may not exceed one year after the award expires.

12. Extension of Single Audit submission. ([45 CFR §75.512](#); [2 CFR §200.512](#))

As permitted under the OMB M-20-17 memo, ACF will allow grantees/recipients and subrecipients that have not yet filed their single audits with the Federal Audit Clearinghouse as of the date of the issuance of this memorandum and that have fiscal year-ends through June 30, 2020, to delay the completion and submission of the Single Audit reporting package, as required under Subpart F of [45 CFR §75.501](#) ([2 CFR §200.501](#)) (audit requirements), to six (6) months beyond the normal due date. This extension does not require individual grantees/recipients and subrecipients to seek approval for the extension by ACF or oversight agency for audit; however,

grantees/recipients and subrecipients should maintain documentation of the reason for the delayed filing. Grantees/recipients and subrecipients taking advantage of this extension would still qualify as a "low-risk auditee" under the criteria of [45 CFR §75.520\(a\)](#) ([2 CFR §200.520\(a\)](#)) (low-risk auditee criteria).

Next Steps

ACF is continuing to monitor the situation, to identify ways the Agency can help, and to publish any additional information pertaining to the public health emergency declaration at ACF's webpage, [Stay Safe and Be Informed about COVID-19](#). Please also see program-specific guidance for more information related to a Federal award.

Inquiries

Please direct all inquiries to your assigned Grants Management Specialist and Project Officer.

Low or No Cost Technology Options for Virtual Participation and Contact

- Facetime - Video Calling
 - Get it on: Apple Products from the Apple App Store
 - Cost: Free
 - This is a video calling app that can only be downloaded from the Apple App store for video calling other Apple products
- Snapchat - Video Calling, Text Messaging, Video Messaging
 - Get it on: Android and Apple mobile devices.
 - Cost: Free
 - This is a video messaging app that allows all messages and conversations to not be saved.
- Whatsapp - Video Calling, Text Messaging
 - Get it on: Computers, and Android and Apple mobile devices.
 - Cost: Free
 - Whatsapp is an internationally used messaging app that is widely popular globally.
- Skype - Video Calling, Text Messaging
 - Get it on: Computers, web browsers, and Android and Apple mobile devices.
 - Cost: Free
 - Skype is a widely known video calling platform that uses Microsoft's AI technology for features such as live translations.
- Hangouts - Text Messaging, Video Calling
 - Get it on: Web browsers, and Android and Apple mobile devices.
 - Cost: Free
 - Google Hangouts is a robust communication platform on the web.
- Duo - Video Calling
 - Get it on: Android and Apple mobile devices
 - Cost: Free
 - This is the Google analog to Apple Facetime. But can be used on Android phones and iPhones.
- Signal / Telegram - Encrypted Text Messaging
 - Get it on: Android and Apple mobile devices
 - Cost: Free
 - Both Signal and Telegram are messaging applications that use end to end encryption.
- Facebook Messenger - Video Calling, Text Messaging
 - Get it on: Computers, web browsers, and Android and Apple mobile devices
 - Cost: Free
 - This is a communication service tied to Facebook's social network.
- Microsoft Teams - Video Calling, Text Messaging, Community Management, Productivity
 - Get it on: Computers, web browsers, and Android and Apple mobile devices.
 - Cost: Free
 - Teams is Microsoft's chat productivity application. It allows for collaborating and staying in contact with multiple people within the team.
- Discord - Video Calling, Text Messaging, Community Management

- Get it on: Computers, and Android and Apple mobile devices
 - Cost: Free
 - Discord is a robust community management tool. Create servers or rooms for different interests or teams to communicate and keep in touch.
- FreeConference / FreeConferenceCall / FreeConferenceCalling - Conference Calling Service that is Free
 - Get it on: Create the account online using an email address and use the service with a phone.
 - Cost: Free
 - Each of the listed above are not typos. Each is an individual company that provides conference calling for free.
- Google Voice - Cloud Based Phone Number
 - Get it on: Computers, and Android and Apple mobile devices
 - Cost: Free if used to make calls within the United States. Calls to other countries have a cost per minute.
 - Google Voice is a cost effective way to have a phone number and make phone calls so long as you have access to the internet.
- GotoMeeting
 - Get it on: Computers, and Android and Apple mobile devices
 - Cost: Free for two weeks.
 - Video conference calling for many people
- Marco Polo
 - Get it on: iphone and ipad
 - Cost: free
 - "video walkie talkie," a video chat app that lets you send quick messages back and forth.

In response to COVID-19 developments, some internet providers are offering free services to low-income families and households with students.

Free Comcast Xfinity internet

Comcast Xfinity is currently offering its [Internet Essentials](#) program free for two months to new customers. The internet provider is also automatically increasing speeds for all Internet Essentials customers.

Comcast Xfinity Wi-Fi hotspots are also open and free to use by anyone.

Free internet for students from Charter Spectrum

Households with students K–12 or university students can sign up for a new Charter Spectrum internet account to get the first two months of internet with speeds up to 100 Mbps for free.

Installation fees will be waived for those who qualify for the offer. Call 1-844-488-8395 to enroll.

Spectrum Wi-Fi hotspots are also currently open and free to use.

Free internet for students from Altice

Altice internet providers Suddenlink and Optimum are offering 60 days of free internet service for households with K–12 or college students. Internet speeds are up to 30 Mbps if you do not already have access to a home internet plan. To sign up, call 1-866-200-9522 if you live in an

area with Optimum internet service, or call 1-888-633-0030 if you live in an area with Suddenlink internet service.

Free low-income internet from Cox

Until May 12, 2020, Cox is offering the first month of its low-income internet program, [Connect2Compete](#), for free. The internet service is also providing free phone and remote desktop support for technical support during that time.

For more information from the college, go to:

www.highspeedinternet.com/resources/are-there-government-programs-to-help-me-get-internet-service



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
330 C Street, S.W.
Washington, D.C. 20201

March 27, 2020

Dear Child Welfare Legal and Judicial Leaders,

The Children's Bureau (CB) is aware of questions and concerns regarding a number of child welfare issues in light of the COVID-19 public health emergency, including whether CB can waive statutorily required judicial proceedings. As discussed and delineated below, CB cannot waive these statutory requirements but expects that courts and states will work together to determine how best to balance child-safety related statutory requirements against public-health mandates. But as delineated below, as situations require, courts can and should use flexible means of convening required hearings.

In the wake of Hurricane Katrina, CB issued guidance about these issues, which appears in the Child Welfare Policy Manual. See generally ACYF-CB-IM-05-06. Among other things, the policy manual and the guidance explain the requirements related to judicial proceedings, as well as the implications for not holding such proceedings in a timely manner.

In all cases, title IV-E of the Social Security Act (the Act) requires that the following hearings be held and determinations made:

- **Contrary to the welfare (judicial determination):** This critical judicial determination must be made in the first court proceeding that sanctions the child's removal. If that does not occur, the child is ineligible for title IV-E foster care maintenance payments (title IV-E) for the duration of the child's foster care episode.
- **Reasonable efforts to prevent removal (judicial determination):** This determination—an important statutory protection—must be made within 60 days of the child's removal; if not conducted timely, the child will not be eligible for title IV-E for the duration of the foster care episode.
- **Reasonable efforts to finalize the permanency plan (judicial determination):** This judicial determination must be made within 12 months of the child entering foster care (as defined at §475(5)(F) of the Act and 45 CFR 1355.20(a)). If not conducted in a timely manner, the agency may not claim title IV-E until it has secured the determination. Once made, the agency may again begin claiming title IV-E on behalf of the otherwise eligible child. Note that this determination may be made in any type of judicial proceeding, including a permanency hearing.
- **Six month review and 12 month permanency hearings:** These hearings ensure that the court is aware of what is happening with the child on a routine basis and that the child's case continues to progress. They can be held in any type of proceeding; neither impacts a child's title IV-E eligibility or the agency's ability to claim title IV-E on behalf of an

otherwise eligible child, as long as the requisite judicial determinations (described above) are made. Nonetheless, these hearings are to be conducted in a timely manner.

Despite the public health crisis that exists, it is critical that child welfare agencies and courts work together to ensure that the requisite judicial proceedings continue during this time of uncertainty; each is critical to ensuring the safety, permanency and well-being of children and youth who have been removed from their homes and placed into foster care or who may need to be removed from their homes. Prolonged or indefinite delays in delivering services and postponements of judicial oversight place children's safety and well-being in jeopardy; may lead to unnecessarily long stays in foster care; and are inconsistent with statutory and regulatory requirements. States and courts should adhere to their own statutory and regulatory requirements about conducting such hearings in person or through other means, including holding such proceedings via videoconference and/or telephonically.

CB believes that justice requires that parents and children continue to be able to meet, speak, and stay in frequent communication with their attorneys. Therefore, we urge all attorneys, courts, Court Improvement Programs (CIPs) and administrative offices of the courts to work together to ensure that parents, children, and youth are well represented and able to participate in all proceedings in which judicial determinations are made, whether they are conducted in-person or virtually. Similarly, we expect that all parties will continue to receive timely notice of all proceedings, as required by the Act. States and courts are reminded that hearings and notices must be accessible to limited English proficient individuals and individuals with disabilities, in accordance with Federal civil rights laws. CB urges all attorneys to keep in close contact with their clients, in any way they can, and to bring urgent issues to the attention of the courts and all parties. Additionally, in order to practice in a manner consistent with constitutional principles and to serve the best interests of children, CB urges all attorneys, courts, CIPs and administrative offices of the court to:

- Refrain from making sweeping, blanket orders ceasing, suspending, or postponing court hearings;
- Ensure that important decisions about when and how hearings are conducted are made on a case-by-case basis in accordance with the facts of each individual matter;
- Encourage attorneys to file written motions raising issues of immediate concern;
- Make maximum use of technology to ensure due process where in-person hearings are not possible or appropriate;
- Ensure parents and youth have access to technology such as cell phones, tablets, or computers with internet access to participate in hearings or reviews and maintain important familial connections;
- Consider utilizing CIP funds to support and enhance virtual participation for parents, children, youth, and their attorneys in hearings and reviews; and
- Encourage attorneys to resolve agreed-upon issues via stipulated orders. For example, if all parties agreed that a child in foster care can be reunified with his/her family immediately, that issue should be resolved via a stipulated order, rather than waiting weeks or months for an in-person court hearing.

CB is also aware of instances where judges have issued blanket orders suspending or drastically reducing family time (visitation) between children in foster care and parents, sometimes indefinitely. Family time is important for child and parent well-being, as well as for efforts toward reunification. Family time is especially important during times of crisis. CB strongly discourages the issuance of blanket orders that are not specific to each child and family that suspend family time; doing so is contrary to the well-being and best interest of children, may contribute to additional child trauma, and may impede the likelihood of reunification. With respect to family time, CB urges all courts, CIPs, and administrative offices of the courts to:

- Discourage or refrain from issuing blanket court orders reducing or suspending family time;
- Be mindful of the need for continued family time, especially in times of crisis and heightened anxiety;
- Remain cognizant that interruption or cessation of family time and parent-child contact can be traumatic for children;
- Continue to hold the child welfare agency accountable for ensuring that meaningful, frequent family time continues;
- Become familiar with ways in which in-person visitation may continue to be held safely;
- Encourage resource parents to provide transportation to, and supervision of, family time in order to limit additional people having to be involved to limit possible exposure to COVID-19;
- Consider the use of family members to supervise contact and to engage in visitation outdoors, where feasible;
- Inquire whether parents and resource parents have access to cell phones and computers with internet access to ensure virtual connections where in-person family time is not possible;
- Encourage use of technology such as video conferencing, phone calls and other readily available forms of communication to keep children, parents, and siblings connected;
- Ask parents their preference when deciding how to proceed with family time as some parents may prefer to meet via technology due to health concerns; and
- Consider whether children may be reunified with their parents in an expedited manner if the child's safety would not be jeopardized.

It is also critical that agencies and courts take all measures possible to continue ensuring that parents and children receive services and treatment. Interruptions in court-ordered services or treatment in case plans due to lack of provider availability during the COVID-19 pandemic are likely to present significant barriers for parents working toward reunification. Lack of, or inability to access, treatment or services due to provider closures during the pandemic should not be interpreted as a lack of parental compliance, and might indicate an agency's failure to make reasonable efforts to reunify. This may constitute a compelling reason not to file a petition to terminate parental rights under §475(5)(E) of the Act simply because a child has been in foster care for 15 months of the last 22 months. CB urges courts to be mindful of the circumstances in each case.

With respect to parental services and treatment, CB urges all courts, and administrative offices of the courts and CIPs to:

- Inquire actively about, and monitor closely, the availability of treatment and other services for parents;
- Inquire whether parents and resource parents have access to landlines, cell phones and computers with internet access to ensure virtual connections where in-person time is not possible; and
- Encourage use of technology to continue treatment and services where in-person services or treatment may temporarily be unavailable.

Finally, CB is aware that there are mandated costs or fees that litigants must pay in order to participate in dependency hearings via certain technology platforms in some jurisdictions. CB urges any jurisdiction that requires payment from litigants to suspend such charges in light of the present circumstances. A comprehensive list of low or no cost communication platforms and applications used currently around the country for participation in hearings and reviews or attorney communication with children and parents is included as an attachment to this letter.

We thank you for your efforts to protect the safety of children and rights of parents, and to ensure that meaningful judicial oversight remains intact during these difficult times. Vulnerable children and families around the country are counting on you to do so.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry Milner".

Jerry Milner
Associate Commissioner
Children's Bureau



MARCH 2020

Virtual Visitation Resources

The following resources provide information on the use of virtual visitations in child welfare and other fields.

Child Welfare Direct Services Continuity FAQ

The Newnan Times Herald (March 17, 2020)

Describes a temporary standard operating procedure developed by the Georgia Division of Family and Children Services to provide guidance for monthly contacts with children in foster care, their parents, and their caretakers.

Virtual Visitation and Child Welfare

Jones (2011)

CW360, Spring

Outlines ways in which technology can be used to support child welfare work in several areas, including virtual visitation.

Family Time Practice Guide: A Guide to Providing Appropriate Family Time for Children in Foster Care

Judicial Council/Administrative Office of the Courts; Division of Children, Families and the Courts; Supreme Court of Georgia Committee on Justice for Children (2019)

Outlines Georgia's policies regarding contact between children removed from parental care by the State and their parents. One section of the guide discusses the role of virtual visitation as being an option to supplement in-person visitation or being a temporary strategy to overcome barriers related to geography, transportation, or special circumstances (e.g., parental incarceration).

An Exploration of Virtual Visitation as an Option in Divorce Proceedings

Saini, Mishna, & Barnes (2011)

University of Toronto & Catholic Children's Aid Society of Hamilton

Summarizes the results of a project that coordinated virtual visitation between children and their parents during parental divorce proceedings. It discusses factors to consider, including the child's age and developmental stage.

Connecting the Disconnected: Communication Technologies for the Incarcerated

Sobol (2018)

Wake Forest Law Review, 53(3)

Explores the benefits and challenges associated with a variety of remote visitation and communication strategies between incarcerated persons and their family members, including virtual visitation.

Televisitation: Virtual Transportation of Family to the Bedside in an Acute Care Setting

Nicholas (2013)

The Permanente Journal, 17(1)

Describes a televisitation program at Thunder Bay Regional Health Sciences Centre in Ontario, Canada. Televisitation promotes contact between patients, their families, and their healthcare partners while patients are in the hospital.



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau





DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
330 C Street, S.W.
Washington, D.C. 20201

April 17, 2020

Dear Child Welfare Leaders,

In light of the extraordinary circumstances related to the COVID-19 pandemic and nationwide public health emergency, we received several questions on many topics related to programs funded under title IV-B and IV-E of the Social Security Act (the Act). We appreciate your continued commitment to the safety, health, and well-being of the children and families that States and Tribes serve and appreciate the questions that agencies are sending to the [Children's Bureau Regional Offices](#).

In this letter, we will address the following topics:

- The availability of federal funding and other resources to assist with the purchase of cell phones and plans to facilitate and maintain contact, and
- The purchase of personal protective equipment (PPE) as an allowable cost.

Cell Phones and Maintaining Contact

The Children's Bureau received questions related to the availability of federal funding and other resources to assist with the purchase of cell phones and other tools (e.g. videoconferencing services or hardware) to facilitate or maintain contact between, for example, agencies and children and youth in foster care or children and youth in foster care and their parents. As such, we provide the following information.

Federal Funds: The purchase and operation of cell phones for children and youth in foster care, their parents, or foster parents is an allowable cost under title IV-B and/or the John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee) as long as the costs are necessary to fulfill one or more program purposes in §422 (relating to the state plan for child welfare services under title IV-B, subpart 1), §432 (relating to the state plan for child welfare service under title IV-B, subpart 2) and/or §477 (relating to Chafee program purposes) of the Act. For example, access to a cell phone for a youth receiving Chafee services may be determined as necessary if it will either facilitate participation in program services or enhance the effectiveness of the services in transitioning him/her to adulthood. The purchase of a cell phone for a parent or foster parent can meet a title IV-B program purpose if it is determined that it will facilitate needed communications for case management purposes between such an individual and the agency caseworker, or allow a parent to participate in a remotely-located court hearing or visitation with the child. Additionally, the recently enacted *Coronavirus Aid, Relief, and Economic Security Act* (Public Law (P.L.) 116-136) authorized additional funding under title IV-B, subpart 1 "to prevent, prepare for, and respond to coronavirus, domestically or internationally." In order to claim Federal financial participation (FFP) for these costs, the agency must meet specific conditions as outlined in [45 CFR Part 75](#) described below:

- Identify whether the purchase constitutes supplies or equipment as per applicable definitions at [45 CFR § 75.2](#).
- If classified as supplies, regulatory provisions regarding use and disposal must be considered (equipment discussed below) ([45 CFR § 75.321](#)).
- Assure that any procurement meets applicable state/tribal policies and procedures used for procurements made with non-Federal funds ([45 CFR § 75.326](#)).
- Address whether use of the cell phones will continue to serve a program purpose over time and either recover or repurpose the use of these devices when a program purpose is no longer served.
- Assure that purchase and operation costs are appropriately cost allocated to all benefiting programs as per applicable regulations at [45 CFR § 75.405](#) and [§ 75.453](#).

Used Equipment: When equipment funded by the Department of Health and Human Services (HHS) has reached the end of its useful life, the title IV-E agency may use the items in other activities funded by the original program or other HHS programs (see disposition rules for equipment at [45 CFR § 95.707](#) and [§ 75.320](#)). Title IV-E agencies may dispose of this equipment by giving it to other children or youth in foster care, their parents or foster parents being served under title IV-B or Chafee, as deemed appropriate and beneficial.

Federal Lifeline Assistance, Assurance Wireless: In addition to the above information, we are sharing the following resource that may help youth and families as it relates to cell phones and cellular service. Assurance Wireless is a Federal Lifeline Assistance program operated by Virgin Mobile. Lifeline is a government assistance program. The Assurance Wireless offer provides eligible low-income individuals free monthly data, unlimited texting, and free monthly minutes and a free phone. Enrollment is available to individuals who qualify based on federal or state-specific eligibility criteria—for example, based on receipt of certain public assistance programs like Medicaid or Supplemental Nutrition Assistance Program (SNAP). Link to the program: <https://www.assurancewireless.com/>

Personal Protective Equipment as an Allowable Cost

Personal protective equipment, commonly referred to as “PPE”, is equipment worn to minimize exposure to certain hazards, including the novel coronavirus (COVID-19), and may include items such as gloves, safety glasses, isolation gowns, facemasks, and respirators (<https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/index.html>). We encourage child welfare agencies to consult with state and local public health officials on the use of PPE for caseworkers. PPE used by child welfare caseworkers to minimize exposure to COVID-19 is an allowable case management administrative cost under title IV-E of the Act ([45 CFR §1356.60\(c\)\(2\)](#)). Title IV-E agencies must allocate such costs to all benefiting programs.

In addition, PPE is an allowable expenditure of title IV-B funds for program purposes such as caseworker visits (§422(b)(17) of the Act and for states, §424(f) of the Act) by both state and Tribal title IV-B agencies. Under title IV-B, the purchase of PPE for providers such as foster parents, kinship providers and staff of child care institutions may be allowable if it fits within one of the purposes outlined in the statute (§421 of the Act) and may be allowable under title IV-B, subpart 2 if it is consistent with one of the four service categories. Additionally, P.L. 116-136 authorized additional funding under title IV-B, subpart 1 “to prevent, prepare for, and respond to

coronavirus, domestically or internationally.” States and Tribal title IV-B agencies must also consider whether the activity is consistent with [45 CFR §1357](#), grant regulations and OMB Circular A-87 (a cost must be both “necessary and reasonable”). To the extent that providing PPE such as masks and gloves to providers fits within the title IV-B subpart 1 and 2 purposes, it may be allowable.

Thank you for your continued efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Milner". The signature is written in a cursive style with a prominent initial "J" and a long, sweeping underline.

Jerry Milner
Associate Commissioner
Children’s Bureau

Conducting Effective Remote Hearings in Child Welfare Cases



The COVID-19 pandemic and social distancing requirements have required courts to be flexible and creative in continuing to carry out essential functions. The Children’s Bureau has encouraged, and many courts have adopted, the use of technology to conduct child welfare hearings remotely when they cannot take place in-person. Although there are some challenges to holding a hearing via technology, these hearings are essential to address important issues affecting children and families, to litigate and allow the court to make key decisions impacting safety, permanency and wellbeing, and to ensure due process and access to justice for families. The following guide distills some best practices and other recommendations for remote or “virtual” hearings. Please note that courts across the country are using several programs and platforms for video conferencing. This guide provides general guidance without regard to the specific platform being used.

Tips for Court Administrative Staff, Clerks, or Others Coordinating the Hearings

- If resources allow, choose a video conferencing platform that includes audio, video, and text (i.e. “chat”), “break-out” rooms, screen-sharing, and file transfers. Ensure that hearings can be recorded. Each of these functions can be helpful in hearing a case. If possible, choose a platform that can be accessed via computer, tablet, or phone (both video and audio-only).
- Make sure that your subscription level allows an adequate number of participants. Child welfare cases sometimes have more participants than criminal or civil matters, as case participants may include attorneys, social workers, parents, foster parents, service providers or other witnesses as well as the judge and any court support staff.
- Consider holding “virtual office hours” or other training sessions so that all users (i.e. judges, attorneys) can log in, try out, and ask questions about remote platforms. Some platforms have free versions that participants can download to familiarize themselves in advance.
- Remote hearings do not need to be conducted from the courthouse. All participants, even judges, can access hearings from home. Work with judges and court personnel to ensure that they have the technology needed to access hearings remotely.
- Consider whether to modify how hearings are scheduled. If your court traditionally docket multiple hearings at the same time, you may need to switch to individual, time-certain scheduling.
- Provide extra notice of hearings. Have a court staff person email all attorneys several days in advance of the hearing to ensure that all parties have log-in information. Offer to answer questions or troubleshoot issues in advance. Provide judges a list of participants in each case in advance if possible, so the judge knows who to expect.
- Abide by all state and local statutes and rules regarding access to hearings. If child welfare hearings are open to the public in your jurisdiction, consider ways to make the hearings accessible to non-party participants. If child welfare hearings are confidential in

your jurisdiction, take steps to control access (such as ensuring that only participants receive the link or by using a password).

- Determine how will the hearing be recorded or transcribed. Will an audio file be saved in the court's electronic docket? Can the recording be accessed later for the purposes of transcription?
- Consider how to use settings on the video conferencing platform to make the process go more smoothly. Is there a "host" function? Decide who will perform this function (perhaps the judge or a courtroom clerk/bailiff), which can be helpful in allowing participants into the hearing, muting participants if needed, screen-sharing documents such as exhibits or court reports, etc.
- Document that the hearing took place remotely in the docket or case management system. Child welfare cases sometimes take years to resolve, and this information may be useful in the future if parties or the court need to remember why certain case events occurred the way they did (i.e. for the purposes of creating an appellate record).

Tips for All Hearing Participants

- Determine in advance what device you will use to access the hearing (i.e. computer, smart phone, tablet). Make sure your device's camera and speakers are working properly. If possible, log in to the platform before a scheduled remote hearing to practice using it.
- Wear solid colors that are easily viewed on camera, avoid patterns.
- Be aware others can see what's behind you. Consider using a solid background instead of full camera view if that is an option on your platform. Pay attention to lighting—sitting in front of a window can make you look "washed out" or difficult to see.
- Minimize noises and distractions to the extent possible. When you are not speaking, mute your microphone. Turn your phone on silent and minimize or close other windows on your computer screen to avoid sounds and notifications (this may also help the program run more smoothly).
- Consider confidentiality limitations. If your communications are confidential, ensure that others in your home can't hear you.
- Look at the camera when you are speaking. Position the camera at about eye level if possible.
- Speak slowly and clearly. There may be an audio lag, so pause before and after speaking to account for this.
- Be flexible but remember professional decorum. Things may go wrong, and all participants may need to be extra patient and forgiving. Accept that these hearings may be less productive than in-person hearings. Despite the inevitable hiccups, the rights and experiences of children and parents are still at stake in remote child welfare hearings. Treat an online hearing with the seriousness with which you would treat an in-person hearing.

Special Considerations for Judges

- Start each hearing by laying the ground rules. Describe how you will conduct the hearing, how you will "call on" participants to speak and in what order, and how you will use the platform. Admonish attorneys to speak one at a time. Even if you would not provide an agenda or overview of the hearing in person, this can be helpful for a remote hearing.

- If there is a document that parties would review during an in-person hearing, such as a court report or proposed order, make sure these are shared in advance, via email, if possible. Hold the agency and other parties accountable to submit reports well in advance. Consider sharing your screen (or having an assistant do so) or uploading the document in the videoconferencing platform for discussion during the hearing.
- If a witness is testifying, ensure you can see the witness clearly. For objections, consider asking attorneys to either type “objection” in the chat box or raise their hand, as these may be more reliable than listening for cross-talk on an online platform.
- Admonish witnesses to be alone and to avoid using notes. Consider whether you will allow witnesses to testify by telephone only (i.e. no video). This may make it more difficult to administer a witness oath, receive assurances that the witness is alone and speaking from memory, and judge credibility.
- If the platform allows “break-out” rooms, these can be very useful to allow for sidebar conversations that others cannot or should not hear (i.e. bench conferences, attorney-client discussions, or judicial interviews of children if traditionally done one-on-one). The private chat function can also work well.
- As always, abide by the applicable Code of Judicial Conduct. Avoid ex parte communications. If communicating by email, ensure all attorneys are included.

Special Considerations for Attorneys

- Continue to zealously advocate for your client and protect your client’s interests. If your client is tangibly disadvantaged by having a remote hearing, file for a continuance. If your client’s case is continued and she is disadvantaged by not having a hearing, file a motion requesting a remote hearing (or an in-person hearing under appropriate circumstances). Make these strategic determinations based on the individual needs of clients.
- Client counseling is crucial during this time. Walk your client through how the hearing might go and what to expect. Make a plan for the hearing with your client in advance. This is particularly true for child clients.
- The closure of courts means that attorneys are not engaging in “hallway conversations” and other informal in-person conversations that can move cases forward. Attorneys should coordinate conference calls and emails prior to the hearing can help attorneys resolve issues and enter the virtual courtroom well-prepared.
- Where possible, negotiate stipulations and other areas of agreement to efficiently resolve matters (i.e. the return of a child to her parent) where all parties agree.
- File written reports and motions liberally. Written pleadings not only can resolve issues for your client, they also create a clear record.
- Take special care with witness testimony. As always, make a record via objections. The file-transfer or screen share functions can be used to submit exhibits, impeach witnesses, or refresh a witness’s recollection.
- Hold the child welfare agency accountable to make reasonable efforts to prevent removal and finalize permanency. Even during difficult times, the agency must make efforts that are reasonable under the circumstances.
- There are numerous ways to communicate directly and confidentially with your clients during a virtual hearing. These include, but are not limited to:
 - Some platforms have a “private chat” function which can only be viewed by two participants.

- Text your client during the hearing. Explain to the court that you are texting your client and ask for breaks if needed.
- Ask for a break to call your client. Step away from the camera and mute your microphone when you do so.
- Some platforms have “breakout rooms.” Ask to be placed in a breakout room with your client, and then rejoin the main hearing.
- Help your client navigate the “digital divide.” Does your client have access to the technology needed to participate in remote hearings? Some tips:
 - Many video conferencing platforms have smartphone apps. These can be helpful where clients don’t have access to computers.
 - Smartphone apps also work via WiFi, which can be helpful when clients don’t have cellular data plans but can access a wireless internet network.
 - Research community resources that may be helpful. Is there a broadband internet provider that is offering free or low-cost internet access (Comcast, Cox and Spectrum all have these programs)? Are their local charities or other resources for free or low-cost phones or computers?
 - Brainstorm with clients about their potential personal resources for technology access, such as supportive family members or mentors or friends who could lend them a phone or computer.
 - Consider asking (informally or via motion) the child welfare agency to provide technology or otherwise help your client access technology. This may be a reasonable efforts issue.
- As always, comply with all applicable ethical standards and Rules of Professional Conduct. Zealously advocate for your clients, engage with other parties with civility, make representations with candor, maintain client confidences, and avoid engaging judges in ex parte contact.

Resources

Children’s Bureau COVID-19 page: <https://www.acf.hhs.gov/cb/resource/covid-19-resources>

Children’s Bureau legal/judicial guidance:

https://www.acf.hhs.gov/sites/default/files/cb/covid_19_childlegalandjudicial.pdf

Texas Zoom page: <http://txcourts.gov/programs-services/electronic-hearings-with-zoom/>

State Bar of Texas, Family Law Section, Remote Hearings Training:

<https://www.youtube.com/watch?v=ayaENNMKSqs>

National Center for State Courts (NCSC) pandemic resources, including recent webinar recordings: <https://www.ncsc.org/pandemic>

NCSC videoconferencing resources: <https://www.ncsc.org/Topics/Technology/Video-Technologies/Resource-Guide.aspx>

Remote Advocacy: Representing Your Client During the COVID-19 Pandemic (free NITA webinar) <https://www.nita.org/webcasts/s71LEC116>

Advocacy and Child's Attorney-Client Relationships during COVID-19: A Tip Sheet

What do Youth Need from their Attorneys?



In the uncertain times of the COVID-19 pandemic, many aspects of life have dramatically changed — schools, court hearings, social events. What has not changed, however, are the critical and urgent needs of youth involved in the child welfare system. Many attorneys, and particularly those who represent young people, may be struggling with questions regarding their obligations in a moment of social distancing and widespread anxiety. Youth involved in the child welfare system need and deserve robust advocacy in this time period. The underlying needs of youth — the *what* — remains the same; it is the method of advocacy and service delivery — the *how* — that may need to be adjusted.

An overarching principle of sound child welfare practice is that determinations should be made on a case-by-case, client-specific basis and informed by medical expertise. Attorneys should be wary of overbroad, one-size-fits-all policies, engage in individualized case analysis and recommendations, and advocate for agencies, courts, and other professionals to do the same. Attorneys should also ensure they are aware of, understand, and follow any relevant local, state-wide, or national mandates regarding COVID-19 safety protocols.

NACC offers the following practical considerations for providing high-quality legal representation amid the complex challenges presented by the COVID-19 pandemic. At this time — and always — youth need:

1. **A Communicative Attorney:** It is crucial that youth continue to access their legal rights during this time — particularly their right to counsel, through which youth can assert most other rights. Access to counsel may be complicated by facility policies, shelter-in-place rules, and personal health circumstances. At a minimum, youth want to hear from their attorneys. Youth in foster care have universally expressed this important desire and research has affirmed that timely communication is among the most valued and most feasible activities that attorneys can offer.¹ In addition, youth want their attorneys to hear from them — for their opinions to be actively solicited, their voices to be engaged, and their requests to be timely and appropriately attended to. What may be more challenging now is the *how* of communication — how to ensure frequent, clear, and thorough client counseling when face-to-face visits may be complicated by numerous factors.
 - a. *Attorney-client visits:* in deciding whether to conduct an in-person visit with clients, consider the health of both the attorney and the youth; communicate with the youth and family to ensure they are comfortable with in-person visits; explore visit location (number of people present, whether a safe and confidential outdoor location is feasible); balance social distancing with confidentiality; explain why you are taking any safety precautions

¹ See, e.g., Miller, J., Duron, J., Donohue-Dioh, J., & Geiger, J. (2018) *Conceptualizing effective legal representation for Foster youth: A group concept mapping study*. Children and Youth Services Review, 91, 271-278. <https://www.sciencedirect.com/science/article/pii/S0190740918304341?via%3Dihub>

you are (mask, hand sanitizer, etc.) to ensure comfort and cultural humility; ensure you understand any stay-home orders your jurisdiction has and whether your position/task is defined as “essential.”

- b. *Technology*: if in-person contact is not feasible, consider all the potential ways to use technology (video-chat, phone calls, etc.) to maintain confidential communication with your client; ensure you and your client have access to technology and understand how to use it.
 - c. *Frequency*: ensure you know what your jurisdiction’s rules and statutes, and/or your office’s policies, mandate about the frequency of visits/client communication and whether those rules have been relaxed or waived; consider what frequency of communication is appropriate, based the needs of the individual case/client; collaborate with the youth’s team members (social worker, investigator, service providers, etc.) to ensure the youth is receiving frequent and regular communication.
2. **An Informative Attorney**: Youth may be understandably anxious during this time, and they need accurate information from their attorneys to help manage those feelings and make informed choices about their own well-being. Attorneys should keep in mind how children of different ages perceive time differently; for youth, two or four weeks (or more) of social isolation, lack of family contact, and/or quarantine will be experienced differently than that same time period for adults.² These developmentally different concepts of time are compounded by the stress of the unknown of how long these measures may last. Attorneys should ensure that youth are connected to someone (who may be the attorney or another trusted adult) who can help answer their questions about COVID-19, discuss the emotions they are experiencing, and help them sort fact from fiction. [The NACC COVID-19 Resource Hub](#) is a good place to find tips for talking to children and teenagers about COVID-19 and to find current information.
3. **A Knowledgeable Attorney**: Information, policies and protocols are rapidly evolving and changing, and differ from state to state. The potential for misinformation is also high. Especially considering school and other closures, youth rely on their attorneys for information. It is imperative for attorneys to stay updated on important policies and share that information with their clients:
- a. Court closures
 - b. School closures
 - c. Meal programs
 - d. Group home/detention facility policies, and program closures, such as school, within facilities
 - e. Child welfare agency protocols
 - f. Local, state, and national guidelines regarding shelter-in-place, stay-at-home, and social distancing policies
4. **A Diligent Attorney**³: It can be challenging for youth in the foster care system to get what they need to be healthy, safe and stable, and this reality is compounded by the impacts of COVID-19. Attorneys must monitor and ensure case planning to ensure their clients have access to:
- a. *Medical care*:
 - i. Youth/caregiver knows what to do/where to go if the youth gets sick;

2 See, e.g., Donald N. Duquette & Ann Haralambie. “Chapter 31: Representing Children and Youth; §31.6.1 – Identifying Permanency Needs and Protecting Important Affiliations”, in *Child Welfare Law and Practice: Representing Children Parents, and State Agencies in Abuse, Neglect, and Dependency Cases* (Donald N. Duquette, Ann M. Haralambie, & Vivek S. Sankaran eds., National Association of Counsel for Children, 3d ed. 2016).

3 Several law offices have assembled tip sheets and checklists for issues/areas for attorneys to keep in mind when working with youth. See, e.g., Youth Law Center: “Making an Emergency Plan with Transition Age Youth in Foster Care A Checklist for Dependency Attorneys, Youth Providers, and Advocates”, https://ylc.org/wp-content/uploads/2020/03/Emergency-Plan-with-TAY-in-Foster-Care_YLC.pdf; Juvenile Law Center: “Making an Emergency Plan with Transition Age Youth in Foster Care in Philadelphia”, https://jlc.org/sites/default/files/attachments/2020-03/Emergency-Plan-with-TAY-in-Foster-Care_Phila.pdf

- ii. Youth has sufficient medical supplies, medication/refills;
 - iii. Youth/caregiver can access telehealth appointments for medical and psychiatric care.
- b. *Food:*
- i. If youth qualifies for school lunch programs, youth/caregiver knows where meals are being provided during school closures;
 - ii. Youth/caregiver has access to any benefits they are entitled to (WIC, food stamps);
 - iii. Youth/caregiver is receiving any additional supports the agency is offering.
- c. *Placement:*
- i. Placement is appropriately balancing youth’s safety, well-being, and permanency;
 - ii. Youth has age-appropriate supervision;
 - iii. Caregiver has needed supports to continue to provide appropriate and nurturing care and supervision while school is closed, or if they or a family/household member gets sick or is exposed to the virus;
 - iv. Youth is engaged in appropriate (virtual) social activities/stimulation, in keeping with social distancing requirements (consider using federal law to support requests, within the confines of state restrictions, for youth to have “regular, ongoing opportunities to engage in age or developmentally appropriate activities”)⁴; for example, the opportunity to video-chat with friends and classmates, or participate in hobby groups that have transitioned to virtual meetings;
 - v. Agency has a contingency plan/respice options if caregivers get sick or cannot take care of the youth for related reasons;
 - vi. If youth is in college, youth has somewhere to go and is aware of state regulations/policies that might enable them to stay in the dorms;⁵
 - vii. If youth is in congregate care, facility is complying with licensing requirements (i.e. staffing) and facility is balancing taking precautions against the virus with ensuring youth’s well-being (i.e. not unnecessarily and unjustifiably isolating youth).
- d. *Technology:*
- i. Youth has a cell phone and the bill is being paid;
 - ii. Youth has access to a computer to engage in remote schooling and communicate with family and peers;
 - iii. A “reasonable and prudent parent” is identified who can provide cell phone and computer access to the youth (resource parent, group home, agency).⁶
- e. *Education:*
- i. Youth’s school has provided lesson plans and instructional support;
 - ii. Youth has access to those learning opportunities;⁷
 - iii. Youth’s credits and ability to graduate on time are not impacted;
 - iv. If the youth is receiving special education services, the school has made provisions to implement the IEP and ensure access to the curriculum.

4 42 U.S.C.A. § 675a (a)(3)

5 See March 12, 2020 Letter from Associate Commissioner Jerry Milner, Children’s Bureau: “Housing Support When Universities, Colleges Close Due to COVID-19” https://www.acf.hhs.gov/sites/default/files/cb/housing_support_covid19.pdf

6 42 U.S.C.A. § 675a (a)(3); 42 U.S.C.A. §675 (10).

7 See, e.g., American Bar Association: “At-Home Education and Learning Resources for Foster Youth During COVID-19”, <https://www.americanbar.org/groups/litigation/committees/childrens-rights/practice/2020/at-home-education-and-learning-resources-for-foster-youth-during-covid-19/> (March 20, 2020)

f. *Services:*

- i. Youth/family has remote/virtual access to services, if services are disrupted (youth's therapeutic services; prevention services; in-home services; reunification services for parents);
- ii. Family has access to services necessary for prevention and daily living (housing, rental and utility assistance; transportation assistance; daycare vouchers; legal services);
- iii. Youth/parents are not penalized for non-participation.

g. *Client-counseling:*

- i. Youth's attorney takes the necessary time to explain legal options, permanency and services in developmentally appropriate ways;
- ii. Attorneys are prepared to counsel older clients, if they are in a jurisdiction where youth over eighteen can opt out or back into the child welfare system, considering the ways COVID-19 may uniquely impact that decision;
- iii. Attorneys ensure parenting teens have appropriate childcare and contingency plans set up, as well as that they understand appropriate safety precautions.

5. **A Zealous Attorney:** Youth need their cases to move forward during this time. They need to receive services, to be timely reunited with family, and/or to achieve permanency. *COVID-19, standing alone, without an individualized determination, should not be accepted as a blanket justification for why youth should not go home, be adopted, or achieve independence.* Attorneys have an important, and increasingly complicated, role to play in ensuring clients' legal rights are protected and advanced, and that due process does not suffer, even in a legal landscape where more and more courts are closing their doors. Practitioners can effectively advocate in this new landscape, using written advocacy and virtual participation in hearings. At a minimum, attorneys for youth must advocate against agencies and courts applying a one-size-fits-all approach during this crisis and must ensure:⁸

- a. *Access to justice and due process rights are guaranteed:* even where legitimate health and safety concerns may present themselves, attorneys should check that others' (and their own) concerns, anxieties, and biases do not negatively impact the reciprocal rights of children and their parents. Parents and youth should be engaged in these decision points, without making blanket assumptions about what is best for all parents and children in these situations.⁹
- b. *Urgent/emergency matters are addressed:* where courts are closed, request hearings by phone and build a record through written advocacy (reports, motions).
- c. *Clients have access to court and can attend,* when safe and appropriate, or, at a minimum, through teleconferencing or other virtual participation; youth have continued access to translators, where needed.
- d. *Family time,* including contact with parents and siblings, must be protected and prioritized, unless factual, case-specific health concerns necessitate a temporary, virtual alternative; attorneys should advocate for courts and agencies to incorporate guidance from public health authorities such as the Centers for Disease Control and Prevention (CDC) and medical experts such as the American Academy of Pediatrics (AAP) to inform their analyses, and empower youth and parents to be involved in decisions regarding how visits should continue; consider creative means to effectuate family time, including expanding the scope of kin who might assist with transportation or supervision, moving visits outdoors, and allowing unsupervised visits

8 See March 27, 2020 Letter from Associate Commissioner Jerry Milner, Children's Bureau: https://cdn.ymaws.com/www.naccchildlaw.org/resource/resmgr/news_items/march_27_2020_letter_from_a.pdf

9 For more on the importance of Youth Voice, see Administration for Children and Families: "Engaging, empowering, and utilizing family and youth voice in all aspects of child welfare to drive case planning and system improvement.", ACYF-CB-IM-19-03, <https://www.acf.hhs.gov/sites/default/files/cb/im1903.pdf> (August 1, 2019)

where there are no concrete safety concerns; ensure virtual options for visitation and/or virtual supervision if in-person visitation or supervision poses an actual, substantiated health risk; consider increasing virtual family time (phone calls and video) frequency; continue family therapy, if applicable and available, through video technology.¹⁰

- e. *Permanency is not delayed:* reasonable efforts should still be addressed, case plans and service delivery should be adjusted to meet current circumstances, and COVID-19 should not be the only or driving factor to delay a permanency plan (e.g. a pre-planned return home, adoption finalization, etc.). And advocates should ensure they note (and preserve their record) if/when service plans, permanency, etc. were impacted by COVID-19. This may include requesting written reasonable efforts findings that accurately reflect what has or has not happened to move the case forward.
- f. *Collaboration amongst parties:* with more courts closed, attorneys must work together and hone their negotiation and mediation skills outside of court to get clients what they need.
- g. *Youth are not unnecessarily subjected to the delinquency/criminal justice system:* as more restrictions are placed on individuals, youth in the dependency system are especially vulnerable to arrest, detention, and coming under the jurisdiction of the delinquency and criminal justice systems. Attorneys should advocate to prevent increased incidence of crossover youth and keep children home and out of detention and congregate care (which has become even more harmful due to the spread of COVID-19).

6. **A Healthy Attorney:** Youth need their attorneys to practice self-care — if the attorney is not healthy, they will be unable to fulfill their obligations in a way the client needs. Attorneys can and should use existing resources that focus on how to ensure self-care and manage anxiety in the age of COVID-19. And remember — you are not alone. NACC is here to help build community with your peers through this crisis.

Most of all, what youth need from their attorneys now is continued **zealous advocacy**. The *how* may be different — and more virtual — than before this crisis, but the *what* — investigation, client counseling, ensuring reasonable efforts, advocating for best practices, prevention and permanency — remains unchanged. As always, NACC is available to help support attorneys in developing and implementing best practices — through resource-sharing, collaborative dialogue, and training opportunities. At NACC, your practice is our purpose.

NACC’s COVID-19 Resource Hub can be found here: <https://www.naccchildlaw.org/page/CoronavirusCOVID-19>. ■

10 Administration for Children and Families: "Family Time and visitation for children and youth in out-of-home care.", ACYF-CB-IM-20-02, <https://www.acf.hhs.gov/sites/default/files/cb/im2002.pdf> (February 5, 2020)

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Our Vision

Every child and family involved with the court system is well-represented by a lawyer who works to ensure that every child is raised by a nurturing family and has positive life opportunities.

Our Mission

To advance the rights, well-being, and opportunities of children impacted by the child welfare system through access to high-quality legal representation.