

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

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## Overview of webinar

- Current Status
- What is expected of juvenile judges – Federal Children's Bureau and Ohio Supreme Court
- What can be expected of children services workers
- What is possible on virtual visits with children and families
- The importance of parenting time during COVID-19

## Current Status

- No or limited in-person visits
- Limited court hearings
- Children, youth, families and professionals taken by surprise
- Unprecedented delays and misinformation
- Courts reliant upon Agency response
- Attorneys - Continue advocacy

## Federal Children's Bureau

March 27, 2020

- ALL legal mandates continue.
- In all cases, title IV-E requires that the following hearings be held and determinations made:
  - Contrary to the welfare (CTW) /Best Interest (BI) (Ex parte emergency order, Shelter Care Orders, Dependency Orders)
  - Reasonable efforts at the time of removal (Shelter Care Orders, Dependency Orders, Permanency Planning Orders)
  - Annual Reasonable efforts to finalize the permanency plan (ARE) (Dependency Review Orders, Permanency Planning Orders)
  - Six-month review and 12-month permanency hearings

## Federal Children's Bureau

- Children kept in communication with their attorneys/CASA/GAL
- Timely notice
- Refrain from blanket orders
- Maximize use of technology – ensure workers, parents, children, and caregivers have access to technology
- Stipulated orders (agreed), when possible
- Consider whether children may be reunified with their parents in an expedited manner
- 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

## Legal Mandates Continue

- **Reasonable Efforts/Reunification Services**
  - Services to parents and children to support safety and reunification
    - Therapy
    - Addiction services
    - Parenting classes
  - Visitation/Parenting Time is most critical of all services
- **Building Relationships**
  - Non-offending; non-custodial parent
  - Relatives identified and engaged in case planning/support
  - Children's rights – maintain and enhance connections

## Supreme Court of Ohio

- Continuances for non-essential court appearances
- Video conferencing or telephone for hearings
- Provide updates on how to access the courthouse and case updates via the local court webpage, social media, etc.
- Emergency actions hearing are available
  - Shelter care hearings
  - Preliminary hearing for children alleged to be abuse, neglected or dependent
  - Restraining orders
  - Send a memorandum to or call a virtual meeting with local attorneys, child welfare agencies, adult protective services, law enforcement, and other justice partners to make expectations clear.

## Supreme of Court Ohio

- The time requirements imposed by the rules of the Court and set to expire during the term of this order may be tolled.
- Any requirement in a rule of the Court that a party appear in person or requiring in-person service may be waived by the Court.
- Appearance or service by use of technology may be allowed if it sufficiently guarantees the integrity of the proceedings and protects the parties' interests and rights.

## Ohio Dept Jobs & Family Services April 8

### **Initial/investigation**

- PCSA's must be available to accept reports

### **Priorities: (In-person)**

- Initiation and assessment of safety activities (24/7 hour contacts, 5-day contacts, safety assessments)
- Monitoring of in-home and out-of-home safety plans

## Ohio Dept Jobs & Family Services April 8

- 45-60-day assessment/investigation (in-person)
  - Collateral and other follow-up interviews/contacts with other involved adults and children in the home can be done by virtual contacts
  - Deeper-dive assessment questions and dialogue with other involved household members.

## Open and ongoing cases ODJFS

- Decisions and activities should be prioritized based on an assessment and routine re-assessment of safety and risk.
  - This includes consideration for age, vulnerability, and location when making case-specific determinations.
  - Prioritize monthly visit/contact requirements for children and adults with open cases.

Consider age, vulnerability, and location when making case specific determinations for ongoing case activity reductions and/or alternatives (document the justifications for those decisions in the SACWIS).

## Open and ongoing cases ODJFS

### In-Home Cases:

- Prioritize child and adult visits (in-person and increase connections by phone/FaceTime) for open voluntary cases and court ordered protective supervision(COPS) cases with more immediate safety and risk concerns.
- Other open in-home cases may require fewer monthly visits and/or more phone/FaceTime contacts (e.g. temporary custody to kin with COPS order, other open voluntary cases offering nonsafety-related preventive services)

## Custody with PCSA

- Prioritize visits with children and adults on trial home visits during the reunification activities.
- Prioritize kinship placement homes in which caregivers may need more support and guidance from PCSA caseworkers and kinship caseworkers.
- Collaborative planning: using one caseworker to visit all children in a given group home or residential facility).
- Continue to follow Interstate Compact on the Placement of Children monitoring requirements for children placed out of state.

## What to expect of PCSA workers

- Conduct in-person investigations and home visits when the level of risk is high.
- If refused entry the caseworker consults with supervisor and follows county procedures as they normally would. COVID-19 does not allow PCSAs to avoid conducting investigations or safety visits.
- Individual time with each child is necessary.
- Some of the visit could occur outside of the home.

## What to expect of PCSA workers

- Physical distancing should occur but is not always possible to complete a safety check.
- COVID19, in a home, is not a safety threat when determining CAN. It would affect the safety plan and how services are provided.
- **Determine:** Was the caseworker able to conduct a complete investigation or safety assessment? Or did COVID19 issues limit what the caseworker could assess in any way?

## Child Transfer recommendations - CDC

- Wash hands before, during and after visits
- Careful when diapering or helping a child with toileting
- Toys should not be transferred. If child needs comfort item (blanket, stuff animal) wash after the visit.
- Place clothes, blankets etc. in a plastic bag after use, wash after visit
- Transfer child's items in disposal bag
- Wear long sleeve clothes, change clothes after visit
- Wash any area of your body that the child has touched
- Everyone wear a face mask when in public
  - Tissue for children under the age of two

## When In-person contact is not possible

### Some options are more powerful than others.

1. Audio and visual – Skype, Facetime, Zoom
2. Audio only – phone calls
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 (*parent/child contacts*)
5. Written – US mail, email, and other forms of written communication

### What to assess when a non in-person visit occurs

#### Determine:

- Did the caseworker use the contact method that provided the highest level of non in-person contact?
- Was that level of contact appropriate given the safety risks?
- How was the decision made to conduct casework in a way contrary to the laws, rules or policies? Supervisory approval, ensuring safety, consistency in making these decisions, and decision-making process documented.

## What to assess when a non in-person visit occurs

### Determine:

- If non in-person contact was made: How many months since the last in-person visit was conducted?
- If the child was not seen and talked to alone: How is the caseworker ensuring that the child is safe, can request help or report a problem?

## Virtual Visits – What should occur

1. The child and caregivers were observed interacting by the caseworker
2. The caseworker was able to talk to the child in private
3. The caseworker was able to observe the home environment including where the child sleeps
4. The caseworker talked to all the adults in the home
5. All safety risks and threats were adequately addressed in a timely manner
6. Services provided to address safety, health, educational and permanency needs

COVID19 is a stressful time for everyone. Even functional families may find it difficult.

It is expected that there will be an increase in addiction, domestic violence, and mental health crisis. This will lead to an increase in child abuse and neglect.

The caseworker must act if there are warning signs:

- Not being allowed to talk to children, youth or adults alone
- Not being allowed to see the home or parts of the home

Warning  
Signs that  
indicate  
In-person  
visit  
may be  
necessary

- Not answering calls or virtual visits
- Significant changes in their routines: eating, sleeping, increase in use of alcohol or drugs, etc.
- Dramatic changes in their behaviors
- Reports of suicidal thoughts
- Threatening to have the child removed from the home

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## Caseworkers – checklist

In addition to the normal safety assessment caseworkers should check on the well-being of birth families, kinship caregivers and foster families.

- COVID19 health issues
- Loss of income, lack of food, lack of health care
- Loss or threaten loss of housing
- Fear of what is happening or could happen
- Need to help someone who has COVID19 or cannot leave their home
- Impact of isolation
- Handling a child's reactions or behaviors

## Why family time is even more important

- Maintaining relationships
  - Parents; Siblings; Grandparents; Relatives; Friends; School
- Connections is the True Goal!
  - *Protecting family integrity may seem like an expendable effort – something to be put aside until the world changes. The fact is, every day that goes by with restrictions on family time, reduced availability of treatment or other services for parents and delays in reunification efforts is a threat to family integrity. Milner*
- Children and Youth
  - Bonding and attachment vs Grief and loss
  - Reduce trauma and loss

**Physical distancing NOT social and emotional distancing**

## Federal: Visitation

- Ensure that family time continues;
- Become familiar with ways in which in-person visitation may continue to be held safely;
- Consider the use of family members to supervise contact and to engage in visitation outdoors;
- Encourage Foster Parents to support visits of all types.

## Parenting Time In-person Ohio Department of Health

- Conduct case-by-case assessment
  - **Children with medically fragile, pre-existing health concerns, and the age of child**
  - When case-by-case decisions are made to limit in-person visitation, replace and increase interactions and contact by virtual visits
- Reduce those involved in the visit to only those who are court-mandated to participate.
- Consider adjusting visits with siblings and other external family members to virtual
- For supervised visitation determined necessary to take place in agency offices and other community locations

## The Good News! Virtual Parenting Time

- No transportation issues
- Easier supervision and observation
- Less conflicts in scheduling
  - No small visit rooms
- Monitors, visit supervisors, coaches can continue services
- Sessions can be recorded for learning purposes – with permission
- New courts orders not needed in most cases

## Virtual Visits – technology

- Zoom, skype, facetime, Facebook messenger, and more
- Check with parent, caregiver and youth what method they have access to or would like to use
- Consider confidentially – yours and theirs
- Check if they have equipment, internet, data plan etc.
- Purchase or provide what is needed
- Use online games, books – MANY resources available for free

## Meeting the child's needs on Virtual Visits

- Different things for different ages
  - Infants – Daily 10-15 minutes
  - Toddlers – Preschoolers – Daily 15-30 minutes
  - School Age – 3-5 times weekly up to an hour
  - Teen to Young Adults – at least weekly as much and as long as the youth needs
- Make it fun. Make the firsts visits successful!

## Supervision and Coaching – Family Time Virtual Visits

- Supervision, coaching, monitoring and observing can occur with the use of some apps.
- Use agency and contracted visitation services for virtual visits.
- Chat feature that only the parent can see is a useful tool.
- PCSA caseworker can “drop in” on virtual visits being supervised by others
- Recording of visits for learning purposes – with everyone's consent

## Roles & Responsibilities

- Parents
  - Flexibility
  - More frequent but shorter virtual visits
  - Opportunities to grow and learn during virtual visits
- Caregivers
  - Support child's well-being
  - Visits reduce traumatic and behavioral reactions
  - Requires their participation for visits with young children
  - Less issues with travel, school disruption; routines, meals
  - Confidentiality can be maintained

## Professionals

- Stay in contact with clients/families
  - More frequent but shorter visits
  - Some in-person visits will be needed/required
  - Supporting all parents emotional, physical and financial needs
  - We are their support, source of information, and role model
- Creativity is key
  - Many free resources
  - Look for solutions rather than focusing on what cannot be done
- Advocate for the families and children
  - *The agency must demonstrate that it made reasonable efforts to maintain critical connections and courts must hold them accountable for doing so. Jerry Milner*
- Take care of yourself and your colleagues

## Questions/Discussions

- Use chat to write your questions.
  - Ideas
  - Questions
  - Resources
  - Challenges
  - What is working?
  - If you want to share something with us or need a direct response added your email

Check if any  
policy,  
directive or  
guidance has  
changed

## 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 o 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



Plan for  
the  
future

*We have to stand on guard and prepare for the aftermath of our current crisis. One, two, three or even 12 months from now, we will continue to deal with the results of the virus and the manner in which it has affected our system. Should restrictions on family time and services continue, a significant amount of time may pass before parents and children are properly served. Jerry Milner*

