

## **FOSTER CARE I:** UNDERSTANDING THE SYSTEM



## 60-90 minutes

Foster Care (10 minutes) Each-One-Teach-One (15 minutes) The Child Welfare System (30 minutes) Rights of Youth (Optional: 10-30 minutes) Summary (5 minutes)

### **OUTCOMES**

As a result of this lesson, students will be able to:

- Explain the key goals of the family court and child welfare system.
- Identify the major steps and procedures in this system.
- Discuss the rights of parents and young people in the child welfare system.
- Practice communication skills.

### **HANDOUTS**

- 1. Child Welfare System Steps
- 2. Child Welfare Chart

### COMMUNITY RESOURCE PEOPLE

Invite a judge or lawyer that deals with abuse and neglect issues to assist with this lesson. Send a copy of the lesson and a copy of "Suggestions for Community Resource People" from the introduction when confirming the date and location of the class.



Have the resource person help where you see this icon.

### LOCAL LAWS AND PROCEDURES

Questions regarding local laws and procedures are written in bold typeface and are found throughout this lesson, as well as in the box at the end of the lesson. Research the answers to these questions before teaching this lesson.

### **WEB RESOURCES**

For more information about the foster care system, including an interactive chart, see the Pew Commission on Children and Foster Care at www.pewfostercare.org. Other good information is available from the National Center for Youth Law at www.youthlaw.org, the Children's Bureau at www.acf.dhhs.gov/programs/cb/ and the National Resource Centers for Youth Development at www.nrcys.ou.edu, Foster Care and

## **PREPARING TO** TEACH

- Cut up copies of Handout 1 so that each student can receive one of the 8 steps (if you have 16 students, make two copies of Handout 1, etc.).
- Ask the resource person to come prepared to discuss the local laws related to Handouts 1 and 2.
- Write up and post the lesson outcomes.
- Make copies of all handouts for each student.

### **MATERIALS NEEDED**

- Blackboard/flip chart
- Chalk/markers

### **REVIEW IN TEACHING STRATEGIES**

Each-one-teach-one, Brainstorming, Round-Robin, Small Groups



Permanency Planning at www.hunter.cuny.edu/socwork/nrcfcpp/, and Legal and Judicial Issues at www.abanet.org/child/rclji.

### REMINDER

Tell participants up front that you are not a lawyer and cannot give legal advice. Focus on teaching the general legal concepts, developing life skills, and directing participants to community and legal resources in the event that they have a specific need.

### A NOTE ABOUT INDIVIDUAL CASES

It is especially important in this lesson to steer the discussion away from individual cases and toward the system as a whole. Students' experiences can form important and helpful examples. However, too much storytelling will detract from the educational outcomes of the lesson and lead to questions about individual cases, which should always be handled outside of class by a lawyer familiar with the case.

## **FOSTER CARE** (10 MINUTES)



Review lesson outcomes with students.



Introduce the resource person and ask her or him to explain what they do in a few sentences.



Ask students what the foster care system is. Write their answers on the board.



Ask the resource person to elaborate.

When children and young people and cannot remain safely in their homes, the government may step in to take responsibility for their safety and well-being. The home may not be considered safe because of abuse or neglect by a child's parents or other adults or because death, illness, incarceration, or other factors that make parents unable to care for the children. Children may then be placed in governmentsponsored foster care by the state **child welfare system**.

Tell students that one name for this whole system, which includes courts, social service agencies, foster families, and more is the "child welfare system."



Ask students to brainstorm different ways that children might come into the child welfare system. Write their answers on the board or flip chart.

According to the Pew Commission on Children and Foster Care:



- "Most children (60%) enter foster care when removed from their homes by a child protective agency because of abuse and/or neglect."
- "Others (17%) enter care because of the absence of their parents, resulting from illness, death, disability, or other problems."
- "Some children enter care because of delinquent behavior (10%) or because they have committed a juvenile status offense (5%), such as running away or truancy."
- "Roughly five percent of children enter care because of a disability. For many, it represents their only access to disability services, for example, mental health care for a child with severe emotional disturbance. In these rare instances, in states that allow such placements, a child is placed in foster care voluntarily at the request of his parents." 1

Ask students to remember back to **Lesson 5: Is It Abuse & Neglect?** and The Case of Kimberly. Remind them that this lesson dealt with part of the child welfare system, and that you will be learning more today.



**NOTE:** If you have not done **Lesson 5** with the class then you should review the handout Laws to Know: Child Abuse and Neglect from that lesson with students now.

## EACH-ONE-TEACH-ONE (15 MINUTES)

Put students into groups of eight.

## 2

Give each group copies of each of the different steps you cut out from Handout 1— **Child Welfare System Steps** and instruct them to each take one.

If you have fewer than eight students in a group, give multiple strips to some students. If you have fewer than sixteen students, pair some students together and give them the same strip (see below). See the **each-one-teach-one** method in "Teaching Strategies."



**NOTE:** Do not distribute the full handout to students until after the students have completed the activity below in which they put the steps in order.

## 3

Tell the class that each strip is a legal step in the child welfare or foster care system. They will have to be a class expert on their step and be able to explain it to other students



<sup>&</sup>lt;sup>1</sup> Badeau, S. and S. Gesiriech. 2005. A Child's Journey Through the Child Welfare System. Pew Commission of Children and Foster Care. Available online at http://pewfostercare.org/docs/index.php?DocID=24.



without simply reading it. Encourage students to raise their hands if they have questions.

Circulate with the resource person to make sure everyone understands her or his strip. Give the students a few minutes to read and comprehend their steps.

Next, give them the following instructions:

In a moment you will stand up. Move around the room and find people who have a step that is *different* from yours. Teach them, *in your own words*, what your step is about and have them teach you theirs. Do not just read them your strip.

Then move on to another person. Find as many different steps as you can.

Give students approximately 10 minutes for the "each-one-teach-one" activity.

## THE CHILD WELFARE SYSTEM (30 MINUTES)

Have students return and sit with their groups.

## 2

Tell students that each group has all of the eight main legal steps in the child welfare or foster care system. Tell students their next task is to try to put the steps into the right order.

Give the students about 10 minutes to order the steps. Circulate with the resource person to keep students on track, but **do not** help them.

### Handout 1

### CHILD WELFARE SYSTEM STEPS

REPORT: If a report of child abuse or neglect is made, it is investigated by the state Child Protective Services agency. If the agency does not find evidence that abuse and neglect has happened, the case is closed.

If there is evidence of abuse or neglect, and/or evidence that the child is at risk for abuse or neglect in the future, the case continues. The agency may decide that the child can remain safely at home if the family is given supervision or support services.

If the agency believes the child is at a high risk of future abuse or neglect, the CPS agency may request a court order or "petition" to remove the child from the home. In emergency situations, the agency will remove the child and put her or him in temporary foster care until a court can make a decision.



EMERGENCY HEARING: If the agency asks the court to remove the child, or the agency removes the child right away because the situation is urgent, an Emergency Hearing will be held. This is sometimes called a Shelter Care or Protective Hearing. This is the first hearing, held right away, to decide what to do until a full hearing can be held.

At this hearing a judge decides three questions:

- Is there enough evidence to believe child abuse or neglect has occurred and that the child is in danger?
- Has the agency made "reasonable efforts" to keep the family together by providing services?
- Should the child be removed from the home until a full hearing can be held?

A judge can decide that:

there is not enough evidence to continue and end the case -or-

there is enough evidence but the child can safely return home until a full hearing is held -orthere is enough evidence and the child must be removed from the home.

MEDIATION: In many communities, a case may go to Mediation instead of going to a full court hearing. In mediation the agency and the family meet to try to agree on how to solve the problems that got them involved with the child welfare system. The family and the agency may be able to agree on a plan for what the family will do and what the agency will do to help. A judge usually must approve this plan. If they cannot agree, however, the case will continue in court.

Adjudicatory & DISPOSITIONAL Hearing: In an Adjudicatory Hearing a judge decides if there is enough evidence to show that abuse and neglect did happen and is serious enough to require the state to step in. If a judge decides there is not enough evidence, the case is closed and the child goes home. If the judge does find enough evidence that abuse or neglect has happened, the next step is the Dispositional Hearing. This is when the judge hears from all sides and decides what should happen to the child. At the disposition, the court decides:

- Who will have legal custody of the child?
- Who will the child live with?
- Will the child visit the parent?
- What must the parent do to get the child back?
- What services will the agency provide to help the family reunite?

Sometimes the adjudicatory and dispositional hearings are held on separate days and sometimes they are combined into one hearing.

REVIEW HEARING: If a child is placed in foster care or in the care of the state, a case plan will be created for the child and family. Federal law requires that a Review Hearing be held at least every six months after a child or youth is placed in foster care to determine:

- if the placement is still necessary and best for the child.
- if the case plan is being followed.
- if progress has been made toward reunifying the family.

The review will also set a target date for the child to return home, be adopted, or find another permanent placement.

PERMANENCY HEARING: Federal law requires that a Permanency Hearing be held at least every 12 months for youth in the foster care system. This hearing reviews the plan to provide the child with a permanent home and family. Most often, the permanency goal of the child is to be



reunited with the child's parents. If it is not possible for a child to return home safely, options include:

- being adopted
- finding a permanent legal guardian
- living with a relative
- or other options.

The law says that a young person's permanency plan can have concurrent plans, which means planning for two permanent homes at once. For example, a youth's plan might call for reuniting with her or his family while also looking for an adoptive family.

REUNIFICATION: One main goal of the child welfare system is to reunite families whenever possible. The law requires that agencies make "reasonable efforts" to reunite children with their parents, unless a parent has seriously harmed or killed his or her children.

When a child enters foster care the court approves a plan with steps birth families must take in order to be reunified with their children. A judge will decide if they have met all of the conditions set and can now provide a safe home for the child. When the birth family meets these, the case is closed and the child returns to the home.

TERMINATION OF PARENTAL RIGHTS: Federal law says that the second main goal of the child welfare system is to provide a permanent home and family for children. Sometimes birth families cannot or do not take the steps needed to be able to provide children with stable, safe homes. When this is the case, the state is required to help children find another permanent home. First, though, the parental rights of the child's original parent(s) must be terminated.

Parents have a fundamental right under the U.S. Constitution to care for and control their children. If they abuse, neglect, or abandon their children these rights can be taken away. When a child is in foster care, some of a parent's rights have been taken away (like the right to the physical custody of their children), but they are still considered the legal "parent" of the child and the court assumes they will get their other rights back.

If they do not take the steps needed to get those rights back, a hearing is held and a judge decides whether to end the parent's rights permanently. This means that they are no longer the child's legal parent and that child may be adopted. The agency is required by law to ask a judge to terminate the parent's rights if:

- a child has been in foster care for 15 of the last 22 months or
- the parent severely harmed the child or harmed or killed a sibling.

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When all the groups have finished putting the strips in order, ask the first group to suggest what they thought was the first step. Ask if other groups listed a different step.





Ask the community resource person to reveal which step goes first (see **Handouts 1** and 2). Ask the resource person to explain briefly what happens during this step in the system in your state or community.

Be sure to clarify local laws and procedures, including:

- What are different steps and hearings called in your state?
- How soon does one step happen after the other in your state?



How are youth involved in each step? Do they have a right to be at each type of hearing?

## 6

Repeat the same discussion for each of the eight steps, giving a different group of students a chance to suggest the next step each time.



**NOTE:** Try not to spend too much time here. Ask the resource person to keep their explanations of each step to about a minute to keep the lesson moving.

## 7

When all of the steps have been discussed, distribute Handout 2—Child Welfare Chart to the students and walk them very quickly through the chart, showing them how this matches with what was just discussed. Distribute the full sheet of Handout 1— Child Welfare System Steps.

Ask the students if they have questions about the process, and ask the resource person to respond. Be sure to avoid questions about individual cases.

## RIGHTS OF YOUTH (OPTIONAL: 10-30 MINUTES)

## 1

Put students into pairs. Give the pairs two minutes to come up with what they think is the most important right that young people should have while they are in the foster care system.

## 2

When the groups are done, ask each group to report out, and list the rights on the board.



Ask the resource person to respond to each of the rights listed. For those that youth have a right to—through law or practice—ask the resource person to explain what they should do if this right is violated. Some example rights are listed below.



**NOTE:** Laws and procedures in different states vary widely so it is important to have a knowledgeable resource person for this section. For more information on some state laws, check out the "Rights and Responsibilities" section of www.fosterclub.com.

Going to school where youth want: Children in foster care have a right to go to school, even while they are between placements. There is no legal guarantee, however, that their placement will be in the same school district or the same neighborhood they used to live in. Ask students what the positive and negative things about changing neighborhoods and school district may be?



**Living with a relative:** Federal law requires that relatives be given preference in placements, though providing a safe home is most important.

**Being placed with siblings:** Children do not have a *right* to be placed with siblings in most cases. Some states have a preference for placement with siblings or even require that "reasonable efforts" be made to place siblings together. In some states children have a right to visit or have contact with their siblings unless a judge finds it is not in their best interests. For more information see the National Resource Center link in the "Web Resources" section above.

What does the law in your state say about placement/contact with siblings or other relatives while in care and upon closing a case?

## 3

For those rights suggested by students that are not part of your state's law or policy, ask the youth who they think might be able to change this. Ask the resource person who the best person to contact would be.

If you have time, give the pairs some paper and pens and have them construct a letter with their best argument for why this should be a right for youth in care. Alternatively have students work on this outside of this session.

Suggest that they:

- begin the letter by telling the person exactly why they are writing.
- include personal stories.
- use respectful language.

## **SUMMARY** (5 MINUTES)

## 1

Ask students:

- Did you learn anything today that surprised you?
- What are the three major goals of the family court and child welfare system?
  - 1) Protect the child; 2) reunite families wherever possible; and 3) provide youth with a safe, permanent home.
- Why do you think there are so many hearings involved in the system?
  - Answers might include: because there are important issues at stake, because there are so many people involved, because when the law is involved things become more formal, etc.



## **Local Laws and Procedures**

What are different steps and hearings called in your state?

How soon does one step happen after the other in your state?

How are youth involved in each step? Do they have a right to be at each type of hearing?

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HANDOUT 1

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Foster Care I



## **HANDOUT 2**

