

# Idaho Department of Health and Welfare

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Child Welfare/Child Protection Process



IDAHO DEPARTMENT OF  
HEALTH & WELFARE



## **Idaho's Child Welfare/Child Protection Process**

### ***Foundation***

Child and Family Services' primary commitment and responsibility is the safety, well-being, and permanency of children who are victims of child abuse, neglect or abandonment. As an agency, we believe that the best approach to support and protect children is to strengthen families so they can safely parent their children and meet the child's needs for permanency and well-being.

Efforts are specifically directed at ensuring families participate in identifying and implementing appropriate solutions to identified concerns, and at addressing family needs, using their ethnic and linguistic background, and unique values and strengths. Acknowledging that some children in out-of-home placement will not be able to return home safely, concurrent planning from the time of removal promotes timely permanence for children and youth. Concurrent planning involves a plan to reunify, as well as an alternate plan should reunification not be possible.

This family-centered approach is reflected in the staff's daily work with families and is supported by federal law, state law, and public policies that place a high priority on family unity, involvement, and privacy.

The Department of Health and Welfare's responsibilities fall into four broad areas:

- Receiving reports of abuse or neglect.
- Assessment of allegations of abuse and neglect.
- Providing ongoing case management services to children either in their own homes or in out of home placements.
- Assuring that children have safety and permanency in their own homes or other permanent homes.

### ***Receiving Reports of Abuse or Neglect***

Child and Family Services has a Centralized Intake Unit in Boise to which all reports of child abuse or neglect throughout the state are directed. Each report is assessed to determine if it falls under the statutory definitions of abuse, abandonment, or neglect. Once that determination is made, the report is prioritized for a response involving face to face contact. Some reports are responded to immediately when the child's safety is threatened. Other reports receive a priority which requires a response within 48 hours or 5 days. On all reports requiring an immediate response, the Department coordinates the response with local law enforcement. The ability to respond to child abuse and neglect reports operates 24/7 across the state.

### ***Assessing Child Safety***

The purpose of the initial face to face assessment is to see the child, talk with the child, talk with the parents, and any collateral contacts that have relevant safety information. Based on this assessment, a determination is made as to whether or not it is safe for the child to remain in the home. If the child is assessed to be in immediate danger, law enforcement is charged with the

decision for removal. When removed, Child and Family Services makes shelter arrangements for the child.

### *Removal from the Home*

Efforts are made to minimize the trauma of removing of a child from the home by an immediate search for any relatives who could serve as a placement resource for the child or children. The Idaho Child Protection Act requires first consideration for placement be offered to relatives of the child. If a suitable relative is not found, the child is placed in a fictive kin (individuals with a prior relationship with the child or child's family) or non-relative foster care placement.

Cases involving the removal of children from their home always enter the court system. Statutes assign the court responsibility for determining whether the removal of the child is warranted and for making other key decision as cases move through court process. The first court hearing is termed the *Shelter Care Hearing*, and must be held within 48 hours of the child's removal. At the Shelter Care Hearing, the court determines if the child should be returned to their home or placed in the temporary custody of the Department pending an *Adjudicatory Hearing*. Adjudicatory Hearings are required to be held within 30 days of the child's entering foster care. At the hearing, the judge makes a determination as to whether the evidence indicates abuse or neglect has occurred, and if the child should remain in foster care or return home.

Another way for a child to be removed from their home, other than imminent danger as determined by law enforcement, is through a petition to the court from the Department indicating it is unsafe for a child to remain in their home. The judge can choose to enter an Order of Removal. Either way, imminent danger or an order of removal, the court cases proceed the same.

If a child is under the age of twelve (12) years, the court will appoint a guardian ad litem for the child. For children twelve (12) years and older, the court appoints counsel to represent the child(ren), and in certain circumstances, may also appoint a guardian ad litem for the child(ren).

### *The First 30 Days*

The first 30 days – those prior to the Adjudicatory Hearing – are critical to the eventual case outcome.

- Federal law requires all adult relatives (including those who reside out of state) of the child receive written notice that their relative child is in foster care and the process by which they can be considered as placement resources and other ways they can support their family members.
- A comprehensive assessment must be completed.
- Service planning is begun to assist the family to identify how they are going to address the safety threats present in their home and family environment. A meeting of family members, supports, and the case manager may be used to identify issues which must be addressed in order for the child to be returned home. The family's service plan must be submitted to the court, and approved and ordered by the court at the *Case Plan Hearing*.
- A concurrent plan is developed with the family in the event that reunification is not successful.

- At the Adjudicatory Hearing the judge makes a decision about whether to send the child home, send the child home under the ongoing supervision of the court, or to grant the Department of Health and Welfare legal custody of the child pending parental completion of their service plan.

### *Provision of Ongoing Case Management Services*

Case workers monitor the family's progress in achieving the objectives spelled out in the service plan, and regularly assess the safety, permanency, and well-being of the child. Case management responsibilities include:

- Making monthly contact with children, parents, and foster families.
- Communicating with service providers to ensure family members are receiving services.
- Transporting or making transportation arrangements for children and their families.
- Arranging and supervising visits between children and parents, and between children and their siblings.
- Working on the alternative plan, which includes ongoing contacts with relatives, and home studies of relatives in state and out of state.
- For children unable to remain with the foster parents, conducting specialized recruitment to locate an adoptive family for the child.
- Preparing required court reports and testifying in court hearings.
- Documenting casework activities into the Department's electronic information system (iCARE).

### *Periodic Court Hearings*

Federal and state law require a court hearing to review the case progress must be held no later than six months from the date of removal. Hearings may be held more frequently at the discretion of the court.

At 12 months from the date of removal, a *Permanency Hearing* must be held. At that time, the Department presents their recommendation for permanency. The permanency options include:

- Reunification.
- Legal guardianship with a relative or non-relative.
- Adoption by a relative or non-relative.
- Another planned permanent living arrangement (this is only a permanency option for youth age sixteen (16) years and older).

For every child who has been in out of home care for at least 15 of the child's last 22 months, the state is obligated by state and federal law to file for the termination of parental rights. If compelling reasons exist for not terminating the parents' rights, those reasons must be approved by the court, otherwise the court will order the filing of a petition for termination of parental rights. Parents may choose to voluntarily terminate their parental rights, or their rights may be removed through an involuntary court process.

## *Permanency Decision Making*

The Department has the responsibility for making certain care and placement decisions for children in its custody. Efforts are made from the time of removal to make sure the child is living in an environment which has the potential for permanency. The permanency potential of the child's placement is evaluated at each court hearing and by placement selection committees within the Department.

Permanency placement decisions, by Department standard, are not made by a single individual. Permanency placement decisions are made by placement selection committees. The Placement Selection process is a four-step model which incorporates various steps, depending on the specific case circumstance. Minimally, the child's social worker, the adoption worker, the social worker's supervisor, the Child Welfare Chief, the Regional Program Manager, and a tribal representative (in ICWA cases) are involved in the selection process. When a sibling placement determination is made, or when more than one placement is being considered, a third party Department representative, the child's current foster parent (if not interested in permanent placement), and a community representative participate in the process.

The process looks first at the child's needs including: emotional/behavioral needs; medical/physical needs; educational/developmental needs; cultural and religious needs; trauma history and past experiences; relationships with parents, relatives, siblings, and current caregivers; the child's interests and community connections; and child and family placement preference. The goal is to make a decision that is in the child's best interests. The Child Protective Act requires the Department to consider, consistent with the child's best interests and special needs, placement priority of a child in the following order:

1. A fit and willing relative.
2. A fit and willing non-relative with a significant relationship with the child.
3. Foster parents and other persons licensed to provide care.

Determinations relating to where and with whom children are placed are subject to judicial review by the court, and when contested, by any party, judicial approval.

## *Federal and State Timeframe Expectations*

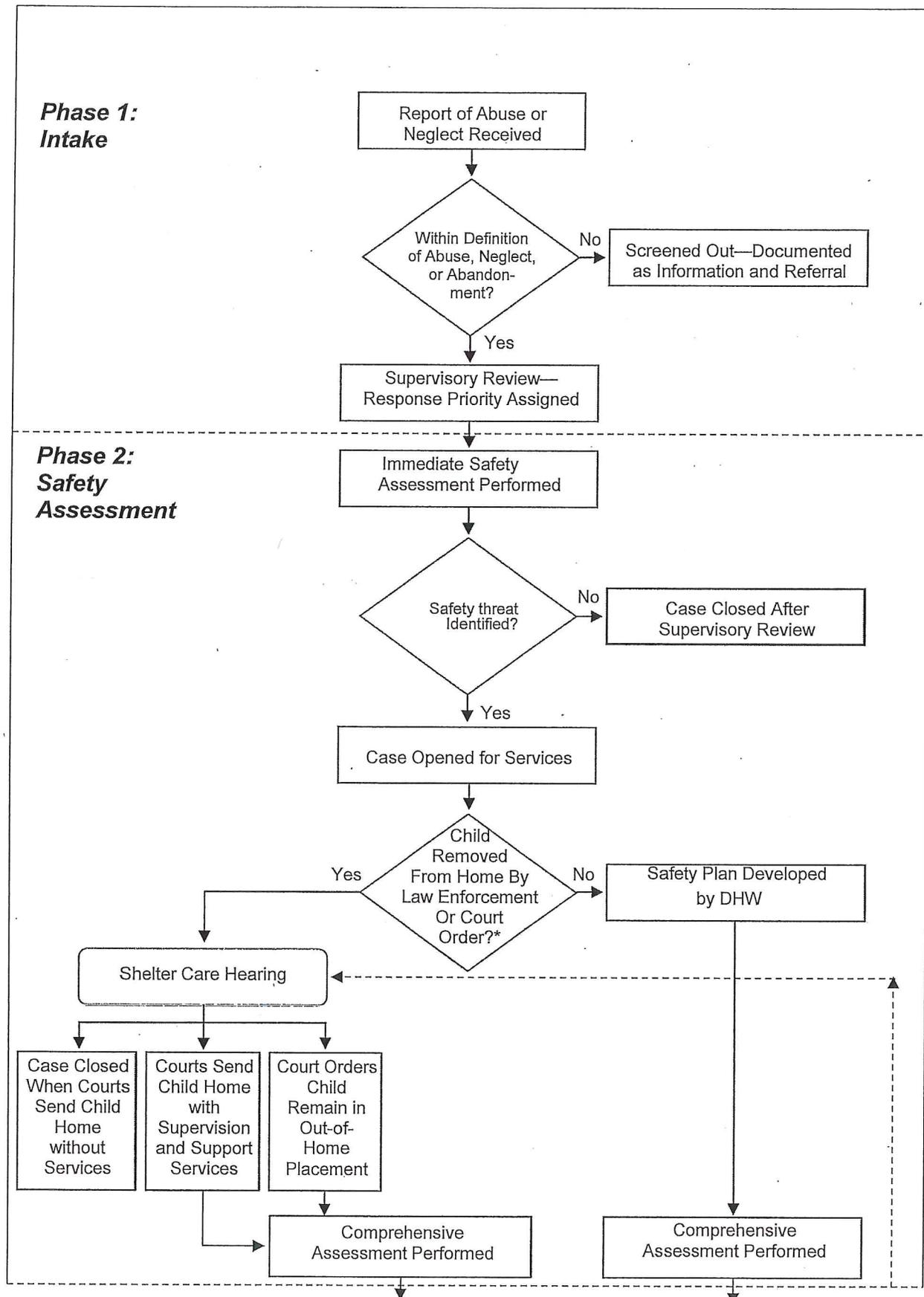
If children are to be reunified, it should be accomplished within 12 months. If children are to be adopted, that should be accomplished within 24 months. By 12 months the Department must make a specific recommendation related to permanency for the child. Permanency options include: reunification; legal guardianship with a relative or non-relative; adoption by a relative or non-relative; and another planned permanent living arrangement (previously referred to as long term foster care). At the 12 month Permanency Hearing, the court can approve, reject, or modify the permanency plan of the Department.

## Summary of Required Court Hearings for Child Protection Cases in the Legal Process

Hearing	Purpose	Time Requirement
Shelter Care Hearing	To determine if the removal of a child from his/her home is warranted. The court must find that it is contrary to the welfare of the child to remain in his/her home. The court must also determine that reasonable efforts have been made to prevent removal unless there are aggravating circumstances, such as the parent abandoning the child, committing murder, or committing felony assault against a child.	Within 48 hours of removal.
Adjudicatory Hearing	Following investigation of referrals, to determine whether the evidence indicates abuse or neglect has occurred and to determine whether the child should remain in foster care.	Within 30 days of the petition requesting removal.
Plan Review	To review the service plan developed by the Department. The court can approve, reject, or modify the plan.	Within 60 days of removal or 30 days of the court order taking custody of the child, whichever comes first.
Review Hearings	To review child protection cases while the child remains in the Department's legal custody.	Held at six (6) month intervals.
Permanency Hearing	To review the permanency plan developed by the Department, which contains its final recommendation regarding reunification and permanent placement of the child.	Twelve (12) months after removal or the court accepts jurisdiction for a case, whichever comes first.
Guardianship Hearing	To appoint a guardian for the child if the child's permanency plan is guardianship.	Thirteen (13) months after removal, unless an extension is approved by the court.
Termination Hearing	To determine if termination of parental rights is in the child's best interests. The court must find that reasonable efforts to achieve reunification have been made, but these efforts have failed.	To be initiated when a child has been in out-of-home care more than 15 of the last 22 months.
Adoption Finalization	To approve the adoption of a child. The child remains in department custody and review hearings continue until the adoption is finalized.	Within 24 months of removal.

\*The hearings listed above are those which are required to be held by state and federal law. Additional hearings are often held at the discretion of the court to assess case status and progress.

# Child Welfare Process: Flow Chart



\* The majority of children enter foster care via a declaration of imminent danger by law enforcement. Less frequently, the Department may file a petition with the court requesting removal. In this circumstance, a judge makes a determination to sign an order for removal.

# Child Welfare Process: Flow Chart

## Phase 3: Case Management

Cases with Court Involvement

Adjudicatory Hearing

Service Plan and Concurrent Plan Developed

Court Reviews and Approves Plans

DHW Monitors Family Progress

Court Reviews Progress Every 6 Months and Holds Permanency Hearing After 12 Months

Voluntary Cases

Service Plan Developed

DHW Monitors Family Progress

Safety Issue Resolved?

Seek Court Intervention

Case Closed

Case Closed When Family Completes Service Plan and Safety Issue Resolved

Family Does Not Complete Service Plan and Safety Threats Remain

## Phase 4: Termination/Permanency

Court Terminates Parental Rights

Court Finds Compelling Reasons Not to Terminate Parental Rights

DHW Develops Permanent Placement (Adoption/Guardianship)

Court Holds Adoption or Guardianship Hearing

Case Closed When Child Has Permanent Home (Post Adoptive Services Provided)

Child Remains in Foster Care or Placed in Guardianship and May Receive Independent Living Services

Case Closed When Child Has "Aged Out"