

"THINK OF THE CHILD FIRST"

HOW A CHILD ENTERS FOSTER CARE

The Division of Family Services is mandated by law to investigate reports of child abuse, neglect, and dependency or of children who are at risk of abuse or neglect. During the course of an investigation of child abuse or neglect, the caseworker interviews all involved parties, may work jointly with law enforcement (if criminal investigation), work collaboratively with medical professionals, schools and a number of other community partners to assess the risk of harm to children.

Once the Division caseworker determines that the home environment is NOT safe for a child and there are no relative resources available ... a decision is made by the caseworker and their supervisor in consultation with the agency's Deputy Attorney General to file an Exparte or Emergency Petition for custody of the child in Family Court.

An Exparte order provides the Division with the authority to temporarily place a child outside of the home without the parent's permission. Once the exparte custody is granted by a Family Court Judge, a child's journey through foster care begins.

If no suitable relative placement is found, a child is placed in an approved foster placement. This may be a family home, shelters or group homes. The Division attempts to locate placements within the geographic area of the family and maintain family contact with the frequency based on the needs of the child.

Within 10 days of receiving Exparte custody a Family Court Judge holds a Preliminary Protection Hearing. At this hearing the Court determines:

- If the emergency removal was proper.
- If there is probable cause that the child will be at significant risk if they were returned home.
- If continued placement is necessary.

During the Preliminary Protection Hearing the court appoints a child advocate to represent the interests of the child. The child will be appointed either a CASA (Court Appointed Special Advocate) or GAL (Guardian ad Litem). Parent Attorneys are assigned to parents who cannot afford legal counsel.

Until the next scheduled court hearing, the Division caseworker may be working with a number of professionals and family members on behalf of the child. This is inclusive of, but not limited to:

- Law enforcement
- Medical community
- Schools
- DAG's office (criminal)
- Child Care providers
- Child Advocates
- Parent Attorney
- Family members
- Foster parents

Within 30 days of a child entering foster care, a Dispositional Hearing is held. At this hearing, the court hears views and perspective from DFS caseworkers, child advocates, parents and experts if necessary to determine if the Division should retain custody with placement outside of the home or should the child return home.

When the court decides that the child will remain in foster care, the court sanctions a family case plan with a goal of reunification that has been developed by the Division caseworker and the parents. Family Court continues to review the child's case periodically to determine the progress on the case.

I've just presented a general systems overview of the first 30-day process of children entering care. However, coupled with the systemic process and equally important is the caseworker's focus on the trauma and emotional impact on children separated from the parents, siblings, away from their birth families, school, friends, experiencing a loss of all familiarity. .. of children adjusting or "fitting" into a new family, new school, new peers. Children with Judges, CASA's or GAO's, parent attorneys and DFS caseworkers all having input on where the child should live ... balanced with the responsibility of the caseworker to assuring safety of children in the home.