

To: Area Administrators
Bureau Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Human Services Area Coordinators
Section Chiefs/Licensing Chiefs
Tribal Chairpersons/Human Services Facilitators

From: Cyrus A. Behroozi 
Administrator

This policy describes the process of using trial reunification as a strategy for determining whether a child can be reunited with his or her parent or caregiver. Agencies are not required to use the trial reunification process; however, if agencies use trial reunification, the attached policy must be followed. Agencies are encouraged to meet with their local court staff to discuss this policy and practice implications.

Background

A trial reunification can occur when a child has been in an out-of-home care placement, but is returned to the parents or other primary caregivers for a limited and specified period of time for the purpose of determining the appropriateness of reunification, while still under continuing court-ordered supervision. While the policy focuses on cases involving maltreatment, counties may wish to apply the same standards, as adapted for other kinds of cases, to provide uniformity in terms of the concept of trial reunification.

As provided in 45 CFR 1356.21(i)(i)A, anytime a child spends on a trial reunification, including a period beyond six months if it is specifically authorized by a court, is not included in the statutory timeline that requires an agency to request a petition for termination of parental rights when a child has been in out-of-home care for 15 of the most recent 22 months absent documentation of an exception under s. 48.417(2) stats.

Permanency Plans

A child is considered to remain in out-of-home care while on a trial reunification so agencies must continue to comply with the permanency planning requirements of ss. 48.38 and 938.38, Stats.

Medicaid and Title IV-E Eligibility

If a family does not have private health insurance, the family may be eligible for either Medicaid or BadgerCare Plus or both before and during a trial reunification. Agencies should assist families in applying for these or other benefits programs to provide additional stability for families that contribute to a successful reunification.

A child retains Title IV-E eligibility for up to six months, or longer if authorized by the court, while on a trial reunification. If a child is on a trial reunification and returns to out-of-home care within 6 months, the agency may move the child without court intervention. If the trial reunification exceeds six months without a court order and the child is subsequently returned to out-of-home care, it is considered a new placement and Title IV-E eligibility must be re-established. New judicial determinations regarding contrary to the welfare and reasonable efforts to prevent removal are required.

Document Summary

This memo describes the process of using trial reunification as a mechanism for determining if a child can be reunited with his or her parent or caregiver.

Payment to the Out-of-Home Care Provider

The DHFS Allowable Cost Policy Manual authorizes the Department or a County Department to pay a foster home up to 14 days to maintain the placement of a child who is on a trial reunification or who is otherwise temporarily absent from the foster home. Trial reunification is unique in that an agency may, at its discretion, extend payments beyond 14 days during this process without approval from the Division of Children and Family Services (DCFS).

Fiscal Implications

During a trial reunification, there may be fiscal implications related to the family's or child's receipt of adoption assistance, child support, W-2 benefits, and social security payments. The Department is currently developing a question and answer document to provide guidance on these particular issues.

Documentation of Trial Reunification

The Department must maintain information on children who are on trial reunification and the impact that trial reunification has on reunification and permanency. To meet that responsibility, the Department has developed a process for entering information on trial reunification into eWiSACWIS. Agencies should refer to the eWiSACWIS Placement Documentation Manual for further directions. The Manual may be accessed at the following website: <https://dcf.wisconsin.gov/knowledgeweb/training/user-guides-and-manuals/placement-documentation-manual>

Trial Reunification Memorandum

The Department has created the Trial Reunification Memorandum for agencies to use to communicate decisions relating to initiating or ending a trial reunification.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: Child Welfare Program and Policy Analyst-Advanced
Division of Safety and Permanence
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MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>

Attachments Trial Reunification Policy

CFS-2401, Trial Reunification Memorandum,
<https://dcf.wisconsin.gov/knowledgeweb/training/template-mapping/case-work>

Trial Reunification Policy

Introduction

In Child Protective Services (CPS) cases, placing a child in out-of-home care is a temporary action used to control and manage threats to child safety and assure that a child is protected. An out-of-home safety plan clearly outlines what is needed (e.g., conditions, services) for the child to return home with an in-home safety plan while the agency continues to work with parents or caregivers in consistently providing a safe environment (See: *Child Protective Services Safety Intervention Standards*).

A trial reunification is a continuation of the out-of-home placement episode, so return to out-of-home care as a result of ending a trial reunification is not considered a re-entry into out-of-home care if it does not exceed time limits for a trial reunification. Trial reunification should only be used when it is anticipated that the child will remain with his or her parent(s) and a return to out-of-home care is unlikely, except for short-term or respite placements with the out-of-home care provider. Trial reunification is the same event as a trial home visit, which is referred to in Wisconsin Statutes under ss. 48.365(2g) (b) 3, 48.38(5) (c) 6, 48.417(1) (a), and in federal law under 45 CFR 1356.21(e), [Title IV-E].

A trial reunification may be appropriate when an in-home safety plan can be implemented and the permanence goal for the child is reunification. Using a trial reunification affirms that returning a child is not predicated on parents or caregivers fully changing their lives, but rather that reunification is possible as treatment services continue. Since it is difficult to predict with certainty the impact on the family when a child returns home, a trial reunification is an opportunity to assure that behavioral change is sustained over a period of time and to confirm that reunification remains the appropriate permanence goal.

The requirements of this policy are contained in the boxes.

I. Applicability

This Standard applies to child protective services cases when the agency recommends and the court approves the use of a trial reunification as part of a court order.

Agencies must assure all actions of either agency or contracted provider staff complies with this policy.

This policy applies when a child is placed in out-of-home care by court order and is placed back into the home from which he or she was removed for a period of not less than 7 days or other period of time that may be specified by a court order, and not for a period more than 6 months unless specifically authorized by the court order.

Initiating a Trial Reunification

It is important to assess the progression of the family interaction plan when considering if a trial reunification is appropriate. Face-to-face family interaction should become less restrictive (from supervised, if necessary, to decreasing levels of supervision, to unsupervised contact) and increase in length over time before a trial reunification is considered. Agency staff should consult the Division of Children and Family Services (DCFS) Numbered Memo 2006-08 entitled *Family Interaction for Child Protective Services Cases When a Child is in Out-of-Home Care* for further guidance.

II.A. Determinations Prior to Initiating a Trial Reunification

The agency must determine:

- if any existing court orders (e.g. juvenile, criminal, tribal, family, civil) specifically limit family interaction in a manner that prevents the use of a trial reunification and
- whether an in-home safety plan can be implemented to control impending danger threats and assure child safety (See *CPS Safety Intervention Standards*).

Before implementing a trial reunification, the agency should assure that any safety threats or risk concerns are considered and addressed by consulting with the following:

1. the corporation counsel/district attorney;
2. legal counsel for the parents/caregivers and the child;
3. service providers;
4. the out-of-home care provider(s);
5. the child's Guardian ad Litem;
6. the Indian custodian and tribe, when appropriate; and
7. Court Appointed Special Advocate (CASA).

Agency staff should discuss the trial reunification with the child when age and developmentally appropriate. The caseworker, therapist, or other adult close to the child may assist the child in identifying his or her hopes, fears, and attitudes about the trial reunification and provide support to the child as needed.

II.B. Actions Prior to Implementation of a Trial Reunification

In the court report the agency must make recommendations that specify the agency has the authority to implement a trial reunification. If the resulting court order does not authorize the use of a trial reunification, the agency must seek a court order expressly authorizing a trial reunification (e.g., revision order, etc.).

Prior to implementing a trial reunification, the agency must:

1. Assure any existing court orders preventing the use of a trial reunification are amended;
2. Notify all parties;
3. Re-assess child safety; and

4. Develop an in-home safety plan in accordance with *CPS Safety Intervention Standards*.

Additionally, a description of the following must be documented in the family case record:

1. what actions will be taken if threats to child safety can no longer be managed with an in-home safety plan;
2. how the agency will communicate the child's status and facilitate services to the out-of-home care provider, as appropriate; and
3. the nature and frequency of any contact the out-of-home care provider will have with the child.

If the order authorizing the trial reunification is obtained at the same time the trial reunification is implemented, that order serves as notification to all parties (e.g. extension hearing).

Managing a Trial Reunification

Information gathered from the parents/caregivers, child, and service providers is used to evaluate the impact of the trial reunification and confirm that the child is safe by:

1. Assuring that the services put in place continue to adequately control identified safety threats;
2. Assuring that the commitments by the family and providers remain in effect;
3. Determining whether previously identified safety threats have been eliminated or reduced;
4. Determining if new safety threats to the child have emerged; and
5. Modifying the safety plan (related to impending danger threats), case plan (related to protective capacities), or permanency plan, when appropriate.

III.A. Implementation of Trial Reunification

The agency must continuously review and evaluate the adequacy of an in-home safety plan. This includes:

- face-to-face contact with parents/caregivers and the child on the day the trial reunification begins;
- twice a month face-to-face contact with parents/caregivers and the child unless a need for more immediate or frequent contact is indicated by the information obtained about the family; and
- once a month contact, at a minimum, with service providers involved in the safety plan.

It is essential that the agency have face-to-face contact with the parents/caregiver and the child on the day the trial reunification begins. The worker's focus is on assessing the family's understanding, agreement and commitment to the safety plan. It also provides an opportunity for the family to ask any questions they may have.

III.B. Timeframes for a Trial Reunification

A trial reunification shall be planned for a minimum of 7 days and no more than 6 months unless authorized by a court order, or for a period of time as specified in a court order. A trial reunification can only exceed 6 months if a court order authorizes a period longer than 6 months. Prior to the conclusion of the trial reunification, the agency must make a decision as to whether reunification has been successfully achieved.

As provided in 45 CFR 1356.21(i) (i) A, any time a child spends on a trial reunification, including a period beyond 6 months if it is specifically authorized by a court order, is not included in the statutory timeline that requires an agency to request a petition for termination of parental rights when a child has been in out-of-home care for 15 of the most recent 22 months absent documentation of an exception under s. 48.417(2), Stats.

Information about a trial reunification should be incorporated into the case progress evaluation and the child's permanency plan.

Ending a Trial Reunification

Prior to a trial reunification ending the agency must determine whether:

- reunification is appropriate,
- the trial reunification needs to be extended, or
- the child is returned to an out-of-home care setting.

IV.A. When Reunification Can be Achieved

Prior to reunification, the agency must:

- assure that child safety can be maintained within the child's home (See: *CPS Safety Intervention Standards*);
- complete and file a Notice of Change in Placement with the court no later than 10 days prior to the end of the trial reunification; and
- allow a minimum of 10 days for parties to file an objection to the Notice of Change in Placement, as required in s. 48.357(1) (am) 2, Stats.

If a party files an objection to the Notice of Change in Placement, the trial reunification shall continue until further order of the court unless circumstances necessitate a discontinuation of the trial reunification.

Reunification may occur when the agency can conclude that impending danger threats have been eliminated or can be managed with an in-home safety plan. The decision to reunify does not mean case closure. Agencies should continue to work with the family to assure that there is sustainable behavioral change and/or that informal and formal supports are in place that can manage the safety of the child(ren).

Depending on family circumstances, there may be times when reunification criteria are not met within the initial court-ordered timeframe or 6 months, but safety can continue to be managed with an In-Home Safety Plan (See: *CPS Safety Intervention Standards*). In these instances, a trial reunification may exceed the initial court-ordered timeframe or 6 months with the advanced approval of the court.

IV.B. Extending a Trial Reunification

In order to extend a trial reunification beyond the period of time specified in the court order or 6 months, whichever is the earlier of the two, the agency must file a request with the court with sufficient time to obtain an extension before the trial reunification expires.

IV.C. When Reunification Cannot be Achieved

A trial reunification is the continuation of an out-of-home placement episode; therefore, ending the trial reunification and continuing the child's placement with the same out-of-home care provider avoids a re-entry into out-of-home care if it is:

- within a six month period,
- a shorter period specified by court order, or
- for a period longer than six months that is authorized by court order.

If a determination is made that a trial reunification will end without achieving the permanence goal of reunification, the agency must:

- file a Notice of Change in Placement if the child is not placed with the out-of-home care provider with whom the child was placed at the initiation of the trial reunification. The agency must comply with the change in placement requirements of s. 48.357, Stats. Placements shall not be changed until 10 days after the notice is sent to the court unless the required individuals sign written waivers of objection. If emergency conditions make an immediate change in placement necessary, the agency shall move the child without notice, but the notice must be sent within 48 hours after the emergency change in placement and objections can still be made. [Ref. s. 48.357(2)]
- notify the court that and all parties that the trial reunification has ended and the child is placed in out-of-home care.

When it is determined that safety cannot be managed with an In-Home Safety Plan, it is important to avoid moving a child back and forth between out-of-home care placements and his or her home. The agency should make diligent efforts to return the child to the out-of-home care provider with whom the child was placed when the trial reunification was initiated, unless that placement is no longer available or not in the child's best interest.

When the decision has been made to end a trial reunification, agency staff may notify any other individuals that were consulted with prior to initiating the trial reunification.

The agency should consult with its State Permanency Consultant to discuss the child's current placement status and determine whether:

- the permanence goal remains appropriate, and
- a concurrent permanence goal should be established.

IV.D. If a Trial Reunification Expires

If there has been a lapse and child safety can continue to be managed with an In-Home Safety Plan, reunification is achieved and the agency must immediately file a Notice of Change in Placement.

If there has been a lapse and the child is subsequently placed in out-of-home care setting (there are new grounds for removal), it is considered a new placement and, as a result:

- title IV-E eligibility must be re-established and
- new judicial determinations regarding contrary to the welfare and reasonable or active efforts to prevent removal are required. For Title IV-E purposes, the contrary to the welfare finding must be made in the first court order that places the child outside the home, and the reasonable efforts to prevent removal must be made within 60 days of removal.

Documenting Decisions Regarding a Trial Reunification

Documentation of a trial reunification is critical in later determining whether the agency has made reasonable or active efforts to reunify a child.

V. Documentation Requirements

The following decisions and justification for the decisions must be approved by a supervisor or his/her designee and documented in the family case record:

- the decision to initiate a trial reunification;
- the decision to end a trial reunification; or
- the decision to reunify the child with his/her family.

Definitions

“Agency” means, unless otherwise indicated, the Department of Health and Family Services, a county department under s. 46.215, 46.22, or 46.23, Stats., or a child-placing agency licensed under s. 48.60, Stats., and Ch. HFS 54, Adm. Code, that placed a child in out-of-home care, arranged for a child’s placement in out-of-home care, or is the agency primarily responsible for providing services to a child in out-of-home care pursuant to a court order under Chs. 48 or 938, Stats.

“Child” means a person who is under the age of 18, or is a person aged 18 years who came into the supervision of the agency when under the age of 18, remains under the jurisdiction of the court, and is enrolled full-time in a high school program or its vocational or technical equivalent and is expected to graduate or complete his or her course of study by age 19. For purposes of this policy, unless otherwise specified, “child” includes a “juvenile” as defined in s. 938.02 (10m) or 938.57 (3), Stats.

“Child’s home” means the home from which the child was removed under the initial CHIPS order.

“In-Home Safety Plan” refers to safety management so that safety services, actions, and responses assure a child can be kept safe in his/her own home. In-home safety plans include activities and services that may occur within the home or outside the home, but contribute to the child remaining home. People participating in in-home safety plans may be responsible for what they do inside or outside the child’s home. An in-home safety plan primarily involves the home setting and the child’s location within the home as central to the safety plan, however, in-home safety plans can also include periods of separation of the child from the home and may even contain an out-of-home placement option such as on weekends (e.g., respite). (See *CPS Safety Intervention Standards, Appendix 8*).

“State Permanency Consultant (SPC)” means a specialist working for or on behalf of the Department of Health and Family Services who provides consultation and technical assistance to courts and county and tribal child welfare agencies regarding permanency planning, permanency options and procedures, the Indian Child Welfare Act and other federal laws, and termination of parental rights for children in out-of-home care. The SPC assesses the child’s special needs and determines the child’s readiness for adoption. In addition, the SPC decides if the child should be referred to Wisconsin’s Special Needs Adoption Program (SNAP).

“Trial reunification” means the process by which a child remains in out-of-home care status, continues under court-ordered supervision, and is returned to the home from which the child was removed for a limited and specified period of time not less than 7 days or other period of time that may be specified by a court order, and not for a period more than 6 months unless specifically authorized by the court order for the purpose of determining the appropriateness of reunification. Trial reunification is the same event as a trial home visit, which is referred to in Wisconsin statutes under ss. 48.365(2g) (b) 3, 48.38(5) (c) 6, and 48.417(1) (a), and in federal law under 45 CFR 1356.21(e).