

Step-by-Step Guidelines and Examples for TPC Report Outline (*updated 02/28/18)

The Report for the Temporary Physical Custody Hearing:

The purpose of this report is to explain the circumstances the DMCPS learned about; to clearly detail what actions were taken to assure the children's protection; to explain the justification for those decisions; to recommend to the Court the next steps.

I) Family Information

- a) Who are the household members, DOB's, role**
- b) What is the usual residence and what is the current location (if different) of each family member**
- c) Who are additional family members who are not typically part of the household?**

Keep in mind that the reader has not met the family and has not been to the home. Clearly describe who are members of the household where DMCPS is intervening. Do not mix up all the parties who have been met as though they all live together.

Example:

This household consists of the mother, Mary Smith, DOB xx-xx-xxxx, her two children Alice Smith, DOB xx-xx-xxxx and Daniel Jones, DOB xx-xx-xxxx. While her boyfriend and father to Daniel, Andrew Jones, DOB xx-xx-xxxx has a legal address elsewhere (noted on the face sheet), it appears that he often resides in the household with Ms Smith and the two children.

Alice Smith's father, Donald Andrews, DOB xx-xx-xxxx, lives in Chicago (address noted on the face sheet).

Other significant family members identified thus far include (addresses listed on face sheet):

*Ms. Jennifer Doe, DOB, xx-xx-xxxx, maternal grandmother
Alex Smith, DOB, xx-xx-xxxx, maternal uncle to the children*

II) What was the original cause for concern that led DMCPS to make contact and intervene?

While this has some relationship to the report received, it should be summarized clearly rather than a cut and paste of the report taken. When relevant, it should contain enough information to help the reader understand the urgency of the report, and what led DMCPS to decide to intervene.

Example:

On July 1, 2013 at 11:15 pm, the Division of Milwaukee Child Protective Services (DMCPS) received a report stating that Alice Smith and Daniel Jones were alone without adult supervision in an unlocked car in the parking lot of Ben's Tobacco Shop. The police had been called to the scene after passersby noticed the children crying and alone for approximately 20 minutes. The temperature outside on this date and time was 35 degrees. After the police arrived and waited another 15 minutes, Milwaukee Police Department (MPD) contacted DMCPS for assistance in securing the safety of the children.

III) Detailed description of the actions taken (TPC) to protect the child(ren) and why

- a) Danger threats Identified**
- b) Options considered, available, appropriateness**
- c) Caregiver involvement in the decision**
- d) Location of the children**

This section of the report should clearly make the link between the conditions that were occurring at the time of the contact with the family, the available information at the time, the danger to the children at the time, and the reasonableness of the decision that nothing short of taking temporary physical custody would keep the children safe.

In most instances, information will be limited so the danger that is identifiable is most often (but not always) PRESENT DANGER. More information than the incident will often need to be gathered to understand if Impending Danger exists.

When information is limited, it may be impossible to demonstrate reasonable efforts. Rather, by linking the danger, the limited additional information, the children's vulnerability, and limitations of options to protect the children, the court may be able to make a "contrary to the welfare" finding. Reasonable efforts findings may be appropriate when sufficient information is gathered.

Example:

- *At the time of DMCPS contact with the family on July 1, the following was clear:*
 - *The children were left alone, without an adult to supervise or protect them, in an unlocked car for at least 45 minutes in very cold weather. At the time of DMCPS meeting the children, they were in present danger: child is unable to care for self and unsupervised or alone;*
 - *When Ms. Smith did appear, she was impaired to the extent that she could not have a focused conversation with the police or with DMCPS, she could not recall the ages of her children, and she was having difficulty walking and talking clearly. She smelled of alcohol.*

At the time of DMCPs meeting the children and their mother, there were present danger threats: Parent is intoxicated (alcohol or other drugs) now; and Parent is unable or unwilling to perform basic care.

- *In explaining to Ms. Smith that a plan to ensure the children's safety for the short term (at least while Ms. Smith remained impaired) was necessary, it became clear that Ms. Smith's level of intoxication made a voluntary arrangement for the children impossible. Ms. Smith could not understand the options discussed for keeping the children safe, and having her sign any voluntary paperwork would have been meaningless. At one point in our conversation, Ms. Smith suggested her brother might be able to take the children. However, when IAS Addams called Mr. Alex Smith, he asked if this was regarding Mary Smith and her two children. When IAS Addams said that it was, he stated he was unwilling to help out again, saying his sister has taken advantage of him too many times.*

On the night of July 1, Ms. Smith could not coherently tell IAS Addams where either of the fathers of the children resided, nor their phone numbers. The last known phone numbers listed for them in DMCPs records were no longer current.

Due to the level of Ms. Smith's impairment on the night of July 1, the lack of available relatives, including the fathers, to care for the children, the children's vulnerability, the only option available to ensure the children's safety was to take temporary physical custody. Ms. Smith was physically present during this discussion and exploration of options, but she was unable to fully participate given her impairment.

- *The children were placed together at the Jonas foster home, 31 Plank Dr., Milwaukee, WI. As of today's hearing, they remain at the foster home and are safe.*

The IAS must explain why each relative or non-relative caregiver was or was not an appropriate placement. To ensure confidentiality of CPS Records (48.98(7) Stats.), the description may not detail CPS history (i.e. substantiation decisions or concerning CPS history).

Here are some examples (not exhaustive) of appropriate descriptions that explain the reasoning behind why a placement decision was made regarding a relative or non-relative by Initial Assessment:

- *"Criminal and/or CPS history does not support placement"*
- *"Placement provider has a concerning CPS/Criminal history, but does not pose a threat to child safety or impact their functioning or ability to care for the child."*

- *“Child has a long-term relationship with the placement.”*
- *“The placement has knowledge of the child’s needs and expresses a desire to care for the child.”*
- *“Parent refuses to provide _____ (names and contact information of possible placement providers)”*
- *“Parent/caregiver unable/unwilling to permit CPS to implement a protective plan.”*
- *“Placement danger threats have been identified”*
- *“Child expressed fear of caregiver / child shows strong aversion to caregiver.”*
- *“Caregiver is not aligned with DMCPs.” Then describe why caregiver is not aligned.*
- *“Caregiver does not have the ability to meet the needs of the child.” Then specifically describe the needs, which for example, may be finances, or an inability to physically meet child’s needs.*
- *“Information about the placement suggests they would not meet the kinship standards for relative placement or licensing requirements for a non-relative.” Then specifically explain why they are or are not the best placement option available.*
- *Or another explanation that may arise*

IV) Summary of the incident based on DMCPs contacts and information gathered

- a) Who went out to gather information**
- b) Who was observed, interviewed, over what span of time**
- c) What are the conclusions thus far regarding what happened, how it happened, explanations and attitudes of principle parties, effects on the children?**

This section of the report should clearly inform the reader of

- *The level of effort made by DMCPs: who went out, who got seen and spoken with during the initial contacts leading up to the decision that TPC was necessary*
- *Rather than a disjointed journaling of who said what – this should inform the reader what was learned and what DMCPs has concluded were the circumstances*

Examples:

- *Initial Assessment Specialist (IAS) Jane Addams from DMCPs observed the children that evening. They were crying, frightened and were inconsolable for approximately 90 minutes, until their mother appeared.*

The witnesses in the parking lot stated to the police that they waited approximately 20 minutes outside the car before deciding to call the

police. MPD informed DMCPs that the police waited an additional 15 minutes before contacting DMCPs.

When Ms. Smith arrived, she was stumbling, smelled of alcohol and had trouble focusing on the conversation with the police and with DMCPs. She slurred her words and could not remember the ages of her children. Ms. Smith said she was in range of the car at all times, and was only inside the upstairs apartment for no more than 5 to 7 minutes while she searched her purse for her car keys.

Based on the credible information from the police and witnesses, it seems most likely that the children were left unattended in an unlocked car in very cold weather for at least 45 minutes. While Ms. Smith claimed to be "in range," she could not be found, and when she returned, she appeared to be incapacitated.

V) Any pertinent history that supports the premise that the incident may not be an anomaly and/or the dangerous conditions are a pattern?

This section of the report summarizes DMCPs review and analysis of child welfare history—not simply a cut and paste of past referrals and substantiation findings. History is relevant in two respects: if it shows a pattern of similar dangerous behaviors or conditions; or if it shows that this particular incident appears to be an anomaly, given the family strengths or supports deemed typical in past interventions.

Examples:

- This is the third instance of similar reports of child neglect by Ms. Smith over the past two years. Those assessment findings have never resulted in an opening of an ongoing case by DMCPs due to family members interceding and agreement that the family could protect the children. Each instance of neglect has involved Ms. Smith having left the children alone, with incoherent explanations regarding her whereabouts.*

Or

- There have been previous instances of calls to DMCPs access line regarding Ms. Smith and her children. However, none of these calls or subsequent assessments have revealed concerns about the supervision of the children, or about Ms. Smith's use of substances. The calls related to when Ms. Smith lived with Donald Andrews, and their volatile relationship in front of the oldest child, Alice. Mr. Andrews moved to Chicago in August 2011, and this is the first call to DMCPs since that time.*

VI) Information gathered thus far that helps understand more than the incident:

- a) The general functioning of all the children**
- b) The general functioning of all the adult caregivers**
- c) The general approach to and methods of discipline used**
- d) The general parenting by the adult caregivers**
- e) Other forms of maltreatment that may be happening**

What is learned during the initial contacts that lead to the decision to take temporary physical custody may often be about the incident—how it happened, what the explanation is, how the children are affected. Even if more is learned (e.g., mother says she has been diagnosed with clinical depression and takes medication), it is difficult in most instances to collect sufficient information to answer all of the 7 questions: maltreatment (all types, not just the incident); surrounding circumstances of all maltreatment; child functioning; general parenting and discipline; adult functioning and family functioning.

This section of the report may be relatively short, and should therefore acknowledge that little else is known at this time....and an explanation as to why little else is known (from the time of the taking TPC and the TPC hearing).

However, it may be that through focused interviewing and collateral information some information will be known. It may be best to organize this information according to the above categories of information. This should be a clear description of what was learned AND DMCPs conclusions about the functioning of the family members. If conclusions are preliminary, then clearly state what information supports these early conclusions and what else needs to be learned.

Examples:

- *Between taking temporary physical custody on July 1 and the writing of this report (July 3), Ms. Smith has refused to meet with IAS Addams. IAS Addams been able to speak with her mother, Jennifer Doe. While Ms. Doe has a great deal of information, it will be important to have more sources of information to understand the family situation better.*

Adult Functioning

Ms. Doe reports that Ms. Smith has been leaving the children alone frequently for the past 3 months, and has been drinking more often. She believes Ms. Smith is depressed, but Ms. Smith refuses to discuss her problems with her mother.

Child Functioning

Sherry Duffy is the regular family day care provider for the children. She states that both children are easy to care for, eat regularly, have no sleep problems, and seem to be developmentally appropriate. She sees the

children smile a lot, like to cuddle, and are excited to see their mother when she comes to pick them up.

VII Justification for Recommendations at hearing

- a) Why continuing/discontinuing TPC?**
- b) How does information gathered between the date of taking TPC and the TPC hearing support the continuance/discontinuance of TPC?**
- c) Frequency and type of family contact between the TPC hearing and the next hearing?**

Between the decision to take the children into temporary physical custody and the TPC hearing, there is an expectation that the information collection will continue. By the time of the hearing, you want to describe what you now know (as opposed to solely reporting on the incident) that supports one of the following:

- DMCPs now knows enough about the family to believe that the incident is unusual and/or the family conditions can be controlled with a less intrusive safety plan (such as an in-home safety plan)*
- DMCPs now knows enough about the family to believe that the incident is symptomatic of pervasive conditions that would continue to jeopardize the children's safety if they were to return home. Thus, continuing the TPC is recommended*
- DMCPs has not been able to learn more about the relevant areas of: (identify). Thus, continuing the TPC is recommended until more information can be gathered.*

If family members remain separated, the report should recommend in detail the types of contact that are allowed and under what circumstances. If contact is recommended to be supervised, the supervision should be justified as necessary for a) safety of the children; b) a method to collect more information; and/or c) a method to coach/instruct the parent

Example:

Since July 1, Ms. Smith has not been available to meet with DMCPs staff in order to gather more information. Two appointments were scheduled in the past two days, but Ms. Smith has not been home at the scheduled times. It is therefore impossible to ascertain whether a less intrusive plan for the children's safety is feasible at this time.

Ms. Smith did, however, give IAS Addams the current phone numbers of the fathers of the children, as well as the phone number of her mother. Donald Andrews and Andrew Jones were both contacted. Mr. Andrews stated that he lives in Chicago and does not have housing that is conducive to caring for a

child. He is supportive of his daughter staying with her maternal grandmother until Ms. Smith is able to care for the children. Likewise, Mr. Jones was also supportive of the maternal grandmother caring for his son. Mr. Jones stated he would continue to visit his son, but his work schedule (double shifts at a recycling center) prevent him from caring for his son full time.

Jennifer Doe is the maternal grandmother, and she has been a routine part of the children's lives. She is unwilling to care for the children if the arrangement is voluntary. She believes the court is a necessary condition for her to have enough authority to prevent Ms. Smith from simply coming over and taking the children. She admits that this has never happened, but prefers to have clear expectations for her daughter and for herself.

It is recommended that, until further information can be gathered, the children reside with their maternal grandmother, Jennifer Doe, continuing under an order of temporary physical custody.

Ms. Doe is agreeable to having Ms. Smith visit with the children at Ms. Doe's home, any day of the week. Ms. Smith must be sober for the visits, and must come to the home alone (unless she is with Mr. Jones). When not visiting, Ms. Smith and Ms. Doe may arrange "face time" on their phones in order for Ms. Smith to say good night to the children.

VIII Next steps recommended for inclusion in the order

- a) Any immediate child/family needs that must be addressed**
- b) Continued information gathering by DMCPs**
- c) Cooperation by family with next steps**

This section of the report should clearly identify what DMCPs must do, and therefore what the court should order:

For example:

- *DMCPs will ensure that the child's re-evaluation for asthma medication occurs in the next 3 days*
- *DMCPs will facilitate the necessary referrals for emergency assistance for the family's water and electricity.*

The report should clarify what information still needs to be gathered in order to understand the family situation and assess for impending danger.

For example:

- *DMCPs will continue to gather information about how the children are functioning generally; how Ms. Smith parents and what her general*

functioning is like. In addition, DMCPs will learn more about Mr. Jones, what his role is in the household, how he functions and how he parents.

Clarifying what the family's responsibilities are can strengthen recommendations.

For example:

- *DMCPs recommends that the court order Ms. Smith to be available to meet with DMCPs staff to discuss her children, her current situation and options for making sure the children remain safe.*

Include any recommendations for releases of information.