

Chapter 1

FOSTER CARE OVERVIEW



CHAPTER 1: FOSTER CARE OVERVIEW

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INTRODUCTION: CHAPTER 1

Chapter 1 of this handbook explains basic information about the foster care system in Wisconsin to help foster parents understand how children come into foster care, why they are there, and the rules that have been created to protect children in out-of-home care. It also explains permanency planning and describes the different people connected to the child welfare and court systems who may work with a child, his or her family, and the foster family.

Please note that this chapter provides general information about foster care in Wisconsin. Since local agencies have some flexibility in operating their foster care programs, there may be differences from agency to agency or county to county. If foster parents have any questions about policies or procedures for their agency, county, or tribe, they should ask their licensing worker.

THE PURPOSE OF FOSTER CARE

Foster care is home-like care provided by licensed foster parents for children who cannot live with their parents because they are unsafe, have special care or treatment needs that their parents are unable to manage, or other circumstances resulting in their parents or family being unable to care for them.

Children are placed in foster care for various reasons. Some examples include: a child who has been neglected, a child who has been abused, a child whose parent is incarcerated or hospitalized and has no one to care for them during their parents' absence, a child who has committed a delinquent act, or a child who has significant medical or mental health needs.

Generally, placement in foster care is temporary and intended to give families time to make necessary changes so that the child can live safely in his or her home and community. Most children in foster care return home to their families, which is called reunification. When children cannot return home, they find permanence through adoption, guardianship, or other means.

RULES THAT GOVERN FOSTER CARE

Sometimes foster parents might wonder why agencies or caseworkers have to make certain decisions. There may be other times when foster parents may not understand why they have to do certain things. This section describes some of the regulations that agencies and foster parents have to follow and the meaning behind those regulations.

Wisconsin is known as a state with strong local government and local control; this is true in child welfare services as well. The Wisconsin Division of Safety and Permanence (DSP) within the state Department of Children and Families, creates statewide policies and requirements that local agencies have some flexibility applying. All agencies, at both the state and local levels, must follow requirements established in state and federal laws.

Child welfare agencies have many levels of requirements that must be followed. Appendix 1 located in Section 6 of this handbook includes descriptions of important federal and state regulations.

In addition to state and federal laws and policies, each licensing agency establishes its own policies to address its specific practice needs. If foster parents have questions about the agency's policies, they should ask their licensing worker or the child's caseworker.

It is also important to know that Indian tribes are sovereign nations, which means that they have the authority to create their own laws and regulations for certain programs or services. While some tribes use state licensing requirements with their foster homes, others have their own specific standards and policies. Foster parents licensed by or working with a tribe should seek more information from the specific tribal agency to learn about the tribe's policies.

HOW CHILDREN ENTER FOSTER CARE IN WISCONSIN

The Wisconsin child welfare system resembles a tree that splits into two main branches: the children in need of protective services branch and the juvenile justice branch. Families enter the child welfare system at the base of the trunk when the family seeks assistance or someone reports a concern to an agency in either the Child Protective Services section or the Juvenile Justice section. Then the agency determines the types of services and interventions that will best address the child's and family's needs.

Each system has its own laws, guidelines, resources, and services that form the network of smaller limbs or paths that grow off of it. Because each family is different, the paths each family follows will be chosen based on their needs. Sometimes the paths will overlap or touch, such as when a family is being served by both the juvenile justice and child in need of protection and services systems. A family may be involved with both branches of the child welfare system, multiple service providers, and many community resources.

In both systems, there are often parenting factors that influence the child's behaviors and functioning at home and in the community. A parent's inability to provide adequate supervision, incarceration of a caregiver, mental health issues, alcohol or drug abuse issues, and other issues in the home, along with the challenging behaviors of the youth, are common factors that lead to a child being placed outside of his or her home.

As explained on the following pages, the reasons that a child may enter and exit foster care placement are different for each system.

Child Protective Services

A subset of the group of children who are in need of protection or services is children who have been maltreated (abused or neglected). Most children enter the foster care system because the county child welfare agency has determined that they are not safe in their home or due to child maltreatment¹. There are also times when children are placed in foster care on a voluntary basis or when their parent(s) signs a petition requesting court jurisdiction to assist in meeting the specific special needs of the child. This section describes the general process that takes place for an agency to determine if a child needs to be removed from his or her home because he or she is unsafe or due to allegations of abuse or neglect.

¹ The terms "child maltreatment" and "child abuse and neglect" have the same meaning and are used interchangeably by the child protective services system.

Step 1: A report is made to the agency.

The process of determining if a child is safe or unsafe in his or her home starts with a report to Child Protective Services (CPS) Access or law enforcement concerning a child who may have been maltreated. A report can be made by anyone who has a reason to believe that a child has been maltreated or who has information that a child has been threatened with abuse or neglect.

Some professionals are mandated reporters according to state law (Ref. s. 48.981(2), Stats.). If they see a child in the course of their professional work who they believe has been abused or neglected, threatened with abuse or neglect, or that such abuse or neglect is likely, these individuals are required to make a report to a child welfare agency or local law enforcement. Mandated reporters include social workers, teachers, physicians, professional counselors, police and law enforcement personnel, nurses, court-appointed special advocates (CASAs), clergy (in certain situations), and many other professionals. Under state law, foster parents are not mandated reporters. Foster parents are, however, required to report in certain instances under the state foster care licensing rule. More information about the requirement for foster parents to report abuse or neglect is addressed in the Emergencies and Special Circumstances section in Chapter 2 of this handbook.

Step 2: The agency makes a decision about the report.

The child welfare agency then makes a decision about whether the report will lead to an initial assessment to determine if a child is unsafe or has been maltreated. The functions of CPS Access are to:

1. Receive and document reports of alleged maltreatment,
2. Identify families to whom the CPS system must respond,
3. Determine the urgency of a response time, and
4. Initiate an assessment of child safety and family strengths.

This process of screening a report “in” or “out” is the process of determining which families will receive further intervention from the child protective services system. If the report is screened out, the agency has determined that the information reported does not meet criteria found in state standards or statutes to be accepted for further intervention by the child protective services system. If the report is screened in, the agency has decided that additional information needs to be gathered to make a formal determination of whether a child is safe and if maltreatment has occurred.

The “CPS Access and Initial Assessment Standards” require agencies to take specific steps to make a decision about whether to screen a report in or out. These Standards can be found online at:

<https://dcf.wisconsin.gov/files/cwportal/policy/pdf/access-ia-standards.pdf>.

Step 3: The agency conducts an initial assessment.

When the agency screens in a report, an initial assessment is completed. This is a comprehensive assessment of individual and family conditions, functioning, and dynamics in order to:

1. Assess and analyze threats to child safety;
2. Take action, when necessary, to control threats to child safety (an in-home safety plan or an out-of-home placement);
3. Determine the need for CPS ongoing services (court ordered or voluntary);
4. Determine whether maltreatment occurred; and
5. Assist families in identifying community resources.

Within 60 days after receiving a report of alleged child maltreatment, the CPS agency makes a maltreatment determination based upon the comprehensive assessment of the family.

Maltreatment Findings in the Initial Assessment:

- ❖ **Substantiated** is used when there is a preponderance of evidence that the child was maltreated. This means it is more likely or probable that maltreatment occurred than not.
 - A maltreater has the opportunity to request an agency review a substantiation determination before it becomes a Final Determination, which could affect employment or licensure.
- ❖ **Unsubstantiated** is used when there is not a preponderance of evidence to demonstrate that a child was maltreated or unsafe **or** the evidence indicates that the harm suffered does not meet the statutory definition of abuse or neglect.
- ❖ **Unsubstantiated/Critical Sources of Information are Not Available** is used only when critical sources of information, such as observation of or interviews with the child and parent, necessary to complete the initial assessment cannot be obtained.

The “CPS Access and Initial Assessment Standard” also establishes specific requirements for agencies to follow when assessing reports of child maltreatment and in making a maltreatment or maltreater determination. The “CPS Safety Intervention Standards” outlines procedures and responsibilities for child protective services workers in managing child safety. These Standards can be found at:

<https://dcf.wisconsin.gov/files/cwportal/policy/pdf/safety-intervention-standards.pdf>.

Step 4: Services are provided to the family.

When a child is unsafe, child protective services staff first attempt to control threats to child safety by implementing a safety plan in the child's home.

When an in-home safety plan cannot assure a child's safety, CPS staff develops an out-of-home safety plan and, through a court order, places the child in out-of-home care. Agency staff will then provide services to the parents in an effort to return the child home with an in-home safety plan.

Some agencies provide services to families whose children are not removed but where some safety concerns may exist. Sometimes children are removed from their homes after an agency has begun providing services to their families or if the situation changes and the agency makes a determination that the child cannot remain safely in the home. Caseworkers continually assess child safety in that child's living situation, whether at home with his or her family or in out-of-home care.

Juvenile Justice System

The placement of a youth based on Chapter 938, Stats. (the Juvenile Justice Code), is typically done to assure the safety of the community and to meet the needs of the child. Families in both the child welfare and juvenile justice systems share similarities and can be involved with both systems at the same time. Juveniles may be supervised by the juvenile justice system either for breaking the law when they are the age of 10 or older (delinquency) or under a juvenile in need of protection or services order (JIPS). JIPS orders are due to behaviors that a youth exhibited prior to turning age 18 (e.g., runaway, truancy, dropping out of school, uncontrollability, committing a delinquent act before age 10, or not responsible for a delinquent act due to mental disease or defect).

Step 1: A report comes into the agency.

The process for a youth becoming involved with the juvenile justice system generally starts with a report from the community of a law violation or from a parent or school about uncontrollable or truant behavior.

Step 2: The agency conducts an intake to make a decision about the needs of the youth and the safety of the community.

The agency evaluates the behavior of the youth and makes a decision about whether the community is safe or the child requires services.

Step 3: The agency makes a decision about custody and placement of the youth.

If the youth's behaviors are determined to cause a continued risk to the safety of the public or community, the juvenile may be placed under a temporary non-secure order at a shelter care facility or in a community placement. If a youth's behaviors are determined to cause a substantial risk of physical harm or a substantial risk of running away, the youth may be held in temporary secure custody in a detention center, county jail, or similar facility. Out-of-home care placements may also occur if a child is already under a delinquency order. This could occur if the child is not in compliance with the rules of supervision, commits another criminal act, runs away, the parents or guardians are unable to provide adequate care and supervision, or there is significant conflict in the home that requires assistance.

Foster care placement for youth in the juvenile justice system does not generally occur on an emergency basis, as most juveniles initially remain in their parents' homes. When placement is necessary, youth are often placed under temporary custody orders in a shelter care facility or a detention center. There are circumstances under which the juvenile justice system may contact foster parents to provide temporary placements, especially if the child is already living in a home. This may happen if a youth placed in a foster home commits a new law violation, but the offense does not necessitate a higher level of care. Placements may also be made into foster homes if the agency does not have shelter care resources in the community or the agency determines that placement in a foster home can assure the safety of the community.

Step 4: Services are provided to the youth or family.

When determined to be appropriate, the youth may be released back into the community to parents, relatives, responsible adults, themselves if they are 15 years or older, or placed in out-of-home care. Like the child protection system, some youth are served in their own homes, while others initially receive placement and services in their homes and may end up needing placement after it is determined that the child's needs and community safety cannot be managed. Caseworkers will meet regularly with the youth and their caregivers to ensure that the safety of both the juvenile and the community are being adequately planned for whether the youth is living at home or in out-of-home care.

Child Welfare System Summary

Some families may be involved with both of the systems described above at the same time. Sometimes a youth under a delinquency order may become or has been a victim of abuse or neglect, leading both systems to work together for a period of time. In some agencies, the same caseworker will handle both child protection and delinquency cases; in other agencies, there will be different workers assigned. Children under court orders for child abuse or neglect may also commit delinquent acts or be juveniles in need of protection or services. The actual reason that the youth is living in out-of-home care may be due to child protective reasons or involvement in delinquent activities. It is essential that the foster parent know the reasons that a child or youth is being placed in the foster home in order to effectively meet his or her needs and the needs of the community.

PERMANENCE FOR CHILDREN

Three federal laws, the Adoption Assistance and Child Welfare Act of 1980, the Adoption and Safe Families Act of 1997, and the Fostering Connections to Success and Increasing Adoptions Act of 2008, place a priority on the achievement of permanence and safety for children who are removed from their parents. Permanence means safe and nurturing legal relationships that can be expected to last for the child's lifetime. These laws were created because there were many children living in foster care without ever finding permanent connections or relationships, either with their families or others and their outcomes were poor.

When a child is placed outside of his or her home, the child welfare agency must work with the child's family to either improve the home environment so the child can return home safely or find another permanent living arrangement for the child. In most cases, the permanence goal for a child is to return to his or her family. Since this is not always possible, the agency must identify another permanence goal for the child, such as permanent placement with a fit and willing relative, guardianship, adoption, or another living situation.

The child's **permanency plan** identifies the permanence goal for the child and must be submitted to the court. It also identifies what activities or changes people involved with the case must do in order to achieve the permanence goal, the services that will be provided to the child and family, and when permanence is expected to be achieved. The permanency plan is reviewed every six months and updated as necessary. Permanency planning is the process that the caseworker, the family, the team, and the court go through to develop the permanency plan.

From a child's perspective, permanence means feeling connected to important people in his or her life, people the child feels are dependable, supportive, and able to meet his or her needs. It is critical for a child's future to consider many permanence options and to determine – with the child – what the most permanent living situation would look like and who would be a part of creating permanence for his or her lifetime.

Concurrent Planning

Concurrent planning is a process in which the caseworker, in conjunction with the court, identifies two permanence goals and actively works on achieving both goals at the same time. Concurrent plans are identified so that, if the permanence goal is not possible, the child will quickly find another permanent living arrangement. For example, a child's permanence goal might be reunification with their birth parents as well as a concurrent goal of adoption or permanent placement with a fit and willing relative in case a return home cannot happen.

Concurrent planning can be difficult for foster parents. A foster parent may be required to partner with the family, to notify the family of appointments, and to help transport a child to family visits, while, at the same time, be asked to consider being the permanent placement for the child if the parents are not able to change the conditions necessary to have their child returned to them.

There may be a circumstance, for example, when all parties involved in the permanency planning process initially identify a permanence goal of termination of parental rights and adoption by the foster parents. Then, unexpectedly, a relative comes forward who requests placement of the child. The foster parent may then be asked to work with the relative, help the relative learn about the needs of the child, and eventually transition the child to the relative's home.

In other cases, the foster parents are prepared to care for a child as a long-term foster care placement. However, the child's concurrent goal is adoption and the agency and the court have decided it is time to move forward with the adoption goal. If the foster parents are unable to adopt the child, they must help prepare the child to be adopted by another family.

These can be very emotional and difficult situations resulting in foster parents feeling confused, upset, sad, and disappointed with the decisions that are made. It is important for the foster parent to talk with the child's caseworker whenever they have questions about the permanency planning process or a child's permanence goal. It is also helpful to talk about the challenges of concurrent planning with other foster and adoptive parents.

PERMANENCE GOALS AND OPTIONS

Ideally, children in foster care achieve permanence through reunification, placement with relatives, guardianship, and adoption. This section provides more information about the possible permanence goals for a child and what they mean.

Reunification

The most common permanence goal for children in foster care is reunification; that is, return to their families or the home from which they were removed if their families or previous caregivers can safely care for them. Most families develop the skills necessary to safely care for their children with the support of their caseworker, the foster parents, and other formal and informal resources.

When working toward the goal of reunification, early and regular contact between children in foster care and their parents, siblings, and extended family is essential. Agencies are required to develop a Family Interaction Plan that outlines how and when children will have contact with their families, including any siblings who are not placed in the same foster home.

It is critical for successful reunification that the adults in the child's life work together to achieve positive family interactions. This includes foster parents, the child's parents, attorneys, judges, caseworkers, and therapists.

Even if foster parents do not agree with a particular agency decision, they are required to follow the agency's plan for the child. If foster parents have serious concerns about the birth parents' ability to safely care for the child, they should make the agency aware of those concerns. Foster parents also have the right under state law to provide information to the court about the child, the child's progress, and any concerns they may have about the child.

For more information about a foster parent's responsibility to cooperate with the licensing agency, see s. 56.05(1)(c)1.c. in Ch. DCF 56, Adm. Rule, the foster home licensing requirements.

Placement with a Fit and Willing Relative

Another permanence option for a child is placement with a fit and willing relative. A fit and willing relative is a relative who has expressed a willingness to provide care for a child until the child is 18 years of age, has the capacity to provide for the child until the child's 18th birthday, has the willingness and capacity to protect the child from maltreatment, and has successfully completed a criminal background check. The

definition of relative for this purpose is found in s. 48.02(15), Wis. Stats. Agencies are required to make efforts to locate, engage, and consider relatives as placement options for children entering foster care. This allows agencies to more quickly identify and include relatives as resources and develop potential adoptive resources.

Foster parents may be asked to work with relatives to achieve permanence for children or help children maintain connections to their relatives and to their parents.

Adoption

When reunification of a child with his or her parents or relatives is not possible, a child's permanence goal may be adoption. The process for making a child available for adoption involves legally ending a parent's rights to their child, a termination of parental rights (TPR). This may be done voluntarily (filed or agreed upon by the parent) or involuntarily (filed by the agency). Termination of rights occurs only by an order of the court. This process needs to meet very specific legal requirements and be in the best interest of the child.

In cases where reunification efforts do not seem likely, county agencies may request involvement of a State Permanency Consultant (SPC). The SPCs are consultants employed by the State. They may attend agency staff meetings and reviews of families' cases and help the agency determine what permanency options may be best for a particular child. One of the roles of a SPC is to evaluate a child's needs and, when necessary, make a referral to a private adoption agency contracted with the State of Wisconsin, who can also help recruit or identify adoptive families.

When a TPR occurs, custody and guardianship of the child is transferred to the State Special Needs Adoption Program. The Special Needs Adoption Program contracts with private agencies to conduct adoption home studies and provide case management services for children in the state's guardianship and custody. It is important for foster parents to know that the county agency will no longer be responsible for payment or services for the child and that all services and custody decisions will be made by the Special Needs Adoption Program and contract agency staff.

In general, if a foster family expresses a desire to adopt a foster child, especially a child already placed in their home, that foster family will be considered for adoptive placement. However, the decision about who the adoptive family will be is ultimately recommended by the Special Needs Adoption Program staff and approved by the court. If the foster family is going through the adoption process, they may not be able to accept new foster care placements until the adoption is finalized. Although there is no specific prohibition against new children being placed with potential adoptive foster parents, the foster parents, licensing agency, Special Needs Adoption Program staff, and possibly State Permanency Consultant should work together to determine whether new placements would be difficult for the child or foster family during this transition to permanence.

If a foster family wishes to adopt a foster child who is available for adoption, the contracted adoption agency staff will complete an assessment of the family in order to determine if they are able to provide lifetime connections and support for children and are the best match for that specific child. Some factors that will be considered in the selection of the adoptive home include: the child's relationship with the foster family, the family's ability to meet the child's current and future needs, the child's need to be placed with relatives or siblings, and the child's need (if any) to be close to the area where biological relatives reside. This assessment and approval for adoption is in addition to the study that the county or private agency completed when the initial foster home license was issued.

For more information about the Special Needs Adoption Process, go to the Wisconsin Department of Children and Families web site's Adoption Section at <https://dcf.wisconsin.gov/adoption> or contact the Foster Care and Adoption Resource Center at www.wifostercareandadoption.org or 1-800-762-8063.

Note: The adoption procedures described above relate to children who are not American Indian. For information about the permanence options for American Indian children, please refer to the Indian Child Welfare Act description in Appendix 1 in Section 6 of this Handbook.

Guardianship

Guardianship offers a permanent living arrangement in cases where reunification or adoption may not be appropriate or desired. Guardianship provides a caregiver with more authority than a foster parent (physical custodian) or legal custodian to make day-to-day and major decisions about and for the child, but does not necessarily require permanently terminating a parent's rights to his or her child. In some cases, a guardianship may occur both before and after a termination of parental rights.

Some families may choose guardianship over adoption to avoid permanently changing established family roles—for example, to prevent a grandmother from legally becoming a child's mother. Some children may not want to permanently terminate their legal relationships with their parents. If parents are disabled or ill and have difficulty caring for their children, guardianship may be preferred over termination of parental rights (TPR) since a TPR legally and permanently ends a parent's rights to his or her child. There may also be cultural considerations that make termination of parental rights a less preferred permanence goal. Relative guardianships can also keep children connected to their family and cultural roots.

Other Planned Permanent Living Arrangement (OPPLA)

There is one additional alternative permanence option listed in Wisconsin statutes that agencies can choose for children in foster care who are age 16 or older. This option, used much less frequently than those explained above, includes Other Planned Permanent Living Arrangement (OPPLA). While this is an acceptable permanence goal for youth that are 16 years of age or older, it lacks the life-long connectedness aspects of the options discussed previously and does not provide legal permanence for a child. Other Planned Permanent Living Arrangement allows the child to stay in foster care until he or she turns 18 or completes high school (as long as it is before the child's 19th birthday). State law requires continued efforts be made to achieve one of the legal permanent options, unless a court determines those efforts no longer need to be made.

Reaching the Age of Majority, or Aging Out

If children are unable to obtain permanence while in foster care, they reach the Age of Majority, also called aging out. Most children reach the Age of Majority at age 18. However, a child may remain in foster care until age 19 if they are enrolled in high school or a vocational or technical equivalent and are expected to graduate. Additionally, some children may be eligible for the Extension of Out-of-Home Care, which allows a child to remain foster care until their 21st birthday, if they are enrolled in high school or a vocational or technical equivalent full-time and are under an Individualized Education Program or IEP.

ROLES OF PEOPLE INVOLVED WITH CHILDREN IN FOSTER CARE

This section explains the basic roles of the different people and agencies who may work with a child and family when they are involved with the child welfare system. When a child is placed in foster care, the agencies and individuals involved typically include the child welfare agency, the child's parents, the child's tribe (if he or she is an American Indian child), agencies providing services, the courts, and the child's foster parents. There may be other people involved with the child and family as well, including relatives, therapists, various private agencies, and Guardians ad Litem. All of these people and agencies have important roles in the child's life; only through cooperative efforts by all parties can the safety, well-being, and permanence of the child be met.

Some of the roles are shared by all people involved with the child, but there are also responsibilities that are unique to each person or agency. Ultimately, all people working with the child should be focused on the child's safety, permanence, and well-being. Foster parents provide a nurturing environment; the child welfare agency provides services necessary to the child, the child's parents, and foster parents; and the parents participate in services outlined in the permanency plan and provide support for the child.

Role of Foster Parents

Foster parents play a critical role for children, families, and agencies. Although the foster parent's primary task is to temporarily care for a child until the child's permanence goal is achieved, the foster parent's role is unique and involves much more.

Foster parents are expected to comply with agency requirements, meet foster home licensing standards, and communicate any important information about the child to the caseworker and the court. Foster parenting also means working in partnership with the family, the agency, and, as applicable, the child's tribe to support the child during placement. Foster parents are responsible for assuring that the child's basic needs are met and for including the family in as much of the child's life as possible. As the child's family's case progresses, foster parenting also means preparing the child for return to his or her parents or attaining another permanence goal.

Foster parents have the opportunity to contribute valuable information about the child to the caseworker and the court; participate in meetings about the child, including court hearings; and communicate with the parents. Since they are living with and caring for the child on a full-time basis, foster parents are often the main source of information about how a child is adjusting to separation from home, interacting with other children, and performing in school.

Foster parents may be asked by the court or by an administrative review panel to share information prior to or during court proceedings or permanency plan reviews. Foster parents, in order to provide information effectively, must be prepared. Below are some suggestions for communicating with the court.

Tips for Providing Written Information to the Court

- ❖ Report only the facts or information you have directly observed.
- ❖ Avoid opinions.
- ❖ Balance information with both positive and negatives—there is always something that has improved, even if only a small amount.
- ❖ Ask the caseworker for help, if needed.
- ❖ Remember that what you are writing will become part of the child’s permanent record and part of the court record and all parties to the case, including both the child and his or her family, will have access to the information.

Tips for Providing Verbal Information to the Court

- ❖ Expect to be nervous.
- ❖ Bring records or documentation with you to refer to, if necessary.
- ❖ If an attorney or the judge asks you a question, answer only that specific question.
- ❖ Don’t guess - it is OK to say that you don’t know or do not remember.
- ❖ If you do not understand a question, ask the judge to have it repeated or explained.
- ❖ Be descriptive and factual when testifying to help the judge get a clear understanding of what is happening with the case.
- ❖ Report only what you have observed.

NOTE: It is important to know that foster parents have the right to receive notice of court proceedings related to the child in their care. Foster parents also have the right to be heard by the court. Foster parents can make a statement in court or can submit written information to the court about the foster child in their care.

Foster parents are not considered a “party” to the child and family’s case. Being a “party” to a case means that a person has a specific legal standing as his or her own rights are directly impacted by the outcome of the court proceeding. Another way to think of a party is as either the person who is the subject of the legal proceedings or the agency or individual requesting or pursuing legal action.

Refer to s. 56.05(1)(c) in Ch. DCF 56, Adm. Code, for more information about licensing requirements that outline the roles of foster parents.

Role of Parents and Family

Parents have the responsibility to meet the goals established in the permanency plan and court-ordered conditions, and to demonstrate they can safely and adequately care for their child.

Many parents work with the child welfare agency and tribe (if applicable) during the process of the child's removal from their home so they can get their children back home with them. While they are working to change whatever situation led to the child being removed or voluntarily placed outside of their home, parents are encouraged to maintain regular contact with the agency caseworker and Indian Child Welfare caseworker (if applicable) and meet the requirements of the court order and permanency plan.

Parents also continue to have the right to make major decisions regarding their child's care, such as decisions about the doctors the child will see, services the child will receive at school, and what religion, if any, the child will practice. Parental interaction with their child in foster care is essential in helping to relieve the child's fears, anger, and guilt about separation. If foster parents have questions about what decisions they can make and what decisions parents have the right to make, they should ask their licensing worker or the child's caseworker.

Role of the Child's Caseworker

The caseworker has the responsibility for gathering information, making decisions concerning the child and family, working with the family, connecting the family with services, coordinating the activities of any service or treatment team, and presenting information to the court about the child and family. The caseworker has the duty to plan for the child during the child's foster care placement and for the duration of agency involvement with the family. The agency caseworker functions as a facilitator in meeting the needs of the child and family.

The agency has specific responsibilities to the parents of the child in placement. Because a foster parent's role is to care for the child, foster parents are often an active participant in helping the agency meet these responsibilities. The box below includes the key responsibilities of a caseworker.

Key Responsibilities of Caseworkers

- ❖ Preserving and strengthening the parent-child relationship during the time a child is in foster care consistent with the child's permanence goal or goals.
- ❖ Helping the parents develop the skills to safely and appropriately fulfill their parental role both during the time the child is in foster care and when the child is returned to them.
- ❖ Connecting the child and family with necessary services to meet the permanency plan goals.
- ❖ Meeting statutory and court requirements for permanency planning.
- ❖ Finding a permanent and safe living arrangement for the child.
- ❖ Working with a child's tribe as outlined by the federal Indian Child Welfare Act.

Role of the Tribal Caseworker

The Indian Child Welfare Act gives each tribe discretion regarding when and how they will be involved in child custody proceedings and placement of children who are members of their tribe or who are eligible for membership in the tribe. The role of the tribal caseworker is the same as any caseworker, and, in addition, is to ensure that the child is receiving services that are reflective of the customs, beliefs, and traditions of the tribe, and that the child remains connected to the tribe.

It is important to understand the critical role that a tribe plays in the lives of its members, especially their children, and the importance of the children to the future of the tribe. Some tribes may license, certify, or approve their own foster families or work with a foster family licensed by the county or private agency. Most tribal caseworkers work directly with county or private agency caseworkers to provide the best services available to the child, through either county, state, or tribal services. In some instances, when a county agency and tribal agency agree to placement of an Indian child in a county foster home, a tribe might be the sole provider of services to the child and will be more involved with the foster family, visiting on a regular basis while the child is in the foster home. The role of a county or tribal child welfare worker may differ from case to case depending on what role the tribe has decided to take with that case.

If foster parents have questions about services to an Indian child or involvement of the child's tribe, they should ask the tribal caseworker or the child's county caseworker. For information about tribes in Wisconsin and the Indian Child Welfare Act, refer to Appendix 1 in Section 6 of this Handbook.

Role of the Foster Care Coordinator or Foster Home Licensing Worker

Foster care coordinators have the primary responsibility of working most directly with the foster homes licensed by their agency. The box below contains some of the key responsibilities and roles foster care coordinators may have.

Typical Foster Care Coordinator Roles

- ❖ Recruiting new foster parents.
- ❖ Licensing foster homes.
- ❖ Matching children who need placement with an appropriate foster family or other program.
- ❖ Training foster parents and agency caseworkers.
- ❖ Supporting foster parents and agency caseworkers.

It is the responsibility of the foster care coordinator to ensure that foster families comply with the rules and policies that govern the foster care program. Coordinators work with foster families to address concerns or possible violations of the licensing code and agency policies. They also manage complaints or concerns brought to the agency's attention by children in foster care, a child's family, or other individuals regarding the care children are receiving while in a particular foster home.

Foster care coordinator responsibilities may also include coordinating a system of handling emergency placements, utilizing receiving homes, or maintaining a list of foster parents who would take a child immediately and at all hours. Some coordinators develop a respite care system for foster families and children's families. In addition, some coordinators develop treatment and independent living plans to meet the unique needs of children in foster care. Finally, foster care coordinators work with other out-of-home care providers, including treatment foster care, group care, and residential care, to locate placements for children who cannot be placed safely or appropriately in family foster care.

The role of the foster care coordinator can be different for each agency. Some coordinators have the primary responsibility of managing their agency's foster care program, others may manage the program as part of their job, while other agencies may contract foster care services out to private agencies. In general, foster care coordinators are the staff in an agency who work most directly with the foster parents to

make sure they are following the requirements of their licensure and providing safe environments for children in their homes.

Role of Court Professionals

This section provides an overview of the different professionals foster parents may interact with when they attend court hearings or work with staff of the legal system.

Judge

The judge presides over the court and makes decisions regarding the child's case according to the facts of the case and the law (statutes). In some counties, and for certain court activities, a circuit court commissioner may take the place of the judge.

Circuit Court Commissioner

A circuit court commissioner is a court official appointed by the judge to preside over certain court processes and to make decisions in certain cases according to the facts of the case and the law (statutes).

Guardian ad litem

A child's guardian ad litem (GAL) is an attorney appointed by the court to represent the best interests of a child under 12 years old who is involved in a court proceeding. The guardian ad litem makes independent recommendations to the court and is required to be an advocate for the best interest of the child.

Adversary Counsel

An adversary counsel is an attorney, either appointed by the court or privately hired, for a child 12 years of age or older to represent the wishes of the child related to the court proceedings. This is often a State Public Defender.

Corporation Counsel

The corporation counsel is an attorney employed by the county who may represent the county in certain cases involving children. In some counties, the district attorney's office may handle child abuse or neglect and termination of parental rights proceedings rather than the corporation counsel.

District Attorney

The district attorney is an attorney employed by the state, but elected by county residents, who represents the public's interest in certain cases involving children, including delinquency cases. In some counties, the district attorney's office may handle child abuse or neglect and termination of parental rights proceedings rather than the corporation counsel.

Parents' Attorney

A child's parents may have an attorney appointed by the court or hired privately to represent their legal interests.

Court-Appointed Special Advocate

Court-appointed special advocates (CASA) are trained volunteer community members appointed by a judge to advocate, on a one-to-one basis, for a child in foster care.

Role of Mental Health and Support Workers

Each agency will work with mental health or supportive professionals in different ways. Here are some of the professionals who may also work with the family or child.

Psychiatrist

A psychiatrist is a medical doctor with specialty training in addressing mental health concerns. Psychiatrists typically meet with children in foster care and significant caregivers when a specific assessment is required regarding a mental health diagnosis of a child and to determine if the child needs medication to manage his or her behaviors. If medication is needed, a psychiatrist will prescribe the appropriate medications and ask to see children for follow-up appointments to monitor the child's response to medications. These appointments are typically brief and intended to discuss how the medications are affecting behavior or possible side effects.

Psychotherapist or Counselor

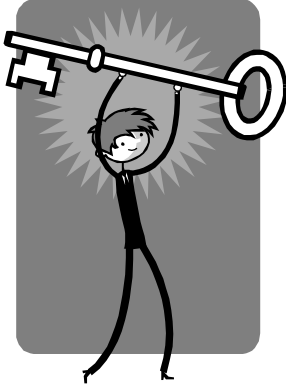
A psychotherapist is a professional who has a Master's or Doctoral degree in social work, psychology, professional counseling, or marriage and family therapy. Psychotherapists work with the foster child, siblings, and significant caregivers (both the child's parents and foster parents) to address emotional, behavioral, and other presenting mental health needs the child may have. Psychotherapy appointments are typically just under an hour long and may involve the foster child and significant caregivers. Sometimes, however, the appointment may include time for the child or caregivers to talk with the psychotherapist alone.

Parent Aide or Home Consultant

A parent aide (also called home consultants) is typically assigned to work with birth parents on the issues or conditions that led to the removal of their children. Parent aides might be involved during times of family interaction to help guide the parent around parenting choices and decisions.

Mentor

The role of a mentor is to provide the child with opportunities to explore recreational or other positive social outlets that the child can build on as he or she grows and to develop a positive adult relationship with the child.



KEY CONCEPTS

CHAPTER 1

- ❖ Placement in foster care is intended to be temporary while families are provided with time and supportive services to make necessary changes so a child can safely return to his or her home.
- ❖ Out-of-home placement typically occurs for one of two reasons: a child is in need of protection or services or a juvenile is involved in delinquent behaviors. A child may also be placed in foster care voluntarily due to his or her specific care or treatment needs.
- ❖ Permanency planning is the process that the caseworker and other people involved with the family go through to ensure that children are in safe and nurturing permanent relationships that can be expected to last a lifetime.
- ❖ Concurrent planning involves establishing and working towards two permanence goals at the same time; this is one of the most effective strategies for ensuring children in foster care achieve timely permanence.
- ❖ Most children in foster care achieve permanence in one of the following ways: reunification, placement with a fit and willing relative, guardianship, or adoption.
- ❖ The best long-term plan for children is to return to their families, when their families can safely and adequately care for them.
- ❖ While each person working with a child and family has a unique role, everyone should be focused on the child's safety, permanence, and well-being.
- ❖ Foster care coordinators are the professionals who work most closely with the foster parents to make sure they are meeting all of the requirements of their foster home license.
- ❖ Each Indian tribe is a sovereign nation, and, therefore, may establish its own unique foster home licensing policies.

An Overview of the CPS Process

