



Reuniting Families in Family Treatment Court

Centering Decisions on Safety

Learning Objectives

1

Understand why it's important to center decisions around safety

2

Be able to establish conditions for return home, set benchmarks of change to fulfill those conditions.

3

Build strategies to monitor progress and reassess safety through the life of the case.

4

Understand the difference and interaction between case planning and safety planning.

5

Understand the difference between Conditions for Return and Conditions for Dismissal

Why Center Decisions on Safety





It's Required by the Law

- **RCW 13.34.020** legislature declares that the family unit is a fundamental resource of American life which should be nurtured....the legislature declares that **the family unit should remain intact** unless a child's right to conditions of basic nurture, health, or safety is jeopardized.
- **RCW 13.34.130 Removal standard of a dependent child** The court finds, by clear, cogent, and convincing evidence, a **manifest danger** exists that the child will suffer serious abuse or neglect
- **RCW 13.34.145** Permanency planning goals should be achieved **at the earliest possible date**

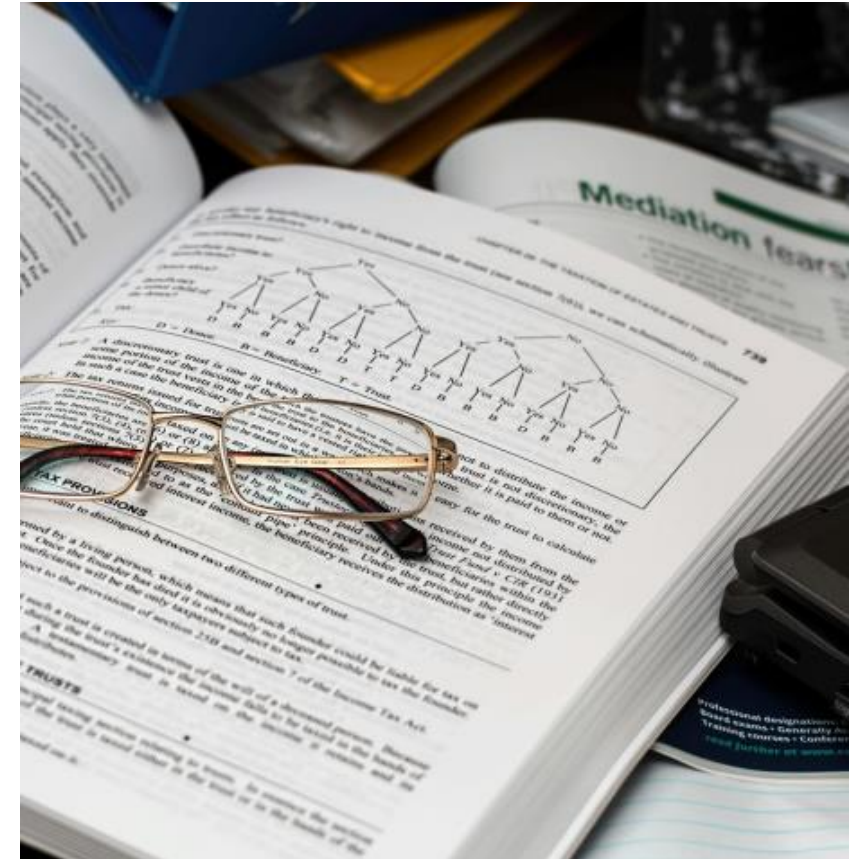
Research

The earlier a child goes home safely the better child outcomes

Despite the need for removal, to ensure a child's safety, removing a child from their home is harmful to them. This harm continues the longer they remain in out of home care.

&

The longer a child stays in care the longer the child is likely to permanently remain in out of home care.



*“Separating children from their families can cause **irreparable harm**, disrupting a child’s brain architecture and affecting his or her short- and long-term health.*

*This type of prolonged exposure to serious stress - known as ‘**toxic stress**’ - can carry lifelong consequences for children.”*

-American Academy of Pediatrics



The Research: MIT Studies

Children “on the margin” of placement experienced improved outcomes when they remained at home as compared to *similarly-maltreated* children who were removed and placed into foster care.

(Doyle 2007; Doyle 2008; Doyle 2013)



“on the margin” which refers to cases where CPS investigators may disagree about the recommendation of removal.

Children who remained home were far less likely to experience **teen pregnancy, commit a juvenile offense**, and were **more likely to hold a job** for at least three months as compared to those placed into foster care.

Child Protection and Child Outcomes: Measuring the Effects of Foster Care. Doyle, Joseph J. *American Economic Review* Vol. 97, No. 5 (2007): 746-770.

Children placed into foster care were **2 to 3 times more likely to become involved with the criminal justice system** as adults and experienced **higher rates of arrest, conviction, and imprisonment** as compared to those who remained home.

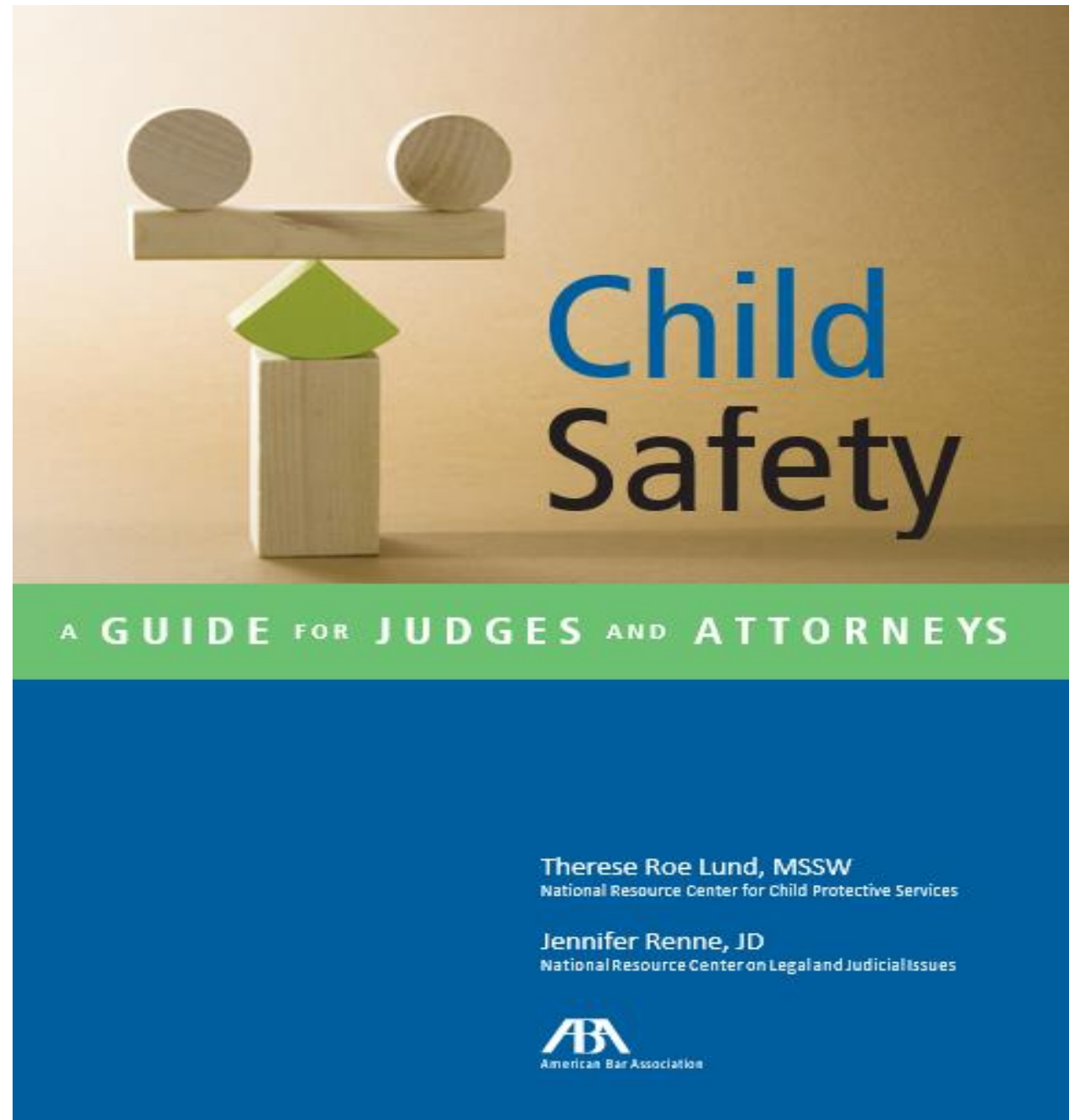
Child Protection and Adult Crime: Using Investigator Assignment to Estimate Causal Effects of Foster Care. Doyle, Joseph J. *Journal of Political Economy* Vol. 116, No. 4 (2008): 746-770.

Children placed into foster care were more likely to **engage in juvenile delinquency and have the need for emergency care** (3 times higher) as compared to those children who remained home.

Causal Effects of Foster Care: An Instrumental-Variables Approach. Doyle, Joseph J. *Children and Youth Services Review* Vol. 35, No. 7 (2013): 1143-1151.



WA Legal Framework for Child Safety American Bar Association



**Specific and
Observable**

**Immediate or Liable
to Happen Soon**

Out of Control

**Severe
Consequences**

THREATS

Vulnerable or Not
(not judged in degrees)

Child Specific

VULNERABILITIES

**If Threat Exists, Presume
Vulnerability**

**ASSESSING
SAFETY**



Cognitive

Behavioral

PROTECTIVE CAPACITY

Emotional

Can you create in home safety, through a safety plan?

In order to create an in-home safety plan, the plan must create safety during the time the safety threat is active. The plan must be:

1. Sufficient
2. Feasible
3. Sustainable





- ✓ **Control or manage specific threats to child safety IMMEDIATELY**
- ✓ **Create SHORT-TERM safety using a combination of Prevention Services/Tasks**
- ✓ **DO NOT require change in parents' behavior or attitude**
- ✓ **DO NOT rely on promises of parents**
- ✓ **Developed WITH the family**
- ✓ **Objective, clear, and understood by EVERYONE.**
- ✓ **Monitoring must be built into the plan.**

The Child is Unsafe and Remains in Out of Home Care

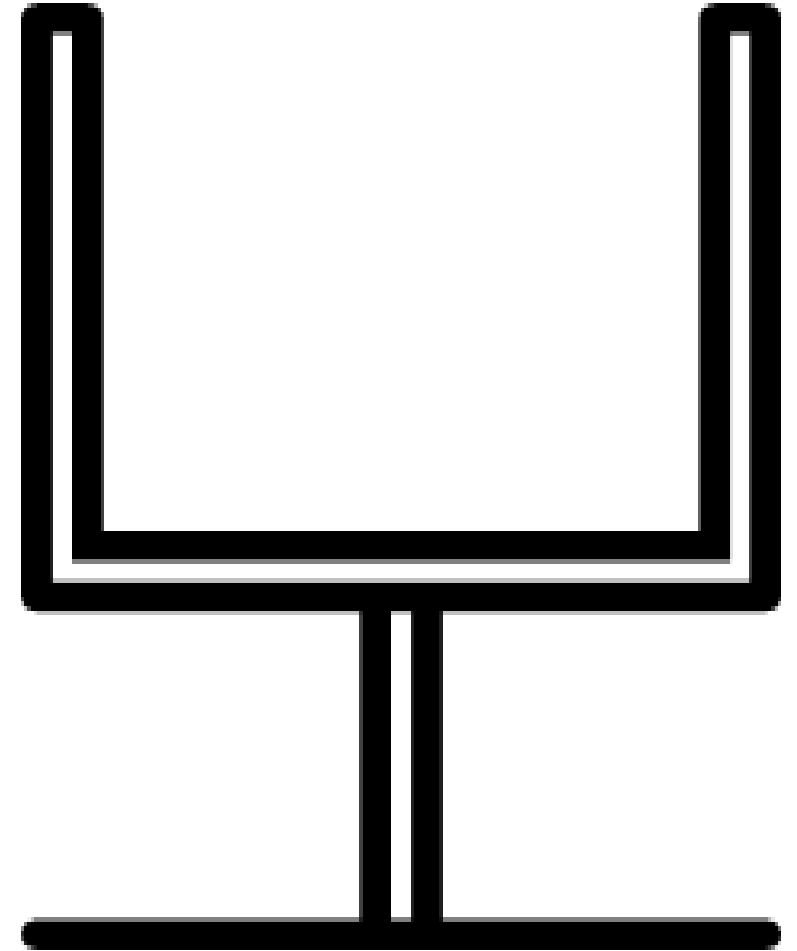


Conditions for Return Home are Based on:

- what is needed for a child to be **safe** in the home, with a sufficient, feasible and sustainable safety plan

or

- what changes the parent needs to make in order for their child to be **safe** in their home.



How to Determine What the Conditions for Return Home Are?

Starts by Referencing the Court Order of Establishing Dependency

- **RCW [13.34.110](#)** The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make **written findings of fact, stating the reasons**
- Court orders should reference what facts are agreed on in the dependency petition.



Superior Court of Washington, County of _____

Juvenile Court

Dependency of:

No:

**Order of Disposition on Dependency
(ORDD)**

☐ Agreed as to ☐ Parent 1 ☐ Parent 2 ☐ Other
☐ Contested as to ☐ Parent 1 ☐ Parent 2 ☐ Other
☐ Default as to ☐ Parent 1 ☐ Parent 2 ☐ Other
☐ **Clerk's Action Required.** Para. 3.3 (EDL), 3.5,
3.9, 3.11, and the boxes below.

D.O.B.:

2.2 Placement:

- ☐ The child should be placed or remain in the home of ☐ Parent 1 ☐ Parent 2
☐ legal custodian ☐ guardian.
- ☐ It is currently contrary to the child's welfare to return home. The child should be placed or remain in the custody, control, and care of ☐ DCYF ☐ a relative
☐ another suitable person for the following reasons:
- ☐ there is no parent or guardian available to care for the child;
 - ☐ the parent or guardian is unwilling to take custody of the child;
 - ☐ the court finds by clear, cogent, and convincing evidence that a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home, and an order under RCW 26.44.063 will not protect the child from danger.

3.13 ☐ Other:

Scenario

What are the Conditions for Return Home?

Reminder: Conditions for Return
What is needed for a child to be
safe in the home, with a
sufficient, feasible and
sustainable safety plan

or

What changes the parent needs to
make in order for their child to
be safe in their home.

The court order states that the court finds that 2-year-old mobile child (Elijah) was found, by preponderance of the evidence to be in manifest danger because his basic needs were unmet. The child was found on one occasion alone in the middle of the street with a very full diaper and once in the home without any supervision eating moldy food with drug paraphernalia sitting on the table, in reach of the child. The parents were passed out and couldn't be woken up. The parents were using illicit drugs including methamphetamines and fentanyl.

Conditions for Return Home

- A caregiver provides general care, assuring Elijah's basic needs, including supervision, when Elijah is not in daycare.
- If that caregiver is unable to provide for Elijah basic needs, a plan is in place and followed to ensure that his basic needs are met.



Conditions for Return

- Stay the same
- Need to be understood by all
- Communicated often
- Measured by the ability to keep the child safe
- Built on benchmarks of progress towards keeping the child safe.

What Are the Steps to the Goal post (Conditions for Return Home)



Are fluid and can change based on needs



Can be set by the bench or the FTC team with input from the parent



Should be clearly communicated each hearing



Are not based on progress in services alone but on increased positive support, coping skills and overall functioning



Should be acknowledge/celebrated



Include both progress and compliance but progress is the goal



As the steps to return home are fulfilled:

- Less focus on compliance
- More focus on progress
- Trust should be built
- Deeper understand of the why
- Increased understand of what the path of relapse looks like and how to interrupt it
- Learn from “Failures” and viewed as opportunities
- Should be looked at in the context of child safety

Measuring Success

Considerations:



What are markers of success beyond abstinence and how will it be measured?



How are measures of success fluid and flexible?



Are barriers prohibiting success and how can they be overcome, short term and long term? Is the parent part of finding the solution (increased agency)?



Are acknowledgements of successes beyond abstinence celebrated as much as abstinence?



**IF YOU
NEVER KNOW
FAILURE**



**YOU WILL
NEVER KNOW
SUCCESS**

—Sugar Ray Leonard

Father had a positive UA and a negative UA

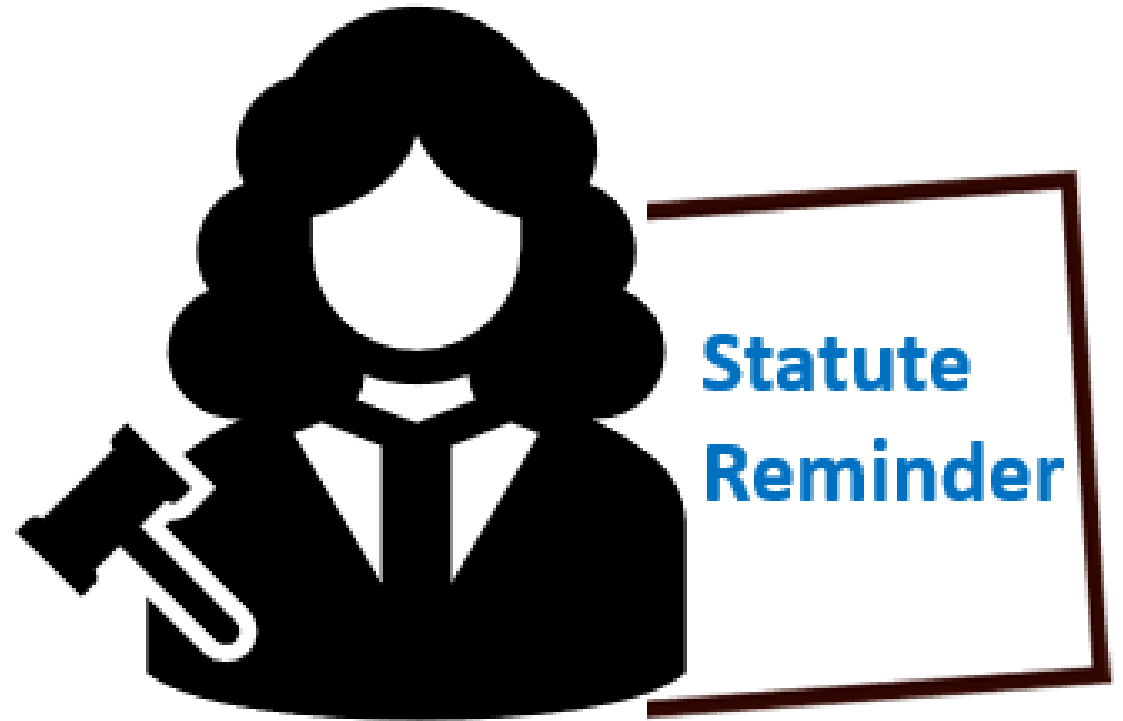
What else happened during this time frame?

- He attended visits on time where he was attentive to his daughter
- He started bowling on a bowling team he used to be a big part of
- He used methamphetamines once
- He told his sponsor and treatment provider about the relapse and they made a plan together.
- He attended a parenting class. He didn't do his homework, but it was discovered that he doesn't have the reading level required to do the homework on his own.

**Do we
celebrate?**

RCW 13.34.136 Permanency plan of care

Visitation must occur in the **least restrictive setting** and be **unsupervised** unless the presence of threats or **danger to the child** requires the constant presence of an adult to ensure the safety of the child



Family Time Plans



**Quick to
Start**



**Alternative
Contact**



**Written Plan
(Court Order)**



**Include
Siblings**



**Right of Family
(Not Carrot-and-Stick)**



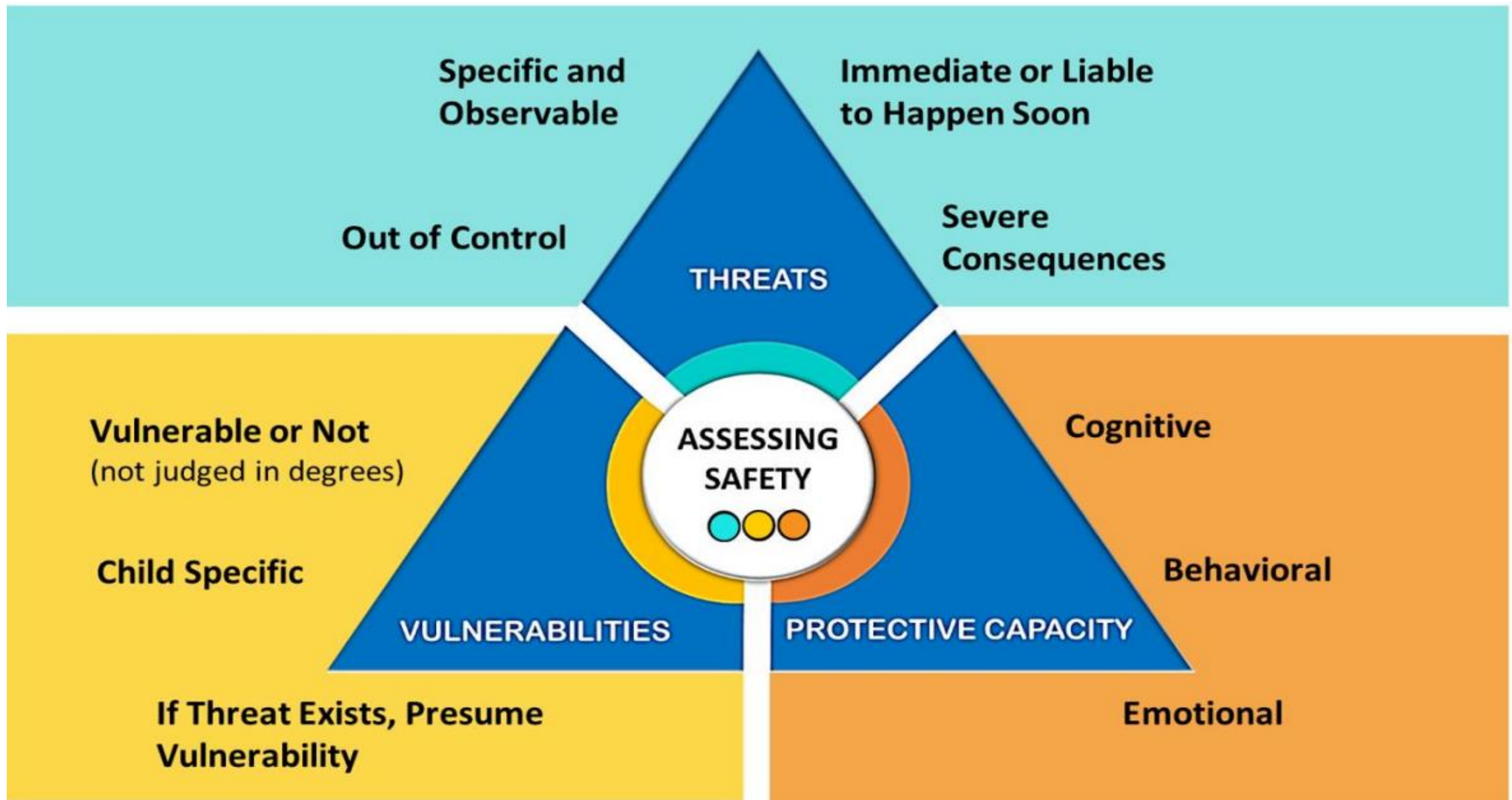
**Explain
Supervision**



Elements of family time can be used to create safety, promote family bonding, and help children adjust to being out of home.

Family Time as a Component of Measuring Success

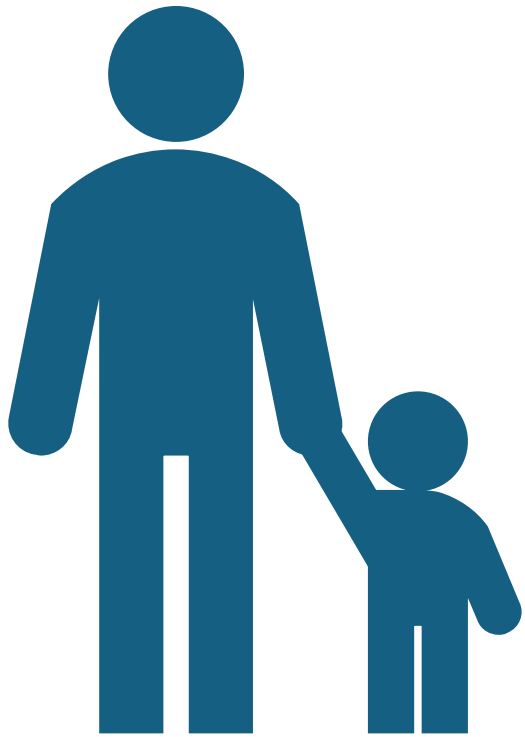






Lived Experts

Conditions for Dismissal Considerations:



What progress needs to continue?

What needs to be sustained?

What supports need to be maintained or put in place to ensure success long term?

What natural and community supports will maintain progress after dependency dismissed?



Thank you

For questions or inquiries about
additional trainings please
contact

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