



Center for  
Children's  
Advocacy

# Advocating for Services and Visitation

Training for New  
Juvenile Court Attorneys

July 2014

# Alphabet Soup

## What are ACRS and CPCs?

- When and where do they happen?
- Who is invited?
- Youth over 18?

Sample redacted plan is part of case file



# What is a Case Plan?

- Types of plans
- Purpose
- When does the plan get made?
- What should case plan talk about?
  - reunification
  - services
  - visitation
  - timing
  - strengths/weaknesses
- Who participates in creation of case plan?

# Case Plans and Specific Steps

- What is the difference?
- Lawyer's role in addressing these documents?



# Case Plans: Sources of Law

- Adoption and Safe Families Act of 1997  
42 USCA 622; 42 USCA 675; 54 CFR 1355, 1356, 1357
- CGS 17a-15
- DCF Policy



# Federal Law About Children's Well-Being

## Adoption and Safe Families Act

States must ensure that:

- families have enhanced capacity to provide for children's needs;
- children receive appropriate services to meet educational needs; and
- children receive adequate services to meet physical and mental health needs. (45 C.F.R. Part 1357 §1355.34 b(1)(iii))

# Role of Lawyer in Conference

- Work with client to identify obstacles to reunification
- Client's needs should be addressed in plan
- Obligations in specific steps are reflected in treatment plan
- Obligations, action steps and timelines are clear in plan and reflect needs of case and specific steps



# Role of Lawyer in TPC/ACR

- Reunification date is properly estimated
- DCF obligations to make referrals in timely manner to appropriate services documented clearly
- Visitation plan: C.G.S. 17a-10 requires documentation in treatment plan
- Your view point is documented if you disagree with something in treatment plan
- Copies



# Role of Lawyer at TPC/ACR

**Remember educational needs of child client**

## **Plan should address**

- Special education needs/early intervention  
Birth to Three, preschool New Laws 2012, 2013
- Educational stability and progress issues  
New Law 2013
- MDE recommendations

# Role of Lawyer at TPC/ACR

**Plan should address individualized needs of older youth** (PA 12-53)

- Permanency
- Education
- Vocation
- Community resources
- Benefits
- Housing
- Medical care



# Role of Lawyer

## Advocate for specific services for your client

Examples:

- Services in least restrictive environment
- Home or community-based services
- Therapeutic foster care
- Services inside foster home or biological home to assist with maintaining placement
- Mentor
- After-school program
- Job training
- Life skills courses

# Determining Services Needed

- Consult with colleagues prior to meeting
- Consult with providers working with family
- Ask DCF to consult with ARG team
- Ask DCF Central Office experts
- Research : 211 infoline



# Innovative Services

- TDM: Team Decision Making
- Child and Family Teaming
- Adolescent Permanency Roundtable
- Pre-removal conferencing
- Specialized case planning



# Innovative Case Planning

RSVP program for substance abusing parent

- Providing increased support
- Parent given recovery specialist



# Innovative Case Planning

## Zero to Three Court Project

- Standing Order
- Goal: maintain close contact between parent and child
- Ensure specialized needs of child are met
- Promote positive visitation
- Expedite Permanency



# Innovative Case Planning

- Gender appropriate
- Trauma-informed
- Evidence based (where possible)
- Data driven
- Targeted to meet identified needs of client

**Would your client benefit from assessment and expert recommendations?**



# If You Cannot Attend the Conference

- Letter? or ask DCF to reschedule
- Accessing records?
- CGS § 17a-28
- RCSA 17a-15-3
- Right to copy of plan within 10 days of meeting

# Visitation

- Why is visitation so important?
- What do children need?
- How do children's needs change over time?
- Why do children often not receive visitation they need?



# Visitation

- Statutory framework, including recent changes
- What the statute does not say
- DCF Policy
- Case Law
- Social science research



# Visitation

- Does Juvenile Court have jurisdiction?
- Sample Motions



# Visitation

- Find creative solutions
- Build relationships, make a deal



# Advocating for Services/Visitation

- Go up the chain to the Program Manager
- Ask Regional Mental Health Director for assistance
- Ask for an ARG consult to make recommendations
- Get recommendations from an expert or a provider already working with family
- Ask for case conference or TDM conference

# Advocating for Services and Visitation

## Enforcing Client's Rights to Services Motions Practice



# Jurisdictional Issues

*In re Leighton V (jurisdiction and exhaustion)*

- DCF did not have exclusive jurisdiction over child's request to be returned to care of grandmother.
- Court has jurisdiction over all proceedings concerning uncared for, neglected or dependent children and youth within this state, and it is through authority of the court that child is placed in DCF's custody in the first place.  
Conn. Gen. Stat. § 46b-129(d)
- Exhaustion requirement must arise from either statutory language or administrative scheme providing for agency relief. Court specifically noted that "[a]ny child placed with DCF may petition the court for appropriate relief" pursuant to plain terms of Conn. Gen. Stat. § 17a-16(i)



# Authority of Court to Issue Orders

Leighton V. court noted:

“[w]hile a few months may be a short time in the realm of litigation, it can feel like an eternity to a small child...  
‘[th]e delays that are annoying and frustrating to adults...  
can permanently damage children and their families...  
(Courts) should give highest priority to, and set rapid hearing schedules for, cases where delays will harm children irreparably ...”

Id. (quoting Pamela B. v. Ment, 244 Conn. 296, 314 (1998).)

# Jurisdictional Issues

- Court has broad authority to issue orders to anyone owing a “legal duty” to a child. C.G.S. 46b-121
- Court orders “Specific Steps” which create blueprint for reunification and obligates parties to work together to make reasonable efforts to reunify family and provide welfare of child.
- Court has statutory authority to make preliminary visitation orders. C.G.S. 46b-129
- Court has statutory authority to direct services in support of reunification permanency plan. C.G.S. 46b-129(k)

# Motions Practice

## Motions for Services

- Legal arguments for services
- ASFA
- Case Plan



# Motions Practice

## CGS 17a-15

### **Development of treatment and permanent placement plan. Review of plan. Modifications. Application for review. Hearing. Procedure.**

(a) The commissioner shall prepare and maintain a written plan for care, treatment and permanent placement of every child and youth under the commissioner's supervision, which shall include but not be limited to a diagnosis of the problems of each child or youth, the proposed plan of treatment services and temporary placement and a goal for permanent placement of the child or youth, which may include reunification with the parent, long-term foster care, independent living, transfer of guardianship or adoption. The child's or youth's health and safety shall be the paramount concern in formulating the plan.

# Motions Practice

## **CGS 17a-15 continued**

(c) Any child or youth or the parent or guardian of such child or youth aggrieved by any provision of a plan prepared under subsection (a) of this section, or by the commissioner's decision upon review under subsection (b) of this section, or any child or youth or the parent or guardian of such child or youth aggrieved by a refusal of any other service from the commissioner to which he is entitled, shall be provided a hearing within thirty days following a written request for the same directed to the commissioner.

# Motions Practice

## **CGS 17a-16**

(b) Each child or youth placed or treated under the direction of the Commissioner of Children and Families in any public or private facility shall receive humane and dignified treatment at all times, with full respect for his personal dignity and right to privacy, consistent with his treatment plan as determined by the commissioner.

# Motions Practice

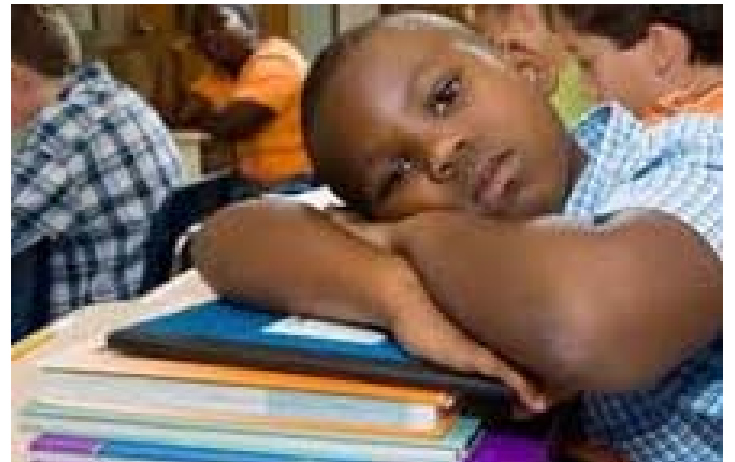
## CGS 17a-16 continued

(h) Each child or youth shall have a right to a hearing pursuant to procedures adopted by the commissioner, in accordance with sections 4-176e to 4-181a, inclusive, before he is involuntarily transferred by the Commissioner of Children and Families to any facility outside the state of Connecticut.

# Motions Practice

## When Can You Make Motions?

- Oral motion at OTC preliminary hearing (CGS 46b-129)
- Subsequent written motion (KidsCounsel.org pleadings bank)





# Motions Regarding Placement

## What to Do if Child or Youth is in Inappropriate Placement



# Motions Practice

## Motions for Emergency Relief/In Court Review

(P.B. 34a-23; 34a-1)



# Motions Regarding Placement

[kidscounsel.org](http://kidscounsel.org) Abuse and Neglect Pleadings

- Child and Minor Mother - Application for (ExParte) Temporary Injunction/Restraining Order
- Emergency Motion for Placement
- Motion for In-Court Review
- Motion for In-Court Judicial Review regarding Child's Prolonged Stay in Emergency Shelter
- Motion for In-Court Review regarding Placement

# Motions Practice

## [kidscounsel.org](http://kidscounsel.org) Abuse and Neglect Pleadings

- Immediate Judicial Review and Order Maintaining Placement Review and Planning
- In-Court Judicial Review re: Removal of Child
- Return Youth from Out of State Placement
- Revocation of Out-of State Placement and Immediate Transfer to Connecticut
- Temporary Injunction- Memorandum/Motion

# Motions for Independent Evaluation

CGS § 46b-121; 46b-129

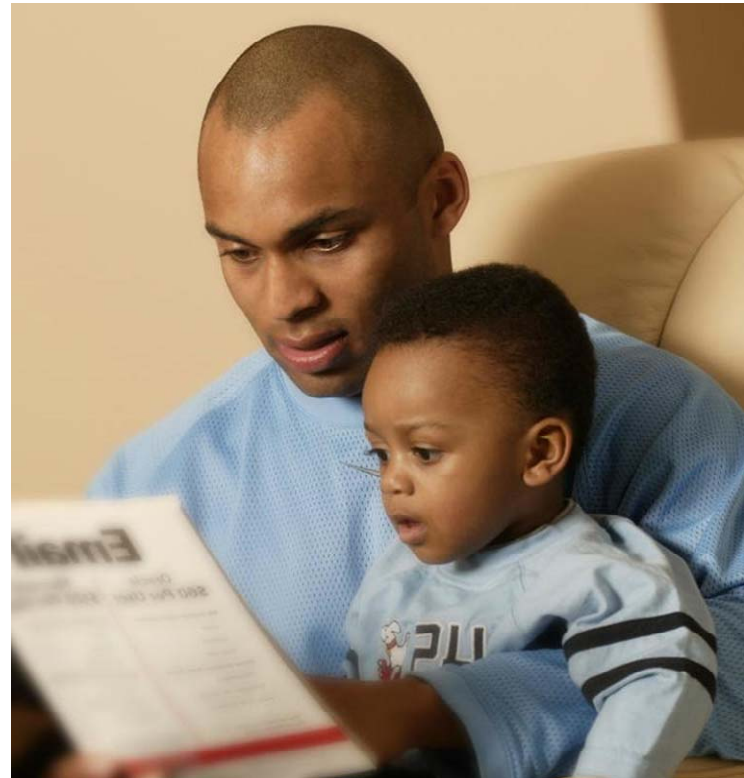
[kidscounsel.org](http://kidscounsel.org) [Abuse and Neglect Pleadings](#)



# Motions for Contempt

P.B. § 34a-22; 34a-1

See also *In re Leah S*





**Center for Children's Advocacy**

**kidscounsel.org**

**860-570-5327**

