

# When Your Child is Removed from Your Care

## Guide for Parents



Kentucky Cabinet for Health and Family Services  
Department for Community Based Services  
Division of Protection and Permanency



# My Important Contact Information

My social service worker's name and phone number:

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Supervisor's name and phone number:

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Intake worker's name and phone number:

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Regional office contact and phone number:

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My attorney and phone number:

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My child/ren's attorney (guardian ad litem) and phone number:

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Concerns or complaints?

Please contact:

Office of the Ombudsman

(800) 372-2973 or (502) 564-5497

<http://chfs.ky.gov/os/omb>

# About This Booklet

This book was prepared for families and their children who are involved with the Cabinet for Health and Family Services (CHFS), Division of Protection and Permanency (P&P).

## **The purpose of this book is to:**

- Give you information on your rights and responsibilities as a parent and
- Explain what you can expect from CHFS while your child is being cared for by a relative or by foster parents.

There is a glossary in the back of this book that gives the definitions of some words that your social service worker, judge and other individuals will be using when they are talking to you about your case.

We are committed to partnering with you to strengthen your family through the support and coordination of resources that will help to provide a safe and stable home for you and your children. In some situations, it is necessary for children to live with someone else other than their parents or guardians on a temporary basis while the rest of the family receives services that will enable the family to live together safely. Our goal is to see you and your children safely reunited.

## **How can I get more information or talk about a concern I have?**

Work with the following people in the following order:

- Your social service worker or his/her supervisor (contact these individuals first)
- Regional office (contact your regional office if the issue is not solved by social service workers or their supervisor)
- The Office of the Ombudsman (contact ombudsman's office if the issue is not solved by the regional office)

The names and phone numbers of these contacts are listed on page 2 of this booklet. If the names and phone numbers are not there, ask your social service work.

# Rights

## Parents'/guardians' rights include:

- The right to be treated with respect;
- The right to be heard and to help make decisions about your family;
- The right to know about your child's physical and mental health;
- The right to know about your child's school progress and participate in decisions concerning their educational needs;
- The right to provide consent to and attend your child's physical and mental health appointment;
- The right to visit and maintain contact with your child;
- The right to determine your child's religious affiliation; and
- The right to file a service appeal if you are not satisfied with your case plan or visitation agreement.



# Responsibilities

## **Parents'/guardians' responsibilities include:**

- Proving information about relatives on both the mother's and father's side of the family using a specific form provided by your social service worker during or after the 72-hour temporary removal hearing. You will bring the completed form to the first case planning conference called the ten-day conference;
- Being supportive of your child in the place where they are receiving care. (Tell your child it is "OK" to be where they are with the people they are with);
- Actively participating in your treatment and your child's treatment;
- Communicating with your social service worker and child's caregiver;
- Providing financial or other support to your child as court ordered;
- Attending all of the scheduled visitations with your child and share information about your child with the caregiver. (Visitation provides an opportunity for you and caregivers to share information about your child); and Doing your part to remove the reason(s) why your child was removed to get your children back into your care.



# What Has Happened Up To This Point?

Your child has been removed from your care and placed in an out-of-home care setting because you are currently struggling to keep your child(ren) safe.

Out-of-home care is the care your child receives when a court or the family sends the child somewhere else to live while the family works out a problem they are experiencing. DCBS and the court will work with you to ensure your home is safe for your child(ren) to be able to return home as soon as possible. If this is not possible, we will help to find another home where your children can be safe.

## **How was your child removed from your care?**

A social service worker asked the court for an

Emergency custody order (ECO) on behalf of your child. This request was made before the courts, based on documented concerns that your child is thought to be at risk of abuse or neglect if they remain in your care at this time.

Based on the documented concerns, the DCBS social service worker provided the court, a judge granted an ECO and made the decision to remove your child from your care.

The ECO allows the DCBS social service worker to remove your child from your care and place them temporarily with a relative, foster home, group home or hospital if necessary (Kentucky Revised Statue 620).

You will be asked to provide information about your child, other parents and relatives.

## **The Next Steps:**

Within 72 hours (not including weekends and holidays - three working days) after the signing of the ECO, a judge will hold a court hearing called a **temporary removal hearing**.

This court hearing will determine if there is evidence that your child was at risk of being harmed as a result of abuse or neglect. The DCBS social services worker will notify you of the date and time of the hearing.

Your child will be appointed an attorney known as a **guardian ad litem (GAL)**. During this court hearing the judge will determine if your child will remain out of your care or be returned to your care.

### **How do I get my child back?**

Within ten calendar days of the **temporary removal hearing**, an initial **case planning conference** will be held regarding your case. You, your DCBS social service worker and other supportive people you may want to include, will then sit down and work together to develop a plan on how to correct the situation that resulted in your child being removed from your care. This is called your **case plan**.

The foster parents or relative caregivers for your child will be present during your child's part of the case plan, if appropriate. You and others attending the meeting will have tasks to complete as a part of your case plan. Your case plan will be centered on the concerns and needs identified by you and your DCBS social service worker that will need to be addressed in order to provide for a safe home for you and your children.

The DCBS social service worker will be responsible for helping you with locating appropriate services and monitoring your progress. The people caring for your child will be responsible for seeing that your child's needs are met.

It is important to communicate and work closely with your social service worker and the courts to ensure that everyone is aware of how things are going.

It is very important that you keep all appointments. If you can't keep an appointment, make sure you tell your social service workers before the appointment. Keep your social service worker informed of any issues or concerns.

The progress you make on your case plan will be reported to the judge at each court date.

Your child may return to your care if:

- The goals of your case plan are completed;
- If the reason for the removal no longer exists;
- It is in your child's best interest to return to your care; or If the judge releases your child back into your custody.

(This is very important ) A federal law, the **Adoption and Safe Families Act**, requires Kentucky to keep your child safe and to find your child a safe and permanent home as quickly as possible.

If your child can not be safe in your care, your DCBS social service worker must have a plan, in no longer than 12 months from the ECO for placing your child in a safe and permanent home.

Unless otherwise decided by the court, the goal of the cabinet is to safely return your child to you or the caregiver from whom they were removed. It is possible that your child can be placed with a relative; however, DCBS will complete the necessary evaluations to ensure the relative's home is safe and appropriate.

### **What if I don't like parts of my case plan or if I have concerns with how my case is being managed?**

- First, talk with your DCBS social service worker to see if he/she can help.
- If your concern remains unresolved, or if your concern involves your DCBS social service worker and you cannot work it out, you may ask to speak to your DCBS social service worker's supervisor.
- If that does not resolve your concern, you may ask to speak with your regional office contact person.
- If the concern remains unresolved at this point, you may want to consider filing a service complaint. This can be accomplished by completing a service appeal form (DPP-154) that can be provided to you by your DCBS social service worker. Your DCBS social service worker is required to give you a service appeal form (DPP-154). You may fill it out if you are dissatisfied with the services that you are provided by your DCBS social service worker or if you feel that you have been treated unfairly. You will mail the Service Appeal Form to the address listed on the form.
- By using the **service appeal form** you are asking for a hearing. You will receive a letter from the Ombudsman's Office letting you know if your concern/complaint is one that can be heard before an administrative hearing officer. If it is not, you will receive a letter acknowledging that the complaint will not be heard and the letter will provide information about other options available to you.



- If you have concerns about something that the court has ordered. Your attorney can advise you on how to handle these situations.

Even though you may disagree with some actions that the court has taken on your case and you are in the process of appealing those court orders, it is important that you still follow the court orders until either your attorney or the court tells you otherwise.

### **How soon and how often will I see my child?**

The initial visitation agreement is negotiated during the initial case planning conference. Visits between parent and children must happen at least every two weeks for at least one hour.

The place and time you visit with your child will depend on the situation and circumstances of the case. As you make progress on your case plan, more visitation may be negotiated if it is appropriate.

It is important that parents come to all visits. If you are not able to attend a visit, let your DCBS social service worker know as soon as possible. If you cannot show up for visits for a valid reason such as changes in your job, a change in mental health appointments or the care of another child or relative, tell your social service worker immediately so your visitation schedule can be renegotiated.

### **How will my child be disciplined while in foster care?**

The foster parent that your child is placed with, must treat all children placed in their home with dignity. They are trained to use appropriate discipline techniques based on the age and developmental needs of the child.

#### **Foster parents may not:**

- Use any form of corporal punishment;
- Deny food, shelter, or clothing;
- Interfere with implementation of the child's case plan;
- Deny visits or contact with family members;
- Have the child engage in extremely strenuous work or exercise; or
- Act in bizarre, severe, cruel or humiliating ways (e.g. verbal abuse, derogatory remarks to the child or about the child's family, or make threats of removal from the foster home).

## **Will I have to pay child support while my child is out of my care?**

Your financial responsibility for your child will be determined by the court.

## **What can I (and all parents) expect from my social services worker?**

- You and your family will be treated with respect and courtesy.
- You and your family's questions and phone calls will be answered as quickly as possible.
- You will be visited by your DCBS social service worker at least monthly in your home to discuss the progress you and your family have made on your case plan. Your child will be visited at least monthly by your DCBS social service worker. This visit will take place where your child is living to ensure that your child's needs are being met.
- You will have a visit with your child at least every two weeks as arranged by your DCBS social service worker per the Case plan visitation agreement unless otherwise ordered by the court.
- You will be informed of all of your child's scheduled medical, dental, vision and therapy appointment. You will be contacted as soon as possible about any emergency physical or mental needs your child may have.
- You will be informed of your child's progress in school and of the activities that your child is involved in at school and at other places.
- You will be notified anytime your child is moved to a different relative or foster home.
- You will be informed of any changes in your child's medical condition.
- You will be notified if it is necessary to change a visit with your child, so make sure your social service worker has a way to contact you.
- You will be expected to attend the court hearing. If you can't afford an attorney the court may appoint an attorney to represent you.
- Your social service worker will assist you in making arrangements to receive services from community partners to help meet the needs of your family. You will be informed of any changes that will affect these services provided to you and your family.
- You will have a family meeting within 90 days of the ECO to discuss your case and look at the progress you are making on your plan to have your child returned to your care. Depending on your progress, there may be

changes to your plan in the event that your child cannot be returned to your care at that time. Your DCBS social service worker will encourage you to invite family members and others to this meeting that will be able to support you in completing your case plan. Your social service worker will inform the courts of the progress that you and your family make completing your case plan.

In rare cases, some of the above listed expectations will not occur due to court orders or other situations that are beyond the control of your DCBS social service worker.

Remember, if you fail to make progress on your case plan and the court decides that your child cannot live safely at home, your rights may be terminated and your child will be placed permanently in a home that can meet his/her care needs.

Your case plan goals must be completed within a specified time, as stated on your case plan. If you fail to meet the goals on your case plan by the established time, the judge may decide that your child cannot be returned your care. The judge may place your child permanently with a relative, place your child for adoption or establish another permanent plan to ensure that your child does not remain in foster care.

# Definitions

- **Abused/neglected child** - A child whose health or welfare is harmed or threatened with harm, by other than accidental means, when his/her parent, guardian or other person exercising custodial control or supervision of the child commits/inflicts/creates the situations defined by Kentucky Revised Statute 600.020, by other than accidental means.
- **Adoption and Safe Families Act (ASFA)** - Establishes goals of safety, permanency, child well-being and outcomes in the areas of safety and stability while in placement. Permanency is to be achieved in a limited amount of time while engaging appropriate physical, mental and educational services for children served. Cabinet for Health and Family Services (CHFS) - The mission of CHFS is to deliver quality services that enhance the health, safety and well-being of all people in the Commonwealth of Kentucky.
- **Case plan** - Tasks developed by your social service worker, you and other people helping you while your child is out of your care. These tasks are to resolve the issues that caused your child to be removed from your care. There will be tasks for each family member, your social service worker and the people caring for your child and others working with your family. This plan will be put together within ten calendar days of the temporary removal court hearing. Your case plan will be reviewed at 90 days and every six months from the Emergency Custody Order date.
- **Concurrent planning** - Involves a goal of Return to Parent and at the same time evaluating and starting other permanency options. Other permanency options include permanent relative placement, planned permanent living arrangements (PPLA), guardianship, and adoption. Locating absent parents and identifying paternal and maternal relatives is very important in this process. Contacting family members, including fathers and his relatives to get permanency for each child in care is essential.

**Community partners** - People from other agencies in the local community who might be asked to provide services to you or your family, be present with you at meetings regarding your family or asked to help make recommendations regarding your Community Partners involved in your case might include a mental health agency, school staff, medical staff, your family's attorney, etc.

- **Department for Community Based Services (DCBS)** - The mission of DCBS is to provide leadership in building high quality, community based human service systems that enhance safety, permanency, well-being and self-sufficiency for Kentucky's families, children and vulnerable adults.
- **Dependent Child** - Any child, other than an abused or neglected child, who is under improper care, custody control or guardianship that is not due to an intentional act of the parent, guardian or person exercising custodial control or supervision of the child.
- **Emergency custody order (ECO)** - The court may issue an ECO when it appears that removal is in the child's best interest and there is reason to believe that the parents or others exercising custodial control or supervision are unable or unwilling to protect the child and that the child is in danger of imminent death or serious physical injury or is being sexually abused. The court may also issue an ECO if the parent has repeatedly inflicted or allowed to be inflicted by other than accidental means physical or emotional injury. An ECO may be issued if the child is in immediate danger due to the parent's failure or refusal to provide for the safety or needs of the child. An ECO is effective for no longer than 72 hours, not including weekends and holidays unless the court grants a waiver.
- **Family services office supervisor (FSOS)** - Title of the social service worker's supervisor. FSOSs supervise a team of Social Services Workers in their county or counties they cover.
- **Ten-day conference/initial case planning conference** - Held ten calendar days after temporary removal hearing. The case plan goals, objectives and tasks are discussed at this meeting and all parties are assigned tasks.

- **Guardian ad litem (GAL)** - Attorney appointed by the court to represent your child.

**Home visits** - Social service workers are required by cabinet policy to make face-to-face visits with the adults and children on their case loads at least one time per month in the family's home setting. If the child is placed in a foster, relative or group home, the SSW is required to visit the child in the child's placement according to the policy regarding the child's type of placement. During the home visits, the SSW assesses the family's progress or lack thereof and provides or refers to appropriate services as necessary.

- **Office of the Ombudsman** - Answers questions about CHFS programs, investigates customer complaints and work with CHFS management to resolve them, advises CHFS management about patterns of complaints and recommends corrective action when appropriate.

The Office of the Ombudsman  
Cabinet for Health and Family Services  
275 E. Main St., 1E-B  
Frankfort, KY 40621  
(800) 372-2973  
<http://chfs.ky.gov/os/omb>

- **Protection and Permanency (P&P)** - The Division of Protection and Permanency is the part of the Department of Community Based Services that helps county offices when it comes to issues of child and adult protection and permanency for children.
- **Service Appeal/DPP-154** - Form you can submit to the Office of the Ombudsman to request an administrative hearing for appeal of a CHFS action that you dispute. A request for an administrative hearing must be mailed within 30 days from the date of the cabinet action you are appealing.
- **Social services worker (SSW)** - An employee of the cabinet who has been approved to provide social services and assistance to families and children to improve their situation.

- **Temporary removal hearing/72-hour hearing** - Held within 72 hours of the ECO being granted, not including weekends and holidays. The court determines whether to keep the child in the custody of the cabinet or someone else or send the child back to your care.
- **Visitation Agreement** - A signed form developed between you and your social service worker which details your visitation schedule between you and your child. A visitation agreement is usually developed at each case planning conference and can be modified at other times if needed.

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