How to protect your Home and Health While Fostering

- Introduction
- Definitions
- Relationships
- Documentation
- Advocacy

ALLEGATION PREPARATION AND PREVENTION STRATEGIES
DISCLAIMER STATEMENT

The purpose of this training is to provide you with information about ways that will minimize your risk & consequence of child abuse allegations. The ideas, information, and suggestions are meant for you to use as you develop the policies and practices for your home. No claim is made that this material will prevent a child abuse allegation. No claim is made that all practices must be used in all homes, or that such practices are the only ones you should consider. No responsibility is accepted for any misuse of this material. No responsibility is accepted for use of this material out of the context of providing information to assist you to make informed decisions about the policies and practices you choose to implement in your home.

Don Darland
I. INTRODUCTION

THINK ON THIS:

"THE PAIN OF DISCIPLINE LASTS FOR A MOMENT, BUT THE PAIN OF REGRET LASTS FOREVER"

PURPOSE

"TO GIVE YOU SOME BRIEF, CONCISE, PROTECTION STRATEGIES THAT MAKE SENSE FOR YOU AND YOUR HOUSEHOLD".

CW/DHS IS A "CHILD PROTECTION" AGENCY.

A. YOU MUST PROTECT YOURSELF.
B. YOU ARE IN CHARGE OF YOUR HOME & HEALTH.
C. YOUR BEST PROTECTION AGAINST ALLEGATIONS IS IN THE WAY YOU MANAGE YOUR PROFESSIONAL RESPONSIBILITIES, AND IN THE QUALITY OF THE RELATIONSHIPS YOU DEVELOP.
D. YOU CANNOT PREVENT AN ALLEGATION FROM BEING MADE, BUT YOU CAN MINIMIZE THE RISK OF A FALSE ALLEGATION BEING SUBSTANTIATED.
II. DEFINITIONS

ADDED FOR FOSTER PARENTS:

ATTN: SEE NEW LAW ACTIONS LATER

G. ABANDONMENT, INCLUDING DESERTION OR WILLFUL FORSAKING OF A CHILD IN CARE OR THE WITHDRAWAL OR NEGLECT OF DUTIES AND OBLIGATIONS OWED A CHILD IN CARE.

H. WILLFUL INFILCTION OF PHYSICAL PAIN OR INJURY UPON A CHILD IN CARE.

I. VERBAL ABUSE.

J. INVOLUNTARY SECLUSION OF A CHILD IN CARE FOR THE CONVENIENCE OF A CHILD-CARING AGENCY TO DISCIPLINE THE CHILD IN CARE.

"INVOLUNTARY SECLUSION" MEANS THE CONFINEMENT OF A CHILD IN CARE ALONE IN A ROOM FROM WHICH THE CHILD IN CARE IS PHYSICALLY PREVENTED FROM LEAVING.

"INVOLUNTARY SECLUSION" DOES NOT INCLUDE AGE-APPROPRIATE DISCIPLINE, INCLUDING BUT NOT LIMITED TO A TIME-OUT.
K. FINANCIAL EXPLOITATION.

"FINANCIAL EXPLOITATION" MEANS:

WRONGFULLY TAKING THE ASSETS, FUNDS OR PROPERTY BELONGING TO OR INTENDED FOR THE USE OF A CHILD IN CARE.

ALARMING A CHILD IN CARE BY CONVEYING A THREAT TO WRONGFULLY TAKE OR APPROPRIATE MONEYS OR PROPERTY OF THE CHILD IN CARE IF THE CHILD WOULD REASONABLY BELIEVE THAT THE THREAT CONVEYED WOULD BE CARRIED OUT.

MISAPPROPRIATING, MISUSING OR TRANSFERRING WITHOUT AUTHORIZATION ANY MONEYS FROM ANY ACCOUNT HELD JOINTLY OR SINGLY BY A CHILD IN CARE.

FAILING TO USE THE INCOME OR ASSETS OF A CHILD IN CARE EFFECTIVELY FOR THE SUPPORT AND MAINTENANCE OF THE CHILD IN CARE.

"FINANCIAL EXPLOITATION" DOES NOT INCLUDE AGE-APPROPRIATE DISCIPLINE THAT MAY INVOLVE THE THREAT TO WITHHOLD, OR THE WITHHOLDING OF, PRIVILEGES.

L. "INTIMIDATION" MEANS COMPELLING OR DETERRING CONDUCT BY THREAT.

"INTIMIDATION" DOES NOT INCLUDE AGE-APPROPRIATE DISCIPLINE THAT MAY INVOLVE THE THREAT TO WITHHOLD PRIVILEGES.
CERTIFICATION VIOLATION ("CONSULT"): 

A. ANY VIOLATION OF CERTIFICATION CONTRACT.
B. ISSUES NOT DETERMINED TO BE ABUSE BY DEFINITION.
C. "WE HAVE SOME CONCERNS"

GENERAL CONSIDERATIONS PERTAINING TO FOSTER CARE

1. TYPICALLY, FOSTER PARENTS ARE UNPREPARED FOR AN ALLEGATION OF ABUSE.

III. RELATIONSHIPS

"RULES WITHOUT RELATIONSHIPS, LEAD TO REBELLION"

"YOU CAN DEMAND RESPECT, BUT YOU MUST EARN TRUST AND CONFIDENCE"

1. PERSONAL / FAMILY / RELATIVES:
   A. THIS CAN BE YOUR BEST OR WORST ADVOCATE /RESOURCE.

2. DHS, CHILD WELFARE (CW/DHS):
   A. A MUST! NO WAY OUT OF THIS ONE.
   B. YOU MUST HAVE CLEAR EXPECTATIONS.
      1. NOT JUST POLICY.
      2. WHAT WORKER EXPECTS OF YOU.
3. WHAT YOU EXPECT OF WORKER.
   "HOW ARE WE GOING TO DISAGREE?"
   "WHAT HAPPENS DURING THE FACE TO FACE VISIT"?

4. HOME WALK THROUGH.

3. SCHOOLS
   A. INDIVIDUALIZED EDUCATION PLAN (I. E. P.).
   B. SURROGATE PARENT
   C. CUMULATIVE FILE
   D. FACE TO FACE COMMUNICATION. A MUST!
   E. OR Dept. Of Ed.
      http://www.ode.state.or.us/search/page/?id=3542

4. HEALTH PROFESSIONALS: PHYSICAL & MENTAL.
   A. YOU CHOOSE OHP UNLESS ALREADY ENROLLED.
      1. THERE ARE EXCEPTIONS
   B. BE INVOLVED OR NO THERAPY: MY OPINION

5. FOSTER PARENT COMMUNITY.
   A. FPA: LOCAL, STATE & NATIONAL
      "IF YOU ARE NOT AT THE TABLE, YOU ARE ON THE MENU".
6. COMMUNITY (CHURCH, FRIENDS).
   A. THEY WILL NOT, NOR CAN NOT UNDERSTAND CHILDREN'S BEHAVIORS.

7. BIO PARENT.
   A. YOUR CHOICE, CAN JOURNAL BETWEEN.
   B. SHOW RESPECT. THEY ARE OFTEN DOING THE BEST WITH WHAT THEY HAVE.
   C. SET LIMITS AS YOU WOULD WITH CHILDREN.

8. FOSTER CHILD.
   A. OF COURSE THE MOST IMPORTANT.
   B. LISTEN - LISTEN - LISTEN
   C. DEVELOP A RELATIONSHIP BEFORE GETTING PERSONAL. DO NOT PRY INTO THEIR PAST OR PRESENT.
   D. SET CLEAR RULES, EXPECTATIONS. WRITE THEM DOWN.

9. WHAT TO DO & EXPECT WHEN ALLEGATIONS ARE MADE.
   A. RELATIONSHIPS WILL SUDDENLY CHANGE.
      1. YOUR FRIEND THE WORKER WILL NOW DISTANCE THEMSELVES.
      2. YOUR CERTIFIER WILL NOT DISCUSS IT.
B. CONTACT A CONSULTING / MENTORING FP.

C. YOU MIGHT NEED A LAWYER.

IV. DOCUMENTATION

1. NOTE: WHEN YOU ARE TALKING TO YOUR WORKER, THEY ARE TAKING NOTES.

2. PHONE CALLS / MESSAGES LEFT, EMAIL, ETC.

3. COPIES OF CLOTHES RECEIPTS.

4. SCHOOL: ALL CONTACT

5. MEDICAL & DENTAL: MEDICATION MANAGEMENT

6. INCIDENT OF RESTRAINT

7. DAILY JOURNAL: NOT NECESSARILY EVERY DAY.
   A. SPECIAL FAMILY ACTIVITIES
   B. VISITATION
   C. SIGNIFICANT HEALTH PROBLEMS
   D. SIGNIFICANT EMOTIONAL & BEHAVIORAL DIFFICULTIES & CHANGES INCLUDING SIGNIFICANT PEER RELATIONSHIP CHANGES
   F. CHILD'S SUCCESSES & SPECIAL ACHIEVEMENTS.
G. SITUATION OF POSSIBLE MISUNDERSTANDING BY CHILD, PARENT, COMMUNITY, ETC.

H. ANY REQUEST FOR SERVICE OR ASSISTANCE FOR CHILD OR FAMILY.

8. HOUSE RULES: POST THEM

A. PRIVACY

B. DRESS

C. AFFECTION & PHYSICAL CONTACT.

D. ALLOWANCES /chores.

E. SOCIAL NETWORKING/COMPUTER/CELL PHONES (SEE HANDOUT).
   http://www.dhs.state.or.us/caf/safety_model/procedure_manual/appendices/ch4-app/4-23.pdf

F. THIRD PARTY PRESENCE

G. TV, ELECTRONICS ARE PRIVILEGES, NOT A RIGHT.

H. BED TIMES.

I. ELECTRONIC MONITORING.

SEE DEFINITION IN CERTIFICATION REGS.
http://www.dhs.state.or.us/policy/childwelfare/manual_1/division_200.pdf
NEW LAW ACTIONS

J. BECAUSE OF NEW ABUSE DEFINITIONS, I SUGGEST YOU REQUIRE A “SAFETY/PLACEMENT SUPPORT PLAN” FOR EACH CHILD. NOTIFY EACH CW OF PLAN(S). MAKE THEM SIGN THEM.

K. "PLACEMENT SUPPORT PLAN" MEANS A DOCUMENTED SET OF ACTIONS OR RESOURCES THAT IS DEVELOPED TO ASSIST A RELATIVE CAREGIVER OR FOSTER PARENT TO MAINTAIN CONDITIONS THAT PROVIDE SAFETY AND WELL-BEING FOR A CHILD OR YOUNG ADULT IN THE HOME.

L. SEE OAR 413-200-0285, "RESPONSIBILITIES WHEN DEVELOPING A PLACEMENT SUPPORT PLAN."

CONFIRMING A SAFE ENVIRONMENT

EVERY DHS CW WORKER IN YOUR HOME MUST CONFIRM A SAFE ENVIRONMENT. ASK THEM IF THEY HAVE DONE THAT BEFORE THEY LEAVE.
V. ADVOCACY

1. "EVERY FOSTER CHILD DESERVES AN IRRATIONAL ADVOCATE." Vera Fahlberg

2. ADVOCACY DEFINED: "TO BACK, DEFEND, SUPPORT, AND STRENGTHEN, FOR THE PURPOSE OF PRESERVATION".

3. FOSTER PARENTS CAN BE DEFINED AS "THERAPEUTIC PROFESSIONAL PARENTS", OR "THERAPEUTIC ADVOCATES".

4. YOUR EFFORTS WILL BE DETERMINED BY LENGTH OF PLACEMENT, CASE WORKER, BRANCH DYNAMICS, NEEDS OF THE CHILD, ETC.

5. RESOURCES:

   A. CONSULTING / MENTORING FOSTER PARENTS

   B. "LEGAL SHIELD" [formerly PRE-PAID LEGAL]
      www.legalshield.com

   C. CAF/DHS STAFF & POLICY

   D. OR Dept. Of Ed. Help for IEP
      http://www.ode.state.or.us/search/page/?id=3542

   E. CHILD’S "CANS" & ATTORNEY

   F. COURT: YOU HAVE A RIGHT TO BE HEARD IN COURT BY FEDERAL LAW
G. CASA & CRB

H. SCHOOL STAFF

I. INTERVENER STATUS, ORS 109.119

J. COMPLAINT REVIEW PROCEDURE OAR: 413-010-0400

K. YOUR PERSONAL FILE(REVIEW IT!)

L. AMERICAN FOSTER CARE RESOURCES, INC.
   540-775-7410//www.afer.com

M. OREGON FOSTER PARENT ASSN.
   888-544-3402  www.OFPA.com

N. http://www.fosterparentcollege.com

O. DISABILITY RIGHTS OREGON: https://droregon.org/

P. Trauma Informed Practice: http://www.nctsnet.org
FINAL THOUGHTS

PLAN AHEAD:

1. BEGIN BUILDING RELATIONSHIPS ASAP!
2. BE INFORMED ON POLICY & PROCEDURES.
3. OBTAIN & CONTINUE TO ASK FOR INFORMATION ON CHILD(REN).
   A. PLACEMENT FORM—MAKE YOUR OWN
4. DEVELOP A CARE PLAN / PLAN OF ACTION.
   A. SIMPLE
5. OBTAIN CHILD/BEHAVIOR SPECIFIC TRAINING.
6. COUNT THE COST / WEIGHT THE RISK.
7. DEVELOP PERSONAL RESOURCES.
   A. CHURCH
   B. FAMILY
   C. FRIENDS
   D. COMMUNITY PARTNERS
8. KEEP KIDS INFORMED.
   A. RULES AND PLANS
9. DO NOT COMPROMISE YOUR SELF-IMPOSED LIMITS.
10. GET RESPITE !!! TAKE CARE OF YOURSELF !!!
11. GET YOUR SAFETY/PLACEMENT SUPPORT PLAN(S) IN PLACE NOW!!
Who will be notified of the report of abuse and be notified of the disposition of the CPS assessment?

- Law enforcement (by law, all reports of abuse must be reported to law enforcement)
- Office of Child Care (if you are a licensed in-home child care provider)
- The child’s or young adult’s attorney
- The Court Appointed Special Advocate (CASA)
- The child’s or young adult’s legal parents and their attorneys, unless notification may interfere with an investigation or jeopardize safety
- Juvenile Court
- State staff responsible for children or young adults placed in your home
- Others as needed or required by law

Will a CPS assessment affect my certification?

Your certifier will discuss next steps for your certification. The timing of this discussion and the next steps depend on the information gathered during the CPS assessment. Those steps can range from no further action, to additional training requirements or a change in your certification status.

*Adapted from the Foster Care & Adoption Resource Center.

Contact information

Your CPS worker is:
Phone number:

The CPS supervisor is:
Phone number:

Your certification worker is:
Phone number:

The certification supervisor is:
Phone number:

Your foster parent/relative caregiver support person is:
Phone number:

For more resources, please go to: http://www.oregon.gov/DHS/Children/fostercare/Pages/index.aspx
Why has a CPS assessment started?
The Department of Human Services (DHS) received a report that someone in your home abused a child or young adult in your care.

What should I expect during a CPS assessment?
- No added placements in your home. You will be on an inactive referral status and receive a letter with further details.
- A CPS worker will, and Law enforcement may, meet with you and your family.
- A CPS worker will interview everyone living in your home. This includes foster, adoptive, guardianship and birth children in your home. If appropriate, the caseworker may conduct interviews before contacting you.
- The child or young adult may receive medical attention or a medical exam as part of the assessment. The worker may ask you to schedule or take the child or young adult to a medical appointment.
- Depending on what is reported, the CPS worker must make contact within 24 hours or within five days of the report.
- The CPS worker will investigate the report and determine the disposition.
- Within 10 days of the conclusion of the CPS assessment, you will be notified of the disposition.

During a CPS assessment, DHS staff are expected to:
- Treat you with dignity and respect, free from discrimination.
- Accommodate your language or other special needs.
- Tell if you are the person alleged to be responsible for the abuse. They will give you general information about the report and tell you why the assessment is taking place.
- Let you know your right to have another foster parent or relative caregiver to support you during the CPS assessment.
- Notify you that you can discuss certification issues with your certifier. Your certifier cannot discuss details of the CPS assessment with you. You can discuss the CPS assessment with the CPS worker.
- Provide you with contact information for a supervisor should you have concerns regarding DHS’ actions.

Children or young adults placed in your home may be removed for safety reasons
A child or young adult may be moved for well-being and permanency needs, even when there are no safety concerns.

What can I do during the CPS assessment?*
- Try to maintain a neutral attitude.
- Stay focused on understanding and following procedures. These are in place to resolve reports of abuse.
- Read documents carefully and ask questions about anything you do not understand.
- Give facts and documentation to the CPS worker about what may have caused the report to be made.

What is a CPS disposition?
The CPS assessment determines whether the alleged abuse occurred.
"Founded" or "Substantiated" means there is reasonable cause to believe abuse occurred.
"Unfounded" or "Unsubstantiated" means there is no evidence abuse occurred.
"Unable to determine" or "Inconclusive" means there is some indication abuse occurred, but there is insufficient evidence to conclude there is reasonable cause to believe abuse occurred.

Can I challenge the results?
You will be notified of the disposition. If it is determined you are responsible for abuse, you will receive a letter that explains your right to have the decision reviewed. There is only a review process if the results are “founded” or “substantiated.”
As a foster parent (including preadoptive parents and relatives caring for children in foster care), you have a right to notice and an opportunity to be heard in any juvenile dependency court review or hearing regarding your foster child(ren). This guide explains the juvenile court dependency process in Oregon and describes how you can provide information to help the court make its decisions.

This guide was developed, printed, and mailed with a grant from the Oregon Children’s Justice Act Task Force.
OREGON COURTS PROVIDE JUSTICE AND UPHOLD THE RULE OF LAW. You are key to our ability to ensure safety, permanency, and well being for Oregon’s abused and neglected children. As a foster parent, you may have information that will help the court make decisions about the dependent child in your care. This guide has valuable information to help you understand the juvenile court dependency process in Oregon. This guide will also help you prepare to share important information with the court involving a dependent child in your care.

LOCAL COURT CULTURE
Although this guide provides a general overview of the process, local courts may have additional specific procedures or policies regarding juvenile dependency cases. The child’s attorney, CASA (Court Appointed Special Advocate),* or caseworker can tell you local procedures and policies that affect your foster child’s case.

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* CASA (Court Appointed Special Advocates) are trained volunteers available in most counties. The court appoints them to advocate for the best interests of the child. For more information on the CASA program and to determine whether a program is available in your county, contact the statewide CASA Program Coordinator at 503.373.1283.

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This information may help the court make decisions about your foster child. You need address only issues related to the child’s case. Because court time is often limited, you need not repeat information provided by parties. Some judges may ask you specific questions related to these topics.

Educational Information
- The child’s grade in school and whether the child is performing at grade level.
- The dates of any school conferences you have attended and the results of those conferences (especially if the child is in special education classes).
- Any educational testing the child has had, who administered the testing, and the results of the testing.
- The child’s progress in meeting developmental milestones.

Behavioral Information
- A brief description of the child’s behavior in your home.
- Any services the child is receiving to address behavioral difficulties, who provides the services, and how often.

Visitation
- The dates of visits between the child and the child’s parents or other family members.
- If you supervised the visits, a brief description of the behaviors of the child and the other family members present at the visits. Carefully describe only the behavior; do not comment on the reason for the behavior.
- A brief description of any arrangements for sibling visits.
- The dates of any telephone contacts between the child and parents or other family members.

Recommendations
- A brief description of any services you believe the child would benefit from and why.
- Your recommendation as to the plan for the child.

Thank you for your commitment to Oregon’s foster children.
INFORMATION THE COURT MAY FIND HELPFUL

Placement Information
• The date the child came into your home and a brief description of the child’s physical and emotional condition at that time.

Medical & Dental Information
• Doctor/dentist visits or hospitalizations since the last court hearing, and the results of those visits.
• Any medications the child is taking and the dosages.
• Any adverse reactions the child has had to medical procedures or medications.
• A brief description of the child’s physical development, and any developmental lags you have observed.

Child’s Cultural Interests and Other Special Activities
• A brief description of any special activities in which the child participates (scouts, music lessons, church groups, etc.).
• A brief description of how the child’s cultural interests are supported.

THE RIGHT TO NOTICE & THE OPPORTUNITY TO BE HEARD
Oregon law requires the Department of Human Services (DHS) to provide notice of a hearing concerning the child to a foster parent (including preadoptive parent or relative) who is currently providing care for a child. The law also requires that the court give the foster parent the opportunity to be heard.

Oregon courts are committed to giving all care providers the opportunity to share information about the day-to-day experiences, behaviors, and needs of children in their care. Although judges have a limited amount of time for each case, they want to gather as much information from you and all parties present before making their decisions. Some judges will ask you specific questions about the child in your care; others will ask or allow you to make a short statement. The most effective short statements focus on the child’s physical, emotional, educational, and social development and your thoughts about the best plan for the child.

As a foster parent, you are not considered a legal party to the juvenile court proceeding even though you have right to notice and an opportunity to be heard. “Legal parties” include the birth parents, the agency (DHS), the CASA, and certain others designated by Oregon law. These people have special legal rights in addition to notice and an opportunity to be heard.
Oregon’s Juvenile Dependency Court Proceedings

This hearing must be held within 24 Judicial hours after placement (excluding weekends and holidays). The purpose is to determine issues about removal of the child from parental custody.

This time line shows the maximum times permitted by state and federal law. Courts may schedule proceedings sooner than the times shown due to the special circumstances of a case and parent progress with the case plan. Courts sometimes schedule additional hearings following jurisdiction to review parental compliance and progress on the case plan.

Shelter Hearing

Pre-Trial (Preliminary) Hearing

Jurisdiction & Disposition Hearing

CRB Review

CRB Review

Permanency Hearing

Day 1

Day 30

Day 60

Day 180 (6 months)

Day 360 (12 months)

Day 420 (14 months)

This hearing resolves as many issues as possible before trial including: wording of the petition, negotiations, and admission or denial of allegations. In some cases, parents may admit or deny allegations by filing papers with the court instead of appearing at a hearing.

At this hearing, the court takes evidence and makes decisions on the allegations of the petition. Judges also issue their rulings (also called the disposition) on the case plan, services, timelines, and consequences of noncompliance.

The Citizen Review Board (CRB) reviews the case plans of children in substitute care. The parents, foster parents, attorneys, caseworker, other interested parties, and child, if appropriate, are invited to attend the review and discuss the plan for each child. The CRB makes recommendations and findings as to whether the plan and services are appropriate. Subsequent CRB reviews are held every six months unless the court holds a hearing that cancels the CRB.

At this hearing the court reviews parent progress and decides on a permanent plan for a child in foster care. Subsequent permanency hearings are held every 12 months until the child leaves care.