

# Family Handbook



November 2017

Montgomery County Office of Children and Youth

VISION

*To promote a peaceful community where children are safe and families are supported and happy.*

MISSION

*To deliver effective child welfare services that empower families to appropriately care for their children and maintain or achieve a desirable quality of life in the best interest of each child.*

## Parents/Legal Guardian Rights

You will always be included in the planning and decision making for your family. As a parent or legal guardian you have the right to appeal any plan or decision made on behalf of your family. Parents or legal guardians are encouraged to discuss disagreements with their assigned caseworker first; however, the caseworker's supervisor and/or administrator are also available to you.

Parents/Legal Guardians have the right to:

- Obtain legal representation anytime during involvement with the agency
- Services that best meet the needs of your family
- Fair and equitable treatment
- Participation in the development and revisions of family service plans
- Notification and participation in any court hearing that may be scheduled.
- Copies of all documents that pertain to your family.

## Grievance Process

If you have a complaint or objection to services you receive and are unable to resolve concerns with your caseworker, the following grievance procedures may be used to make sure that your concerns are addressed. Whenever possible, notify your caseworker about a decision that troubles you before beginning this process.

Step I: If the concern cannot be resolved with your caseworker you have the right to a face-to-face conference with your caseworker and their supervisor. Your caseworker will arrange the conference at a mutually convenient time.

Step II: If the conference does not resolve the issues, the supervisor will ask you to put your concerns in writing using the Grievance Form in the appendix of this handbook. The Grievance Form will be given to the division administrator. The administrator and supervisor will arrange to meet with you within five (5) work days at a mutually convenient time. A written response to your concerns will be mailed to you within (5) work days following the meeting.

Step III: If Step II does not result in a satisfactory agreement, you may appeal to the OCY Director by filing a written appeal or calling 610-278-5800 within five (5) work days of receiving the written response to your complaint.

The above procedures do not deprive you of your right to other alternative actions. At any time you may discuss your concerns with a lawyer (Parent/Legal Guardian Rights), file an appeal requesting the matter be addressed by the Juvenile Court or the state Department of Human Services, or request a meeting with the OCY 504 Coordinator if you believe that discrimination has occurred.

## Table of Contents

What happens after my family becomes involved with the agency? .....	5
What is a Family Service Plan? .....	5
What if I want to Appeal the Family Service Plan? .....	6
What is Permanency Planning? .....	6
What are the Permanency Goals? .....	7
Who will be working with my family? .....	9
What is Family Engagement? .....	10
What is confidentiality and why am I being asked to sign a release of information? .....	11
How do I get a lawyer? .....	12
When could the court be involved? .....	12
Why was my child removed from my home? .....	13
Where will my child be placed? What should I do? .....	13
Can I visit with my child? .....	14
Why do I need to go to court? .....	15
In Closing .....	20
Important Information .....	20
Appendix .....	22

## What happens after my family becomes involved with the agency?

It's important that families understand that Montgomery County Office of Children and Youth (OCY) is required by law to investigate all reports of child abuse and neglect and assess the safety and well-being of children who come to the agency's attention. However, the agency is also committed to partnering with families in order to develop the best plans and solutions to address any identified concerns. OCY's primary objective, whenever possible, is to keep a family together. The agency is required to provide services to meet the family's needs and promote family stability.

If OCY believes that, under the law, your child cannot safely remain in your care, the agency will first try to make arrangements with you for your child to be cared for by a relative or friend. With OCY's agreement a child may reside temporarily with someone else and avoid court involvement. If this is not possible, OCY must tell the Juvenile Court Judge and obtain an emergency court order allowing the agency to remove your child from your home. A Juvenile Court Judge will only remove a child from your care and custody to protect the child's safety or health. If the Juvenile Court does become involved, arrangements can still be explored for your child to reside with a relative or friend.

Once OCY completes an investigation related to the initial concerns, a decision is made to either continue or discontinue services. When the decision is to continue to provide services it is often referred to as "opening a case." Every family that remains involved with the agency develops a family service plan with their assigned caseworker at the time a case is opened for services.

## What is a Family Service Plan?

The Family Service Plan (FSP) is a written agreement between your family and the agency that outlines goals and objectives to support your family and help resolve the issues that require OCY involvement. It includes actions both you and the agency must take to help reach the identified goals and/or objectives. If your child is placed into foster care, the FSP also details actions to help facilitate, first and foremost, the return of your child to your care. However, at the same time the FSP also identifies another permanency goal, known as a "concurrent goal" for your child in the event returning to your care is not possible.

Your assigned OCY caseworker will schedule a time to meet with you to develop the FSP in order to create the best plan for your family. You may bring family members and other people who support you to these meetings if they will be helpful. If you agree with the FSP, you will be asked to sign the plan. If you do not agree, you are encouraged to attach a statement outlining your disagreement. You will always receive a copy of the FSP. Additionally, if you have a lawyer and/or service provider they will also get copies.

Remember, the Family Service Plan is about your family; therefore, participation is very important. Engage in all meetings. Your family has many strengths from which to build upon. Make sure the offered services are helpful and that you are clear about information contained in the FSP.

If the Family Service Plan is not working for you, and/or you are having trouble getting the services you need, ask for another meeting. The OCY caseworker can change the FSP at any time to show the changing needs of the family. If you are not in agreement you have the right to appeal the FSP.

### What if I want to Appeal the Family Service Plan?

Parents or legal guardians have the right to appeal the Family Service Plan or any reviews of these plans which have been approved by OCY. Copies of all documents, Court Orders and Permanency Reviews, if applicable, will be provided to you. You will be asked to sign documents to indicate that you have had opportunity to review them. As a parent/legal guardian you may also attach a written statement of any disagreement to the FSP. Reasons for filing an appeal may include:

- Denial, reduction or termination of services
- Failure of OCY to provide or arrange for services specified in the plan or review
- Failure of OCY to take into account the parents' or child's choice of service(s)
- Failure to act upon request for services with reasonable promptness

Appeal time requirements and alternative appeal processes (to OCY administration, the Department of Human Services or the Juvenile Court) are spelled out in your FSP.

### What is Permanency Planning?

The overall safety, permanency, and well-being of your child are of the utmost importance. Every child involved with OCY has permanency goals established. Most children have the primary goal of "Assure Safety/Stabilize Family Functioning and Prevent Placement" however, it is important to establish a goal if your child cannot remain in your care. When a child is placed into the care and custody of OCY the agency must adhere to certain laws and regulations. One such law known as the Adoption and Safe Families Act (ASFA) is a federal law that dictates how OCY and your family need to work together in the best interest of your child. There are several important aspects of ASFA:

- ✓ Every child deserves to acquire permanency quickly. In order to achieve timely permanency for children it is necessary to develop, communicate, and work

simultaneously on two types of plans in the event reunification is not possible. This is called “concurrent planning.” Concurrent planning is particularly important so that children removed from their parents don’t end up spending their childhood in foster care. While the agency works with you to reunify your child back into your care and custody, they will also actively work towards another permanency plan.

- ✓ Court hearings must be held to review progress towards permanency planning.
- ✓ Any child remaining in foster care at 12 months must have a decision made by the Juvenile Court determining whether your child will be:
  1. Returned home (and when)
  2. Placed for adoption or in legal custodianship
  3. Placed in another permanent arrangement
- ✓ A parent or legal guardian with a child in foster care 15 out of 22 months could move towards termination of parental rights and the child placed for adoption. By law the agency is required to file a petition to have the child freed for adoption; however, several exceptions exist.

Montgomery County OCY understands that having your child placed into foster care can be a very emotional and difficult experience. For this reason, working together is critically important and in the best interest of your child.

## What are the Permanency Goals?

Permanency goals are listed on both the FSP and on court orders. Although the wording is sometimes different the goals mean the same. Your FSP will list a goal and a concurrent goal.

**FSP: *Assure Safety/Stabilize Family Functioning***

**Permanency Review Court Order: *Remain with Parent or Guardian***

Most children remain safely at home with their parents/caregivers. The goal for your child will be to “assure safety/stabilize family functioning.” This means that you and your OCY caseworker will work together to develop a FSP that supports addressing areas of concern while your child remains in your care. However, remember there is a possibility that it is determined at some point that your child cannot remain in your care, for that reason the agency must consider another (concurrent) plan. For children residing with their parent or guardian most often either “placement out of the home” or “placement with a relative” is chosen.

**FSP: *Return Home***

**Permanency Review Court Order: *Return to Home***

If your child is placed into foster care, in most cases, the goal for your child will be to return home to you. As previously mentioned, your FSP will outline areas to work on that led to

your child's removal. The court will also require you make some changes before returning your child to your care and custody. Remember, you have limited time to make your home safe and provide proper care of your child so begin working with OCY right away. Federal law also requires the OCY caseworker to help you with your Family Service Plan so you and your child can be reunited. The work the OCY caseworker does to help you is called reasonable efforts.

**FSP: *Adoption***

**Permanency Review Court Order: *Adoption***

If you cannot reunify with your child, the federal law says the most permanent option for your child is adoption. If your child's concurrent goal is adoption that means your parental rights will be ended and someone else can legally become your child's parent through adoption. Termination of parental rights is permanent. By law, when your parental rights are ended, all your rights to your child are terminated. However, the adoptive parent may voluntarily enter into an open adoption agreement with the parents to continue contact or communication after the child is adopted. This agreement is voluntary and subject to court approval.

**FSP: *Placement with Permanent Legal Custodian***

**Permanency Review Court Order: *Placement with Legal Custodian (non-relative or relative)***

In many cases, if your child cannot reunify with you, your child's concurrent goal will be adoption. If adoption is not possible, your child's alternative plan may be permanent legal custodianship (PLC). If PLC is your child's permanent plan this means you keep your parental rights but someone else becomes your child's legal custodian until your child turns 18 years old. The legal custodian will give a permanent home to your child and is legally responsible for raising your child. This person, often a relative or foster parent, will be responsible for making important medical and school decisions for your child. You may continue to see your child as the court allows. You may visit with your child, if the judge orders it, as well as be ordered to pay child support as many caregivers receive a subsidy to support the child.

**FSP: *Placement with a Relative***

**Permanency Review Court Order: *Placement with a Fit & Willing Relative***

If your child cannot reunify with you and adoption and permanent legal custodianship are not possible, then your child's concurrent goal may be placement with a fit and willing relative. This means your child will live with a relative, godparent or family friend. The court case will close. You keep your parental rights, but your child lives with his/her relative, not with you. You may visit with your child, if the judge orders it, as well as be ordered to pay child support.

**FSP: *Independent Living***

**Permanency Review Court Order: *Another Planned Permanent Living Arrangement (APPLA)***

If your child is sixteen or older, cannot reunify with you and none of the other concurrent goals described above are available, then the concurrent plan for your child will be independent living. Independent living offers your child permanency similar to that provided by a family, that is, it should provide consistent emotional support and shelter for your child until your child achieves full independence or one of the other goals described above. This may include residing in a group home setting, specialized independent living program, or remaining in a foster home. If your child's concurrent goal is independent living this means your child will not be living with you. You may visit with your child, if the judge orders it and also be ordered to pay child support.

**Who will be working with my family?**

A number of individuals may come into contact with your family while you are involved with OCY. Primarily your assigned OCY caseworker will be your point of contact and work closely with you.

Montgomery County Office of Children and Youth Caseworker: The OCY caseworker must make sure you and your family receives the help and services you need. Your caseworker should meet with you at least every 30 days, but could be more frequent as needed. If your family is involved with Juvenile Court, your OCY caseworker must provide updates to the Judge. Additionally, your OCY caseworker sets up planning meetings, connects you to resources and checks in with any service providers working with your family. Your caseworker may change from time to time as your case moves forward. If at any time you don't know who your OCY caseworker is, or if you don't know how to get in touch with your caseworker, call 610-278-5800, 8:00am-4:30pm Monday through Friday or call 610-275-1222, after normal office hours.

Service Providers: These are the professionals providing services to you and your child. They may include (but are not limited to) a therapist, mental health specialist, family counselor, drug or alcohol counselor, in-home service provider, child specific worker, and supervised visitation staff.

Lawyers: Lawyers are also called advocates, attorneys, counsel, and/or solicitors. If your family is involved with the Juvenile Court, your child will have a lawyer. Your child's lawyer may sometimes be called a "guardian ad litem or GAL." In some instances a special child advocate from the Montgomery County Advocacy Project known as a "MCAP" is appointed. Most times, MCAPs are appointed when a child is determined to be a victim of abuse or serious neglect. You also have the right to have a lawyer represent you. You can

obtain a lawyer on your own or ask the court for assistance. The agency will have a lawyer too called a “solicitor.” The agency solicitor’s job is to represent OCY in any court proceedings and report the agency’s view. Stay in contact with your lawyer and tell your lawyer if your address or phone number changes. If at any time you don’t know who your lawyer is, or if you don’t know how to get in touch with your lawyer, ask your OCY caseworker for assistance.

Juvenile Court Judges or Masters: The judges/masters from Juvenile Court make decisions during court hearings about your child and family. Not every hearing will be in front of a judge, many hearings are heard by a master. Masters can do most of the things judges can do with the judges’ permission. If you have any questions, ask your lawyer.

Foster Parents: If your child is placed into foster care they will be cared for by a foster parent or a resource family, as they are sometimes known. A foster parent can be a relative or family friend, also known as a kinship foster parent, or someone you do not know. All foster parents are people who have been approved and licensed by either OCY or a service provider to care for children that OCY retains custody. Foster parents must successfully complete background checks and a lengthy home study process before being licensed. Foster parents are also required to participate in ongoing training to understand children’s developmental needs and appropriately meet a child’s individual needs. It is important to note that foster parents will not only care for your child, but also provide assistance to you where they can.

## What is Family Engagement?

Montgomery County Office of Children and Youth believes that a child’s family is their best resource. Despite the challenges that brought your family into contact with the agency, we will make every effort to involve you in decision making for your child. We believe in a strength-based approach and will look at your family’s strengths and resources. We embrace partnering with families as a best practice and find that when parents are “at the table” planning goes more smoothly. As previously mentioned your OCY caseworker is your primary point of contact and will meet with your family regularly; however, the agency also encourages families to take advantage of other Family Engagement activities or meetings offered by the agency. They include:

*Family Finding* - a process of identifying, locating, and contacting family connections and resources. Family Finding is a requirement of OCY that involves reaching out to relatives, friends, or any other people that can provide support to your family. OCY wants to help make sure you have all of the resources you need to keep your family together. In the event a child cannot safely remain in their home, or an emergency arises, OCY will look for your child’s family members and/or close friends who could potentially act as a caregiver to the child. Since OCY will be reaching out to all family they can identify, if there are any family situations that OCY should be concerned about, please notify your caseworker.

*Team Decision Making* - a meeting to engage family, professionals, and community resources to explore and make the best plan for the child's foster care placement, return home, or to assist a youth turning 18 and preparing for independent living. These meetings are led by a trained neutral facilitator and focus on strengths utilizing the key people in a child's life.

*Family to Family Meetings* – a meeting held when children are placed in foster care. These meetings are held to bring together the birth parents, foster parents and professionals to create a relationship which will enhance the child's placement. The parent's goals will be discussed so that the team can assist in achieving permanency as quickly as possible for the child.

*Family Group Decision Making* - a process designed to empower and strengthen families to make their own decisions about children who need protection or care. A trained neutral facilitator brings together family, friends, professionals and community members to create and carry out a plan to safeguard children and address the needs of the family. The family develops a plan that can be supported by OCY.

*Hi-Fidelity Wraparound* - a team process for families in need of supports. The HiFi process involves professional assistance to family members with formation of their own treatment plan and identification of both formal and informal supports and services to assist with supporting the family unit. A peer support and family support partner are included to assist the youth and family on an ongoing basis.

All family engagement activities or meetings are designed to enlarge the circle of family resources and who can support your family. During meetings you will talk about the strengths and needs of your family. You may feel everyone is asking you a lot of questions, but the answers to these questions will help the caseworkers understand how they can help you better. Ask questions if you do not understand something talked about in these meetings.

These meetings are an opportunity to bring family members and other supportive individuals, along with a few professionals to share information and develop plans for your children. It is important you know that OCY will discuss concurrent planning during these meetings. This might include discussions about your child residing out of your care, adoption and/or another permanency plan even while OCY works with you within your current situation. It is also important that your relatives, child's caregivers, if applicable, participate in these discussions as these connections may be valuable for you and your child regardless of any future outcome.

## What is confidentiality and why am I being asked to sign a release of information?

Family Service Plans include services for parents such as mental health treatment, substance abuse counseling, family therapy and/or parenting education. Usually, your meetings with mental health treatment providers, substance abuse counselors and therapists are confidential (this means they cannot share information about you with anyone else). Your OCY caseworker will ask you to sign a “release of information” so the service providers you are working with can share information about you with each other and with the OCY caseworker and the judge/master.

In most cases, allowing a release of information is important and can help move your FSP objectives forward quickly. Your OCY caseworker may need to talk to service providers to figure out what services will be most helpful. Also, the people working with you might want to talk to each other about how you are doing and what they should each be doing to help you. Your OCY caseworker cannot recommend that the judge return your children to you unless he/she knows how you are progressing on your Family Service Plan.

In some cases, you may not want to sign a release of information. If you have questions about whether or not you should sign a release of information, you may talk to a lawyer.

## How do I get a lawyer?

As a parent or legal guardian you have the right to pursue representation by an attorney during any and all involvement with the Montgomery County Office of Children and Youth. You may obtain legal counsel at any time.

The Montgomery County Legal Aid Service provides assistance to persons meeting financial requirements. If you are summoned to court, a lawyer from Legal Aid will be available at all hearings in Juvenile Court to represent parents/guardian who qualify for their services. If you are not eligible for Legal Aid Services you can request the court to consider appointing counsel for you.

Remember, it is your responsibility to talk with your lawyer. You should tell your lawyer about the progress you are making and how your visits with your child are going. Call your lawyer if you have questions about your case. If something happens that worries you or that you think might hurt your case, call your lawyer to talk about it. Always tell your lawyer if you change your phone number or address.

## When would the Court get involved?

Only a small percentage of families that are involved with OCY also have Juvenile Court involvement. If your family is summoned to court it is because concerns related to the safety, health, and/or well-being of your child are present. In general, these are concerns that continue to exist after services were provided, FSP objectives remain unchanged, and/or you and the agency disagree on the actions that need to be or have been taken to keep your child in a harm free environment.

Involvement in the Juvenile Court system does not always mean your child will be removed from your care. Your OCY caseworker will always attempt to work with you to resolve the issues that led to your OCY involvement before requesting court involvement. However, OCY also knows that there are times when families and the agency are at odds. If the assessment of your OCY caseworker in conjunction with consultation with their immediate supervisor and the agency solicitor determine that your child's safety is not assured, court involvement will be pursued. (See below for types of court hearings.)

## Why was my child removed from my home?

Your child was removed from your care and custody because the Juvenile Court Judge believes there is a serious concern about your child's safety. This concern may come from reported neglect (you did not meet the basic needs of your child) or abuse (physical, sexual, or emotional). Sometimes emergencies like sickness, injury, or death of a child's parents or caregivers places the child in a situation where their safety, health, and/or well-being cannot be assured and the Juvenile Court judge decides the child cannot remain at home.

## Where will my child reside if they are not in my care? What should I do?

You have an important role helping OCY decide where your child will reside while they are not in your care. When possible, OCY will try to place your child with a family member or good friend who knows your child well. Children do best when living with people they know. Make sure to give your OCY caseworkers the names, addresses and phone numbers of family members and/or close family friends who might be willing to care for your child.

You may be able to arrange for your child to stay with a relative, if you do this, the court may not be involved. OCY may agree to the family making a private arrangement to care for the child. Although OCY does not have legal custody of the child, the agency must first do a background check of the relative and all other adults in the home as well as check the home before your child resides there. In other cases OCY may agree to your child residing with a

relative who can apply to become a licensed foster parent. Your relative can only apply if the child is in OCY custody. Foster care placement with a relative is called kinship care.

It may not always be possible for your child to reside with someone they know. If that cannot happen, your child will stay with a foster family. In some cases, a child's special needs may require specific treatment by specially trained foster parents or professionals, such as a treatment foster home, group home or live-in treatment center. OCY will try very hard to place your child somewhere close to your home and school. You have much information to share with the foster parent or professional caring for your child, developing relationships with those individuals is very important. OCY will also try to keep your children (siblings) together whenever possible. If your children must be separated, the agency will ensure that they remain in contact through foster parents and visits.

The Office of Children and Youth will have your child seen by a doctor and dentist. If there is a medical emergency, OCY will do our best to reach you immediately. For this reason, it is important for you to make sure your caseworker has your current telephone number at all times. You will be kept informed of all obtained medical and dental care. To help make this difficult situation easier on your child and the care that they receive your caseworker will ask you to provide the following documents:

- ✓ Birth Certificate
- ✓ Social Security Card
- ✓ Health Insurance Card
- ✓ Immunization Records
- ✓ Consent for Medical and Surgical Treatment

It is also important you know that OCY must file for child support with the Montgomery County Domestic Relations office to help pay for the cost of your child's foster care. The Domestic Relations office will contact you and set up an appointment to discuss child support. Their telephone number is: 610-278-3646.

## Can I visit with my child?

Visits are very important to both you and your child. Visits help your child to know that you care about them. Visits help encourage you to keep doing the hard work to have your child return to you.

Your visiting plan will be decided during your meetings with OCY and/or at court hearings. In general, the agency schedules visits every week between child and parents/caregivers.

Visit with your child as often as possible. Go to invited doctor visits, school activities and meetings, and other important events in your child's life. If you must miss a visit, call before

the time to explain why you can't make it, and ask to reschedule. If you need help getting to a visit with your child, let your OCY caseworker know. Even if you are in jail, you can still visit your child. Talk about visitation with your lawyer and caseworker.

It is very important to keep in touch with your OCY caseworkers and service providers (people who try to help you like a counselor or therapist). Also keep in touch with your lawyer. Tell your caseworker and attorney if your phone number or address changes. Go to all meetings and court hearings.

## Why do I need to go to court?

You need to go to all court hearings because a judge/master will be making decisions about your family. It is important that the judge/master sees you in court so he/she knows you care about what is happening with your family. Your lawyer will tell your views during the court hearings based on what you said. It is very important that you attend ALL hearings in Juvenile Court. If you miss a hearing, the judge or master may still make decisions about your family based on what OCY and the lawyer representing your child have told the court. Your lawyer may not be able to represent you if you do not come to court every time you have a hearing.

If your child enters into foster care you will need to attend court hearings. A master hears most of the cases instead of a judge. You always have the right to request a judge to hear your case. If a parent or guardian is in jail, he/she still has the right to participate in all court hearings and team planning meetings. In these cases, the agency will request for you to be transported to participate in person; however, if you cannot attend in person, arrangements will be requested for you to participate by phone or video conference, when available.

You will always be given advance notice of a scheduled court hearing. There are times hearings need to be rescheduled also known as a "continuance" due to the many cases heard by Juvenile Court; however, you will always be informed.

Each Juvenile Court hearing has a specific purpose:

### Motion to Compel Cooperation:

The agency may request a court hearing if a family is in the process of being assessed for services and is not accepting agency involvement, where there may be a child safety concern, or a need for the agency to complete a mandated requirement under the law. These hearings are meant to have the court authorize the agency to complete their assessments and work with the family while maintaining the child at home if possible and safe.

### Motion to Approve Safety Arrangement/Plan:

Safety arrangements/plans are frequently developed with families as a way to address an identified safety concern of children and prevent foster care placement. If a safety arrangement/plan has been developed and you do not agree with the agency's recommended arrangement/plan, you have the right to appeal the safety arrangement/plan by asking the court to review and determine if it is appropriate. All attempts will be made to hold the court hearing within 72 hours of the request.

### Shelter Care Hearing:

If the court grants an emergency order to remove your child from your care and place them into foster care, the next thing you will need to do is go to an Emergency Shelter Care Hearing. This hearing must be held within 72 hours (3 days) of the emergency order. If a weekend or holiday falls during the 72 hour period, the hearing will be held on the next business day. At this hearing, the judge/master will decide whether your child needs to remain in foster care until the next hearing.

- If the judge/master decides your child does not need to remain in foster care until the next hearing, the judge will allow your child to return home. However, an OCY caseworker may still need to supervise your family.
- If the judge/master decides your child must remain in foster care until the next hearing, your child will not come home.

### Adjudicatory and Dispositional Hearing:

After the Shelter Care Hearing you will need to go to an Adjudicatory (fact-finding) Hearing at Juvenile Court. Before this hearing, OCY will file a petition with the court (tell the court in writing) saying why your child was removed from your care (these are called "allegations"). This hearing must be held within 10 days from the date of the Shelter Care Hearing. You may be asked to waive this 10 day requirement, which means to allow the court to hold this hearing later than 10 days. The purpose of this hearing is to find out if/what OCY stated in their petition (allegations) is supported by facts. People may be summoned to testify, these are called witnesses and medical forms or other reports may be submitted to provide the court with information needed to make decisions.

Sometimes the Dispositional Hearing is held at the same time as the Adjudicatory Hearing. This hearing helps find out what is needed, such as services and things you have to do, for your child to be returned safely home.

- If the judge/master decides that the allegations are not true or the situation has changed, your child will return home under supervision of a safety plan.
- If the judge/master decides that some or all of the allegations are true, the judge/master will then decide who should take care of your child until the next

hearing. The judge/master might decide to return your child home with you at that time. The judge/master may also decide to keep your child in foster care.

- During this hearing the judge/master will also order certain tasks, such as going to therapy or a drug evaluation or parenting support that you must do for your child to safely return home.

These tasks will often be included in your FSP.

If the judge/master decides that your child must be temporarily separated from you, there is a limited amount of time to reunify with your child. Termination of parental rights or TPR (meaning you will no longer be allowed to parent your child) can start as early as 6 months after the date OCY removed your child from your home. You should start working on your FSP right away. If your OCY caseworker is not helping you with your FSP, you should call your lawyer and let your lawyer know.

#### Permanency Review Hearing:

Permanency Review Hearings are held to review the permanency plan and progress made towards reunification with your child. The initial permanency review hearing is held 6 months after your child enters into foster care; thereafter, every 3 months for children under age 6 and every 6 months for children 6 years of age and older. The judge/master will hear testimony about services you have been offered and your progress toward completing items listed on your FSP.

You need to show the Master the steps you have taken to eliminate the problems that caused your child to be removed from your home. You also must show the steps you've taken to comply with your FSP, such as going to visits and working with services. At this hearing the Master will make a recommendation as to the continued foster care placement of your child and to determine if the existing permanency plan is appropriate and the extent of progress being made to meet the plan.

#### Termination of Parental Rights Hearing:

If your child has been in care for 15 of the past 22 months, the federal Adoption and Safe Families Act (ASFA) says OCY must petition, that is, ask the court to end your parental rights and therefore free your child for adoption. OCY may, however, petition to terminate your parental rights after your child has been in care for 6 months for one of several reasons:

- You have failed to show you are working on the problem that caused your child to be removed from your home (for example, you are not working on the objectives listed on your family service plan); or
- You abandoned your child, or stopped regularly visiting or giving money to support your child (depending on how much money you have);

There are some exceptions known as “compelling reasons” that allow OCY not to file to terminate parental rights if the child has been in foster care for 15 of the last 22 months. They include:

- Reunification with the parent, guardian or custodian will occur soon (within the next 6 months);
- Grounds to end parental rights do not exist under the law;
- If there is a good reason why ending the parents’ rights is not in the best interest of the child;
- If the child’s family has not gotten the services they need to achieve a safe return to the home within the timeframes set in the FSP;
- The child is over the age of 12 and does not want to be adopted; or
- If the child is placed with a fit and willing relative.

If any of these exceptions apply, the judge will consider them when making decisions about your child’s permanency plan. All termination of parental rights hearings are heard by a judge in the Orphan’s Court, not a master. Once OCY petitions to end parental rights it is hard to show a compelling reason exists not to terminate. Do not wait until the last minute to start working on the objectives outlined on your FSP and hope the judge does not end your parental rights because a compelling reason exists.

Termination of parental rights is permanent. By law, when the court ends your parental rights, all of your rights to your child are terminated. Before termination of parental rights, you will always be included in planning for your child. If the plan is to pursue termination of your parental rights, you will know about the plan before any formal action is taken.

If OCY petitions or has petitioned to end your parental rights, you will be personally served a copy of the petition or receive a copy of the petition by certified mail at least 10 days before the hearing. The petition will include the date, time and court room of the hearing. Your lawyer will also be told about the petition to end your parental rights. If you have hired a private lawyer, not appointed by the court, this lawyer must go to this hearing so he/she can represent you.

If you do not agree with the petition to terminate your parental rights, you must go to court on the date and time in the summons and tell the judge that you do not agree and wish to fight the petition for termination of your parental rights. If you do not attend this hearing your parental rights could be ended on that day without the judge hearing your position.

If you don’t want OCY to pursue adoption for your child, you may contest (fight) the petition in a hearing called a Termination of Parental Rights (TPR) hearing. At this hearing all parties will have witnesses testify about what is best for the child and what the parent has done to help safely return the child to the parent’s home.

The judge will decide what is in the child’s best interest. The judge will either grant the TPR petition, therefore freeing the child for adoption or the judge may deny the petition. If you

do not agree with the judge's decision, you can appeal it – this means that you ask another judge to look at the judge's decision.

You might agree with the plan to have your child adopted by another person, known as a “voluntary relinquishment” of your parental rights. There are a few reasons why you might do this. You may feel you are unable to keep up with the responsibilities of parenthood. You may feel your child is attached to his/her caregiver and it would be best for your child to remain with that person forever to give him a stable home. This is a big decision with many legal effects. Talk to your lawyer before voluntarily relinquishing your parental rights.

If you decide to voluntarily give up your parental rights, you will testify that you agree to have your parental rights ended and allow the adoption of your child. At a hearing the judge will ask you if you still want to give up your rights or you can ask that the hearing be continued so you can talk to your lawyer. If you still decide to give up your rights, the judge will order the termination of your parental rights. You can only change your mind about deciding to voluntarily give up your parental rights within 30 days and only if the judge determines your decision was not voluntary.

#### Permanent Legal Custodianship (PLC) Hearing:

The court's and OCY's goal is to have your child live with you. If that can't happen, the next goal is to have your child adopted. Permanent Legal Custodianship (PLC) is the third option to give your child permanency, if reunification and adoption are no longer a choice. Sometimes at the Permanency Review Hearing the judge/master will decide if it is in the best interest of your child to give a caregiver PLC. You may agree with this plan or you may contest (fight) the petition to change the child's goal to PLC. The PLC may receive a subsidy to continue caring for your child.

The child must be living with the foster parent caregiver for at least 6 months before the court can grant PLC. This plan allows you to keep your parental rights while someone else becomes your child's legal custodian. Oftentimes, this person will be a relative, close friend of the family or your child's foster parent. The legal custodian will provide a permanent home for your child, and will be legally responsible for raising your child. This person will be making important medical and school decisions for your child, and will get some money to care for your child.

Your parental rights must be ended before your child may be adopted, but with PLC your parental rights are not terminated. With PLC:

- You may visit with your child as ordered by the Court.
- You may still have to pay child support (depending on your resources)
- OCY will not need to stay involved with your family

Ask your caseworker and your lawyer to explain both adoption and PLC if you have questions about these other options to having your child live with you.

## In Closing...

Montgomery County Office of Children and Youth knows that your involvement with the agency can be an emotional and difficult time. By working together, parents, other family members, foster parents, and OCY staff can promptly address the concerns that led to your family's involvement. The agency is committed to providing services and treating all families with dignity and respect, while at the same time ensuring a child's safety, health, and well-being are assured.

### Important Information

OCY Caseworker:

Contact Information:

OCY Supervisor:

Contact Information:

OCY Administrator:

Contact Information:

My Lawyer:

Contact Information:

## County of Montgomery



### County Commissioners

Valerie A. Arkoosh, MD, MHP, Chair  
Kenneth E. Lawrence, Jr. Vice-Chair  
Joseph Gale, Commissioner

### Office of Children and Youth

Laurie O'Connor, Administrator

Human Services Center  
1430 DeKalb Street, P. O. Box 311  
Norristown, PA 19404-0311  
Phone (610) 278-5800  
Fax (610) 278-5898

Eastern Regional Office  
Courthouse Annex  
102 York Road, Suite 402  
Willow Grove, PA 19090-3280

North Penn Regional Office  
421 West Main Street, Suite B  
Lansdale, PA 19446

Western Regional Office  
364 King Street, 2nd Floor  
Pottstown, PA 19464

[www.montcopa.org/mcocy](http://www.montcopa.org/mcocy)

# Appendix

The Montgomery County Office of Children and Youth

Grievance Form

Family concerns or problems about services provided by the Montgomery County Office of Children and Youth can often be settled simply by discussing them with your caseworker. This course of action is encouraged before a formal grievance is filed. If you are unable to reach a satisfactory outcome with your OCY caseworker or you object to a planned course of action you may use this form to request a conference with the OCY administrator.

Child's Name(s):
Mother's Name and Address:
Father's Name and Address:

Please state your grievance. Include reason(s) you feel that you have been treated unfairly or your objection to a planned course of action. (Your caseworker or anyone else may assist you in writing this statement.)

Signature and Date:
---------------------

Name of OCY Caseworker:
-------------------------

Please return to: Laurie O'Connor, Administrator  
Montgomery County Office of Children and Youth  
1430 DeKalb Street  
P.O. Box 311  
Norristown, PA 19404-0311  
Fax 610-278-5898

**Montgomery County Office of Children and Youth (OCY)**

***Family Handbook: Acknowledgement of Receipt***

The Office of Children and Youth is giving you a “Family Handbook” so you will have information about OCY and how they can help you.

I have received a copy of the Family Handbook

\_\_\_\_\_  
Parent/Legal Guardian    Date

I have received a copy of the Family Handbook

\_\_\_\_\_  
Parent/Legal Guardian    Date



**Search for and Contact Family**

OCY is required to reach out to relatives, friends, or any other people that can provide support to your family.

OCY wants to help make sure you have all of the resources you need to keep your family together. In the event a child cannot safely remain in their home, or an emergency arises, OCY will look for your child’s family members and/or close friends who could potentially act as a caregiver to the child.

Please list any people that you think may be a resource for your family:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

Since OCY will be reaching out to all family they can identify, if there are any family situations that OCY should be concerned about, please notify your caseworker.