POTENTIAL POLICY GAPS IN PARENTAL CHILD SAFETY PLACEMENTS

When a child cannot remain safely at home, one option to prevent removal into foster care is for the parents to identify another home in which they agree the child can stay, which is referred to as a parental child safety placement. This type of placement can occur during the investigation stage, during the time the family is receiving family based safety services (FBSS), or both. Although the Department of Family and Protective Services (DFPS) has some policies regarding such placements, there are several areas that need greater detail to ensure that these placements are appropriate, that everyone understands their rights and responsibilities, and that the placements last no longer than necessary.

What Is a Parental Child Safety Placement?

A parental child safety placement is an alternative to removal into foster care in which the parent identifies another caregiver with whom the child can live until it is safe for the child to return home or other permanent arrangements can be made. Because the parent, rather than the state, decides to place the child in the alternative caregiver’s home, there is no court intervention and the parents are not appointed an attorney to advise or represent them.

How Does a Parental Child Safety Placement Work?

If a safety assessment indicates that the child is in danger of serious harm and the parents do not have the necessary ability to protect the child, a parental child safety placement is one option. To avoid the state taking the child into foster care, the parents must agree to leave the child in the placement for a specified period of time.

The caseworker must assess the caregiver and the potential placement and find that there are no safety threats and the caseworker’s supervisor must approve the placement. As part of the assessment, the caseworker: (1) conducts a criminal and child abuse and neglect background check on all adults in the home; (2) evaluates the physical environment of the home; and (3) interviews the caregiver and gets an agreement to protect and care for the child and to work with CPS and the child’s family. The assessment should be completed before the child is placed in the home but, with supervisor approval, the assessment can be completed up to 3 working days after the placement. If, after the assessment, DFPS does not approve of a parent’s choice of placement, the parent is told to choose another placement or face the possibility of a formal removal.

Once an approved parental child safety placement is found, it is incorporated as part of a written safety plan, a copy of which is given to both the parents and the caregiver.

The child remains in the parental child safety placement until it is safe to return home. If the placement term ends and it is still not safe for the child to go home but the caregiver has or agrees to get conservatorship of the child, the case is closed without further services. Otherwise, the placement term is extended and the child remains in the placement while the family in is FBSS or, the placement ends and the child is formally removed and court proceedings are initiated.

A flowchart with an example of how a parental child safety placement works is attached.
How Can the Parental Child Safety Process Be Improved?

1. **Provide Guidelines regarding Caregiver Safety Assessment**

   Although the child protective services (CPS) policy manual describes what areas a caseworker needs to assess for a parental child safety placement, it contains no detail or guidelines about how to do the assessment. A separate assessment instrument should be developed to address these details.

   With respect to the criminal background check, although the policy details certain offenses that automatically exclude the caregiver, it provides no guidance as to how to assess other convictions such as substance abuse and provides no latitude to waive criminal convictions that are extremely old or when warranted by other circumstances.\(^13\)

   With respect to the abuse and neglect background check, the policy contains no guidance for how a caseworker should assess whether a caregiver’s history poses a risk. There is no guidance on how to assess a confirmed allegation versus an unconfirmed allegation versus an inconclusive finding, the nature of the individual’s involvement in the alleged abuse or neglect and how long ago the allegation was made.\(^14\)

   With respect to evaluating the physical home environment, the policy contains no guidance regarding what is acceptable for these temporary placements. For example, do these alternative homes merely have to be as safe as the parent’s home or do they have to meet the standards currently used to evaluate non-licensed relative placements for children in DFPS custody? A good example is a smoke detector. A long-term placement with a non-licensed relative may require smoke detectors,\(^15\) but do you require a smoke detector for a short term, voluntary placement when the child’s present home does not have one?

   An assessment instrument would address these various issues and, thereby, increase uniformity in the assessments, help ensure that appropriate caregivers are not arbitrarily rejected, and most important, help make sure children are not being placed in unsafe situations.

2. **Caseworkers Should Document the Caregiver Safety Assessment and Include It as Part of the Written Case File.**

   Documenting the caregiver safety assessments and incorporating them into the written case file will ensure that the information becomes part of the family’s record. This will help ensure continuity and minimize the loss of information when caseworkers change.

3. **If DFPS Rejects a Potential Caregiver, DFPS Should Discuss the Reasons with the Parent.**

   If DFPS’ assessment is that the proposed caregiver is not appropriate, DFPS should have guidelines that require the caseworker to discuss with the parent the reasons why DFPS believes the placement is not safe so that the parent can clarify any misunderstanding, offer a solution, or find an alternative placement. This will help engage the parent in the placement process and encourage cooperation.

4. **The Written Safety Plan Should Contain Detailed Guidelines for Visitation and Obtaining Services for the Child.**

   Although the parents and caregivers get a copy of the written safety plan, there is currently no requirement that it include a plan for visitation and obtaining services for the child.

   The policy should be amended so that parental child safety placements include a written plan of how often and under what circumstances a parent can visit a child. There also needs to be a plan for how the caregiver will obtain any necessary services for the child (e.g., medical treatment or enrollment in school). The caseworker can provide the new voluntary, revocable
power of attorney form to the parent as an option. If the parent does not want to execute the form, the caseworker needs to work with the parent and caregiver to develop an alternate plan.

The visitation and services plan should be incorporated as part of the written safety plan provided to the parents and the caregiver. This will avoid any misunderstandings regarding contact between the child and parent and will ensure minimal disruption of medical, school and other services to the child.

5. **DFPS Should Clarify When an Investigation “Ends” for the Purposes of a Parental Child Safety Placements.**

Although parental child safety placements may be a good alternative to a formal removal, they still constitute a disruption for the family and child and so should be as short as possible. Under current policy, a parental child safety placement in investigations can last only until the “end” of the investigation. But it is unclear exactly what this means as the “end” of an investigation is not defined in CPS policy. As a result, some placements may be continuing longer than necessary.

For cases that will be closed without services, DFPS needs to identify which action denotes the “end” of an investigation. For cases that will receive ongoing services, DFPS needs to define the time by which investigations must make a referral to FBSS.

6. **Parental Child Safety Placements Should Have a Specified Ending Date.**

To eliminate any misunderstandings among CPS, the parent and the caregiver, any parental child safety placement should have a specific ending date (e.g., June 10, 2010) not a general timeframe (e.g., the placement lasts until the investigation “ends.”). If DFPS needs to extend the placement beyond the original date, it should first evaluate whether any changes need to be made (e.g., the time and circumstances of visitation) and get the written agreement of both the parents and the caregiver to the extension.

7. **No Case Should Be Closed with the Child Still in the Caregiver’s Home unless There is Written Documentation regarding the Permanency Plan.**

Currently, a case can be closed without any further services with the child still in the parental child safety placement if the caregiver has or “agrees” to get conservatorship. To the extent the caregiver already has conservatorship, they should provide written documentation which should be included in the family’s file. To the extent the family “agrees” that the caregiver will get conservatorship, there should be a written plan and timeframe for doing so and DFPS should follow up to ensure that the plan has been implemented.

Respectfully submitted,

Jane Burstain, Ph.D.
Senior Policy Analyst
Parental Child Safety Placement—During an Investigation

Initial safety assessment (completed within 7 days of investigation): Danger of serious harm and parents have insufficient capacity to protect?

- Yes
  - Can a parent child safety plan be developed for child to live outside the home?
    - No
      - Remove child into foster care
    - Yes
      - CPS assesses that there are no safety threats in placement

Parents must give caregiver necessary information and permission to communicate with CPS about the child

Parents agree to leave the child in the placement for the duration of the safety plan or to notify CPS if taking the child before safety plan term is ended

Supervisor approves plan

Caseworker discusses roles and responsibilities with parents and caregiver

Copy of written safety plan given to parents and caregiver

Caregiver receives relative handbook

- Lasts until “end” of investigation or until FBSS family services plan completed

Child at home during investigation
Parental Child Safety Placements—After an Investigation

Parental child safety placement during investigation

Return safely to home at end of investigation without further CPS involvement?  

Yes  

Case closed

No  

Parental child safety placement as part of FBSS plan of service

Return safely to home at end of investigation with further CPS involvement?

No

Caregiver has or agrees to get conservatorship?

No

Remove child to foster care

Yes

FBSS Services with child in home

No

FBSS plan reviewed at least once every 90 days and revised every 180 days
Although the details of how a parental child safety plan works are in the CPS handbook sections dealing with an initial safety assessment, these same policies and procedures apply to all parental child safety placements, regardless of the stage in which it is initiated. (CPS Handbook §2234.33).


For cases that will be closed without services, the actions that could “end” an investigation are (CPS Handbook §2223.4-23.7): (1) when the caseworker completes the investigation (30 days); when the investigation is documented in DFPS computer system (45 days); or (3) when the supervisor or child safety special approves the investigation (60 days). All of these timeframes, however, can be extended for good cause.

Currently, there is no identified timeframe for when investigations must complete the referral to FBSS. (CPS Handbook §§2223 et seq.) Once a case is actually referred to FBSS for services, however, the investigative parental child safety placement can only last until the FBSS family plan of service is approved. (CPS Handbook §2234.35). Within 10 days of the referral from investigations, FBSS must conduct an assessment and a staffing to determine whether to open a case for services. (CPS Handbook §3141). If it is opened for services, it must be documented in DFPS’ computer system within 12 days of the referral. (CPS Handbook §3145.3). Once documented in the computer system, the family plan of service must be completed within 21 days. (CPS Handbook §3162).