

Going Home: Conditions for Return

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Introduction

A while back we assisted a county agency evaluate its foster care population and determine which children should remain in care. The technical assistance resulted in identifying a significant number of placements in which the original reason for placement was unknown. This was because of the absence of stated reasons in records and changes in workers assigned to a case while the placement remained in effect. The absence of a clearly stated basis for placement and, therefore, a benchmark for reunification is not an uncommon problem.

The National Resource Center for Child Protective Services (NRCCPS) and the National Resource Center on Legal and Judicial Issues (NRCLJI) have published *Child Safety: A Guide for Judges and Attorneys* (2009). Authored by Therese Roe Lund (NRCCPS) and Jennifer Renne (NRCLJI), this is an excellent resource that you will want to make available to your court system. There are a wide range of subjects addressed in relationship to child safety and safety intervention. Among the subjects is deciding when to reunify children who have been placed with their families. The *Guide* emphasizes the importance of establishing conditions for return as fundamental to making correct reunification decisions.

Conditions for return are what must happen for a child to return home. The judge and CPS must be clear on what these conditions are, and this information must be provided to parents. This is consistent with federal law requiring the court to hold annual permanency hearings (administrative reviews every six months).

Having unclear, imprecise, vague conditions for the child's return produces bad outcomes (page 34).

This is a crucial area of practice and decision making, yet it typically is passed over by CPS and therefore not included in the decision making mix that includes parents, CPS staff, judges and attorneys. Despite the common plea from parents, “what do I have to do to get my kids back,” records typically are silent about the answer. Assumptions are at play regarding expectations that parents change their behavior and situations for reunification to occur. Such assumptions have an “ultimatum” or finished product quality about them associated with successful achievement and completion of the case plan. Beyond the question of effectiveness, this sort of intervention brings into question fairness and civil rights. Regarding fairness, how fair is it to parents to remove a child and...using the above authors’ words...be unclear, imprecise and vague about the basis for reunification? Regarding civil rights, how just is it to interfere in family life beyond what is absolutely indicated and necessary in terms of the family situation and timing?

Context

Why conditions for return? Here we offer a context.

- ✘ CPS is disempowering in and of itself. Among the strongest influences in that process is information. While it is not possible to completely alter how the process affects caregivers, providing them with information is perhaps the most effective way to reduce feelings of disempowerment.
- ✘ Safety plans are for the purpose of keeping kids safe. Safety plans involve in-home options, out-of-home options and a combination of the two. Safety plans are by their nature intrusive; intrusiveness necessary to keep kids safe increases as safety plans move from in-home to out-of-home options.
- ✘ Child placement is the option CPS uses when in-home safety options will not work. Child placement occurs as a safety management option when caregivers are unable or unwilling to participate in an in-home option.
- ✘ Child placement should always be thought of as a temporary safety response required until such time as circumstances within the home can

- be established to produce less intrusive means for protection. “Temporary” should be thought of as weeks up to a month at which time a tune up for the safety plan is considered; CPS takes stock of what is happening to consider whether lessening intrusiveness is possible.
- ✘ Child placement is necessary until child safety can be managed in the home. The definition for child safety says that children are safe when caregiver protective capacities are sufficient to protect against threats to a child’s safety. If caregiver protective capacities can be supplied by others then child placement is not necessary.
 - ✘ Reunifying a child with his family is not based on caregivers’ achieving treatment goals. Caregivers can make strides in their willingness to accept an in-home plan, can make certain adjustments to their behavior, can be supported by others so that what they cannot do others will. Reunification can be based on the management of threats within a home and circumstances associated with threats.
 - ✘ Caregivers deserve to know exactly what is required in order to get their children returned home. Precision is critical. The stakes concerning parents and children being together are extremely high. Beyond the social, psychological aspects of this issue, there are important civil rights in question. The exact basis for children returning home is crucial as a fairness and equity matter to caregivers, as a standard for case direction for everyone in the case, and as a basis for CPS decision making.

Definition and Explanation for Conditions for Return

Conditions for return are specific circumstances or behaviors that must exist within the child’s home in order for the child to be returned home safely. Conditions for return are determined by the CPS worker, shared with caregivers, and presented within the petition to the court. Conditions for return statements should become part of the court order to assure that all parties to the case are well informed about the basis for the reunification decision.

This definition and explanation have several critical parts that must be appreciated. This is a written statement that is related to the threats that warrant placement and justify invoking court jurisdiction. Conditions for return should be contained within the Court order. The statement is the official record and expectation that gives guidance to intervention, decisions and subsequent court involvement. The statement is about specific required circumstances. The circumstances identified reasonably are what is necessary to manage the impending danger threat. The circumstances are focused on what must exist within a child's home. This is an environmental statement more than a statement about people and what they must do. This is a statement about status or the state of circumstances within a child's home. This is concerned with the single question of going home. This statement is the benchmark for reunification. That is its fundamental purpose.

The Concept of Conditions for Return

Impending danger threats do not have to be reduced or eradicated in order for children to be reunified with their families. Caregivers do not necessarily have to change in order for children to be reunified with their families. What is necessary for children to be reunified with their family is the establishment of well-defined circumstances within a child's home that mitigate against threats to child safety.

This concept confronts the idea and practice associated with expecting or requiring caregiver change in order to reunify. Placement is a safety intervention. Reunification is a safety decision. This concept maintains a focus upon safety intervention rather than allowing treatment intervention to become defining for a safety decision – reunification. This concept assures that different standards are used with parents related to removal and reunification (i.e., removal occurs because parents are not being protective; reunification doesn't

occur until parents are model parents). This concept expects highly active ongoing safety management that presses to create the kind of circumstance within a child's home so that he or she can return. It is consistent with the idea of provisional safety intervention – always adjusting downward in intrusiveness when feasible and justifiable. Conditions for return are based on what it takes to re-establish an in-home safety plan.

How to Form Conditions for Return Statements

Focus on what will control impending threats. Justify against the safety planning analysis: calmness and consistency of home environment, willingness and capacity of caregivers, kinds of in-home safety actions and safety services needed, and suitability of resources and people. Examine why an in-home safety plan won't work. The process questions are:

- ✗ What must be controlled?
- ✗ How can it be controlled?
- ✗ Why can't it be controlled in the home?
- ✗ Can anyone other than the caregiver control it?
- ✗ Can anyone substitute for the caregiver?
- ✗ Can home or family circumstances be adjusted?
- ✗ What are the attitudes, capacities and willingness of the caregivers?

Conditions for Return – Examples

The following examples are for selected impending danger threats. The examples are simply stated, behavioral descriptions that can be used in court-involved safety plans. These can be used by the court to define what must occur in order for the court to allow reunification to occur, and it can also be used by the CPS worker and other providers to define the behavioral objectives specifically related to managing safety. These are not exemplars necessarily, but with limited case information provided these examples serve as a starting point to encourage you in developing your ability to write even better statements of

conditions for return. As you consider these examples, use the ideas from the *Guide* we mentioned earlier:

- ✘ *Clear or unclear*
- ✘ *Precise or imprecise*
- ✘ *Definitive or vague*

Example #1

Impending Danger Threat

No adult in the home will perform caregiving duties and responsibilities. Mary impulsively leaves her child to party; the 6-year-old is alone often for several hours to more than a day at a time

Why an In-Home Safety Plan Won't Work at Time of Removal

Mary is hostile and uncooperative. She disagrees that there is a problem and minimizes the extent to which she has failed to assure the child's supervision.

Example of Court Order Achievement Criteria – the Conditions for Return

- ✘ Mary acknowledges that her behavior jeopardized the child's safety. The acknowledgement demonstrates her acceptance of the responsibility for supervising and protecting the child.
- ✘ Mary manages her emotions and reactions to CPS intervention, accepts the need for CPS intervention, behaves cooperatively with CPS and others involved in CPS intervention.
- ✘ Mary is in the home providing care and supervising Brittany all the time whenever she is not in school.
- ✘ Mary provides for a plan for supervision by a suitable babysitter when she is away from the home.
- ✘ Family members observe that Mary is either providing supervision or planning for Brittany's care at least a day in advance of the need for a babysitter.

Example #2

Impending Danger Threat

One or both caregivers are violent. Cindy lashes out at her 8-year-old son Steve, hitting him uncontrollably with her fists and with objects.

Why an In-Home Safety Plan Won't Work at Time of Removal

Cindy's behavior is impulsive, unplanned, easily provoked. She admits to having anger and behavior management problems. There can be no confidence about Cindy managing herself so that in-home safety management is an option.

Example of Court Order Achievement Criteria – the Conditions for Return

- ✘ Bill, Steve's father, or another responsible person can be in the home at all times that Steve is home and prevent Cindy from behaving violently and acting on her violent impulses.
- ✘ A plan is in place for Steve to be away from the home and Cindy at all times when a protective person is not in the home.
- ✘ Cindy leaves the home when she is feeling stressed and anxious.
- ✘ Cindy expresses herself to everyone but in particular to Steve in a non-aggressive and non-violent manner.
- ✘ Cindy demonstrates self-control and affectionate behavior and communication toward Steve.

Example #3

Impending Danger Threat

One or both caregivers cannot control behavior. Greta is so depressed that she cannot provide basic care for her three children (7, 4, and 2); she is lethargic; sleeps most of the time; refuses to take medication; cries and sobs; cannot keep the home safe or hygienic.

Why an In-Home Safety Plan Won't Work at Time of Removal

Cindy's mental health is such that she does not have the capacity to participate in an in-home safety management option that is anything less than 24/7 given the age of the children and the demands on her to parent them.

Example of Court Order Achievement Criteria – the Conditions for Return

- ✘ Greta is willing and able to effectively use support provided by others.
- ✘ A person or persons (e.g., family members, volunteers, neighbors, service providers) are available and accessible to assist in child care, supervision and protection as often and for as long as necessary.
- ✘ A responsible person assures that the home is safe and clean.
- ✘ Greta follows the necessary medical regimen to treat her depression including routinely taking her medication.
- ✘ Greta does not use alcohol.
- ✘ Greta develops and uses a plan for "reaching out" for assistance when she feels she is "slipping away."

Example #4

Impending Danger Threat

Child is perceived in extremely negative terms by one or both caregivers. Don hates his 12-year-old effeminate step-son. His toleration is totally absent. He describes feeling physically repulsed by the boy and attacks him.

Why an In-Home Safety Plan Won't Work at Time of Removal

Don's perceptions and attitudes are so extreme that an in-home option is not viable. Don recognizes that his perceptions are not reasonable but maintains them.

Example of Court Order Achievement Criteria – the Conditions for Return

- ✘ A responsible family member or professional is in the home or in contact with Don, Gladys and Sean several times a week to supervise and observe how Don is behaving toward Sean and to monitor Don's attitudes toward Sean.
- ✘ Gladys removes Steve from the home if she feels Don's attitudes are escalating into a physical confrontation.
- ✘ Don describes Sean in positive, realistic terms and acts toward Sean in ways that shows that he values and cares for Sean including genuine affection, adequate attention, and talking with Sean in positive and nurturing ways.
- ✘ A shift in Don's perceptions and attitudes toward Sean is clearly apparent during any contact occurring while in placement (i.e., visitation).

Example #5

Impending Danger Threat

One or both caregivers lack knowledge, skill, and motivation in caregiving which affects the child's safety. Bryan and Sheila are the 19-year-old parents of a newborn. Both adults are limited intellectually and socially immature. They have no knowledge or skill needed in providing basic care to the infant. In addition to the basic care problems, they mishandle the child and behave toward her like she is a doll.

Why an In-Home Safety Plan Won't Work at Time of Removal

The parents lack the capacity to provide essential care which is around the clock need for the infant.

Example of Court Order Achievement Criteria – the Conditions for Return

- ✘ A family member, volunteer or professional with suitable knowledge and skill to meet the safety and basic care needs of Heather is present within the home every day to perform caregiving and to work hand in hand with Bryan and Sheila in learning how to care for and physically handle the child.
- ✘ Bryan and Sheila handle Heather gently, carefully and understand the importance of doing so.
- ✘ Bryan and Sheila have a plan for providing basic care, understand the plan, can describe what they will do and generally understand why it is necessary. The plan must include feeding, bathing, playing with Heather, maintaining a schedule, and making sure that Heather gets regular sleeping times.
- ✘ Bryan and Sheila understand their responsibilities as parents; they can say what the consequences for Heather might be if they don't do what is best for her.

For more information on *Child Safety: A Guide for Judges and Attorneys*, [click here](#).

