

CBA LPRC POSITION REQUEST FORM

The CBA Child Welfare and Juvenile Law position request is as follows:

1) Proposed Revision to Judicial Form “Specific Steps” JM106 concept:

The Section supports modifying language in the Juvenile Court form “Specific Steps”.

2) Explanation and rationale for advancing this position:

In the Juvenile Court, if a child become under the Protective Supervision or if a child enters foster care via an Order of Temporary Custody or a Commitment, then the Juvenile Court will issue Specific Steps to the parents and DCF. The Specific Steps are the roadmap for the parent to end Protective Supervision or for reunification of the child to occur. Page one and two comprise a list of things that the parent is ordered to do or complete.

During contested hearings, often the Specific Steps are significant because the evidence submitted to the Court is typically to prove either the parent’s compliance or non-compliance with the specific steps. In addition, on the second page of the Specific Steps the Juvenile Court orders the Department of Children & Families (DCF) to do or complete different tasks.

There are “other” sections on the specific steps. Many attorneys used that area to add language. The proposed changes are intended to incorporate many of the commonly added language. In addition, there are suggested changes that are used by certain local Juvenile Courts, but not uniformly across the state.

Our section has been in contact with Cynthia L. Cunningham about the process, and below is her email regarding our request.

Hello Attorney Oakley,

I got your voice message about revisions to the Specific Steps form. I think the best way to proceed would be to put the proposed revisions directly on a blank copy of the form (attached and link below) and send to me – you can scan and e-mail, mail or fax. Please get the consensus from your group first and then send the final proposal to me – too many versions will get very confusing. I will then send them through our regular court operations review process (Judicial Legal Services and Judge Conway, etc.). If your suggestions are incorporated into the official version of the form, please keep in mind that this form must also be translated into Spanish so that adds to the time it takes to finalize everything.

As always, thank you so much for your interest in all things Juvenile Matters.

<https://www.jud.ct.gov/webforms/forms/JM106.pdf>

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3) Is draft legislation or a proposed bill included?

Yes. See Attached.

4) What is the date of any legislative hearing, if known?

None known at this time.

5) Was this position previously approved by the CBA? If so, when does/did it expire?

No.

6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position?

No.

7) Potential or actual CBA opposition from another CBA section or committee?

None known at this time.

8) Strength of section position (including process and results of section vote taken on issue):

Vote passed unanimously at section meeting on 10/17/2019. Position Request Form was discussed at our section meeting on 11/14/2019.

9) Fiscal impact (on the state):

Minimal.

10) Are you seeking “fast-track” approval?¹

No.

¹ A “fast track” recommendation will be submitted to the House of Delegates (HOD) or Board of Governors (BOG) at its next scheduled meeting (or, if between meetings of the HOD or BOG and during the legislative session, to the Executive Committee), and is warranted only when the Legislative Policy & Review Committee concludes that further analysis and study is unnecessary and where there is legitimate time pressure to address pending legislation.

The Respondent is ordered to:

- Keep all appointments set by or with DCF. Cooperate with DCF home visits, announced or unannounced, and visits by the child(ren)'s court-appointed attorney and/or guardian ad litem.
- Let DCF, your attorney and the attorney for the child(ren) know where you and the children **reside or spend overnights** at all times **and inform each of any changes to your contact information.**
- Take part in counseling and make progress toward the identified treatment goals:
 - Parenting
 - Individual
 - FamilyGoals (specify): _____
- Accept in-home support services referred by DCF and cooperate with them.
- Submit to a substance abuse evaluation and follow the recommendations about treatment, including inpatient treatment if necessary, aftercare and relapse prevention.
- Submit to random drug testing; the time and method of the testing will be up to DCF to decide.
- Not use illegal drugs **or prescription drugs not prescribed to you**, or abuse alcohol or medicine.
- Cooperate with service providers recommended for parenting/individual/family counseling, in-home support services, substance abuse assessment/treatment, **and/or intimate partner violence/domestic violence services:**

- Cooperate with court ordered evaluations or testing.
- Sign releases allowing DCF to communicate with service providers to check on your attendance, cooperation and progress toward identified goals. Sign the release within 30 days **after review by your attorney.**
- Sign releases allowing your child's attorney and guardian ad litem to review your child's medical, psychological, psychiatric and/or educational records, **after review by your attorney.**
- Get and/or maintain adequate housing and a legal income.
- Immediately let DCF know about any changes in the make-up of the household to make sure that the change does not hurt the health and safety of the child(ren).
- Get and/or cooperate with a restraining/protective order and/or other appropriate safety plan approved by DCF to avoid more domestic violence incidents.
- Attend and complete an appropriate domestic violence program, **or address intimate partner violence/domestic violence at therapy**
- Not get involved, or further involved, with the criminal justice system. If involved, cooperate with the Office of Adult Probation or parole officer and follow your conditions of probation or parole.

- Take care of the child(ren)'s physical, educational, medical, or emotional needs, including keeping the child(ren)'s appointments with his/her/their medical, psychological, psychiatric, or educational providers.
- Cooperate with the child(ren)'s therapy, **including but not limited to Birth to Three.**
- Make all necessary child-care arrangements to make sure the child(ren) is/are properly supervised and cared for by appropriate caretaker(s).
- Keep the child(ren) in the State of Connecticut while this case is going on, unless you get permission from the DCF or the Court to take them out of state.
- Visit the child(ren) as often as DCF permits.
- Within thirty (30) days of this order, and at any time after that, tell DCF in writing the name, address, family relationship and birth date of any person(s) who you would like the DCF to investigate and consider as a placement resource for the child(ren).
- Tell DCF the names and addresses of the grandparent(s) of the child(ren).
- Other: _____

DCF Is Ordered To:

1. Take all necessary measures to ensure the child(ren)'s safety and well-being. **If either substantiated or adjudicated for neglect or abuse, then refer all children under age 3 to Birth to Three. Screen all children under an OTC or Commitment for therapy, including trauma therapy.**
2. Monitor the welfare of the child(ren) and the circumstances surrounding his/her/their care by the Respondent. **Refer the child(ren) to appropriate services in a timely manner.**
3. Provide case management services.
4. Develop periodic treatment/permanency plan and review it with the Respondent. **Initial plan to be within 10 days of taking child into care. Notify all counsel of Treatment Plans, Administrative Case Reviews, and any other provider's meetings. Provide copies of all plans and meeting summaries to all counsel. C.G.S. 17a-15**
5. Refer the Respondent to appropriate services (see above) and, as otherwise needed, monitor his/her progress and compliance. **Make referrals in a timely manner.**
6. Provide Respondent and Respondent's attorney with written, dated notice of all referrals to service providers and retain copies of such notices for the court. **Any service providers or treatment goals "TBD" shall be determined within 30 days with a written notice to the all attorneys.**
7. **Provide all attorneys with copies of any and all reports received from Respondent and children's third party providers contemporaneously upon receipt, including but not limited to supervised visitation reports.**
8. Implement reasonable recommendations made by service providers and/or evaluators in this matter, or obtain relief from the Court.
9. Within thirty (30) days of the receipt of written notice by the Respondent, complete the investigation and consideration of all person(s) whom the Respondent has properly identified as a placement resource for the child(ren). **Provide all attorneys with investigation summary and recommendation, with reasons why.**

10. Within thirty (30) days, complete the investigation and assessment of all relative(s) identified as a placement resource for the child. **Provide all attorneys with investigation summary and recommendation, with reasons why.**
11. Evaluate home of following person(s) as potential placement for child(ren): _____
12. In a Domestic Violence case, assist in developing, implementing and monitoring an appropriate safety plan.
13. Advise all parties of any change in the child(ren)'s placement, **including hospitalizations, respite, safe home, etc. DCF shall provide written notice to the child's attorney and/or guardian ad litem ten business days prior to the date of a change of placement in a nonemergency situation, or not later than two business days following the date of a change of placement in an emergency situation. CT Public Act No 18-186**
14. During the time DCF has custody of the child(ren), DCF shall keep the child(ren)'s attorney and/or guardian ad litem informed in writing of the child(ren)'s location, placement and contact information.
15. Provide releases to the child's attorney and guardian ad litem to review the child's medical, psychological, psychiatric and/or educational records if the child is committed.
16. Provide copies of any currently signed releases to Respondent's attorney. The Social Worker shall submit to Respondent's attorney any requested releases.
17. Notify all attorneys and the Court, in writing, within five business days, of any new Social Worker assigned to this case with contact information (phone number and email). Notify the Respondent's counsel in writing of the Respondent's noncompliance with any Court ordered specific step.
18. Ensure that if a child who is living in foster care that has a separated sibling living in a different foster home, and if both reside within the state and within fifty miles of each other, then the siblings shall visit on average, not less than once per week. Unless DCF finds that the frequency of such visitation is not in the best interests of each sibling, then DCF shall include the reasons for such determination in a status report submitted to the Court within 30 days. *C.G.S §17a-10a*

Implement visitation sufficient in number and duration to ensure continuation of the relationship of the Respondent and the child(ren), if in foster care. This shall be a minimum amount of visitation. If DCF and the Respondent agree, in writing, then they may modify the frequency and duration of visitation. *C.G.S. §46b-129(c)(6) & C.G.S §17a-10a*

_____ visit(s) per _____ with a duration of _____ hour(s) per visit.

Inform the Respondent of the child(ren)'s school, medical, and dental appointments with date, time, and location in writing. The Respondent may attend said appointments in addition to other visitation, and attending said appointments does not count in place of a regularly scheduled visit. Unless it is an emergency situation, then DCF will notify the above person as soon as reasonably possible.

Provide the above person with transportation assistance, i.e. a bus pass.

Refer the above person to Supportive Housing.

Submit and monitor an Interstate Compact on the Placement of Children (ICPC) to _____(state) for _____(resource name),

Or submit and monitor a Priority ICPC: if either:

- (1) DCF has submitted the ICPC-100A and after 30 days without a response from the other state: Or
- (2) The proposed placement is a relative and the child (1) is under 2 years old, (2) is in an emergency shelter, or (3) has spent a substantial amount of time in the home of the proposed placement.