



Administrative Policies and Procedures: 16.12

Subject:	Release of Dependent /Neglected and Unruly Children/Youth from State Custody
Authority:	TCA 37-5-106; TCA 37-5-112; TCA 37-1-130; TCA 37-1-132
Standards:	DCS Practice Model Standards- 5-400-401, 5-500-502. 7-117 C, 7-126 D, 8-107-108, And DCS Practice Model Standards- 12-602-603
Application:	To All Department of Children's Services Family Service Workers and Supervisors
Policy Statement:	
<p>The Department of Children's Services shall release all dependent/ neglected unruly children/youth from state custody and return them to the home of their parents or caretakers when it is determined that the risks to the health and the safety of the child/youth have been adequately reduced. The Department of Children's Services shall return unruly youth to the home of their parents or caretakers when it is determined that the circumstances or behaviors contributing to the youth's commitment have been sufficiently remedied. For both dependent/neglected and unruly children/youth, the decision to return them to the home of their parents or care takers must be made in the context of a child and family team meeting, and must be supported by the committing Court.</p>	
Purpose:	
<p>To return dependent/neglected/youth to their parents or caretakers as quickly as possible or feasible in order to minimize trauma to the child and ensure that the causes for the custodial episode no longer exist or pose a risk of harm to the child.</p>	
Procedures:	
A. Decision to Release	<p>1. <u>Criteria:</u></p> <p>The Family Service Worker and his/her supervisor must consider the following criteria in evaluating release to home placement.</p> <ul style="list-style-type: none"> a) The parents or caretakers accept responsibility for the circumstances that led to the placement. b) Parents or caretakers have demonstrated new or different behaviors in relation to the child/youth or in relation to other persons who pose a threat to the child/youth. c) Parents or caretakers have eliminated harmful conditions that made the home unsafe for the child/youth (e.g. unsafe housing is repaired). d) The changed behaviors or conditions are observable and measurable, not

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based on good intentions or hearsay.

- e) Evaluations and reports of other service providers support the decision for reunification.
- f) The parents or caretakers have maintained a relationship with the child/youth through regular and meaningful visitation.
- g) The parents or caretakers have achieved desired outcomes stated on the permanency plan.
- h) The child/youth has achieved his/her treatment goals or it is determined that he/she will be able to meet these goals in the home of origin and that he/she is ready to be reunified with the parents or caretakers.

2. Joint decision about visit and time:

Decisions about the trial home visit must be made in a Child and Family Team Meeting with all relevant parties included.

- a) Service providers must be invited to participate in this discussion, if possible.
- b) If there is a great geographic distance between the parties, then the opportunity to participate by conference call will be made available.
- c) Children and youth who are at least 6 years of age and older should be involved in the planning process to the extent that they are capable of participating. All children 12 years or older, should be prepared for and included in the Child and Family Team Meeting.
- d) If the Child Abuse Review Team will be reviewing this case, then a Child and Family Team Meeting may serve this purpose if all of the appropriate parties can attend or be represented.
- e) The parties involved must strive to reach consensus with regard to if and when the trial home visit will occur.
- f) If there is disagreement, then the Family Service Worker may refer the matter to the appropriate Team Coordinator and ultimately the Regional Administrator.
- g) The **Child and Family Team Meeting Summary, CS-0747** will act as the discharge plan for the family. All services provided to the family during the Trial Home Visit and after the THV has ended will be documented on this form.
- h) The Brian A. Settlement Agreement generally requires that DCS shall recommend 90-day trial home visits with parents and relatives for dependent/neglected and unruly children. However, an exception applies when a shorter trial home visit of at least 30 days is appropriate to the child's safety and well-being. The exception requires specific findings and signed certification from the case manager, supervisor and regional Administrator. A child's adjudication as unruly rather than dependent and neglected may be taken into consideration in establishing such an exception. See TCA § 37-1-132(3)(c)(1).

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<p>B. Required Reviews for Severely Abused Children/Youth</p>	<p>If the child/youth was severely abused, then the Family Service Worker must submit the case for review and recommendations of the Commissioner or the Commissioner’s designee. (See DCS Policy, 14.22, Case File Review- Return to Home Custody).</p>
<p>C. Legal counsel</p>	<p>If all parties concur, then the Family Service Worker must confer with the regional legal counsel regarding the trial home visit and release.</p>
<p>D. Court approval</p>	<p>1. <u>Notice and motion:</u></p> <ul style="list-style-type: none"> a) The legal counsel prepares a Notice and Motion for Dependent and Neglected Children, for a trial home visit. This notification must be filed with the Court by legal counsel or by the Family Service Worker fifteen (15) days prior to the beginning of the trial visit or by such time as required by the Rules of Court. b) In an unruly case, form CS-0483, Notice, Motion and Order – Unruly, can be used by the Family Service Worker. If the Family Service Worker needs assistance, then legal counsel can file. c) If there are specific questions, the Family Service Worker should contact Regional Legal Staff. <p>2. <u>Court does not concur:</u></p> <p>If the Court does not concur with the plan for a trial home visit, the Court notifies Family Service Worker in writing. If the Court sets a hearing on the matter, the Family Service Worker must notify the regional legal counsel immediately. Legal counsel and the Family Service Worker plan the next steps for action on the case.</p> <p>3. <u>No objection:</u></p> <p>If the Court voices no objection to the trial home visit, then DCS proceeds with the trial home visit as scheduled. The Family Service Worker shall file the signed order in the child/youth’s case file.</p>
<p>E. Child Welfare Benefits Unit</p>	<p>Prior to the beginning of the trial home visit, the Family Service Worker must inform the Child Welfare Benefits Counselor of the plan to begin the visit.</p>
<p>F. Supervision during a trial home visit</p>	<p>During the trial home visit, the Family Service Worker must comply with the policy for supervision of a home placement to ensure that the home environment is safe for the child/youth. See DCS policy 16.38, Face-to-Face Visitation with Dependent and Neglected and Unruly Children in DCS Custody and the Visitation Protocol.</p>

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G. Closure	<ol style="list-style-type: none">1. <u>Automatic termination:</u> If the court order signed by the judge when the trial home visit began so allowed, legal custody terminates after ninety (90) days unless otherwise directed by the court.2. <u>Assessment:</u> If the order did not allow automatic termination of custody after ninety (90) days, and this period of time has passed, the Family Service Worker must assess the success of the trial visit. If the visit was successful, then the manager must ask the regional legal counsel to petition the court to return legal custody to the parents or caretakers.3. <u>Discharge Child and Family Team Meeting:</u> The Discharge CFTM is to be convened no more than 30 calendar days prior to the beginning of the THV, the child's release from custody or adoption if there has been no CFTM for 90 days. The CFTM will ensure that all safety and risk issues that resulted in custody have been adequately addressed and resolved. The discharge plan will be developed and recorded on the CFTM summary and in TFACTS. It will describe any needed services once the child is placed in the home and action steps describing how the services will be delivered. All action steps will list the person responsible for the step and the timeframe for completion. Information regarding continuing health coverage after the release from custody will also be discussed. The CFT members will ensure that there are community supports in place to sustain the child and family after DCS is no longer involved. Please refer to DCS Policy 31.7, Building, Preparing & Maintaining Child and Family Teams and the Child and Family Team Meeting Protocol.4. <u>Case closure:</u><ol style="list-style-type: none">a) After legal custody has been returned to the parents or caretakers and if there are no other risk issues in the family, then the Family Service Worker must proceed to close the case. The Family Service Worker must inform all other service providers and teachers or childcare providers of this closure.b) The paperwork and TFACTS entries to affect the closure must be completed within forty-eight (48) hours of the closure. Please refer to the Case Closure Protocol for Dependent, Neglected and Unruly Children.
H. Continued Services	If the family has a need for continued services in order to ensure the safety of the child/youth, or at the request of the Commissioner's office (in cases subject to Commissioner's review), the Department may request of the Court to continue to provide services to the family, re-evaluating the need for continued services as necessary. In other cases, these services may be provided non-custodial and arranged through the discharge planning process.
I. Trial Home visit	If, at any time during the trial home visit, problems occur that place the child/youth at

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Disruptions	risk of harm or that raise concern related to the child/youth's behavior (in the case of unruly youth), the Family Service Worker must contact regional legal counsel immediately and prepare to present this information to the Court. It may be necessary to petition the Court to remove the child/youth from the home and to again place the child/youth outside of his/her home.
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Forms:	<u>CS-0483-Notice, Motion and Order - Unruly</u> <u>CS- 0747- Child and Family Team Meeting Summary</u>
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Collateral documents:	<u>Case Closure Protocol for Dependent Neglected and Unruly Children</u> <u>Child and Family Team Meeting Protocol.</u> <u>Visitation Protocol.</u>
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