

Mercer County Children and Youth Services and your family

# *A Parent's Handbook*

**Your Caseworker:**

**Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Caseworker's Supervisor:**

**Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Your Attorney:**

**Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

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***About This Packet***

This packet is for families who are involved with the Office of Children and Youth Services (CYS). We want to work with you as a partner to solve problems and to improve family life. To be a partner, it is important to have information. This packet gives you information about your rights and your responsibilities as you work with CYS. In addition, it lists your child's rights and responsibilities. It tells you the responsibilities of CYS and the responsibilities of the legal system.

Not everything in this packet may apply to you. For example, you may not be involved with a Judge and the Courts. Your children may not now, or ever, be in the care of others. But we ask that you read the entire booklet so that you learn about CYS.

Any time you need information, have a question, or have a problem, please talk with someone who can provide you with information. You may call an attorney or other legal counsel for advice. At CYS, your caseworker and his or her supervisor will answer your questions. Call them. Their numbers are listed on the cover.

### ***Why CYS Is Involved With Your Family?***

CYS was set up by state law. It exists to protect children from abuse and neglect. CYS receives reports about harm to children. For each report, CYS gathers as much information as possible. The Agency acts when a child is at risk of harm. By law, CYS must protect children and provide services to families when:

- ❖ Children have been injured, abused, or sexually molested by their parents or caretakers
- ❖ Children are not properly cared for or watched
- ❖ Parents are not able to care for children and no other responsible adult is available
- ❖ Children are not attending school as required by law
- ❖ And in certain situations, when parents need help with their problems or their children's problems

Child abuse and child neglect are serious matters. If an investigation shows that your child has been abused or neglected, CYS has a legal responsibility to provide protection for your child. You may have to make changes to your life, and you will have to change the way you care for your child. You must be able to provide a home for your children that is free from harm – now and into the future.

### ***Keeping Families Together***

CYS wants to keep families together. If your children can live with you and be safe, they will stay with you. Most families who are involved with CYS continue to live together under the same roof. While parents continue to parent, they are also receiving services from CYS. The services will help the family work through problems and improve family life.

If adults and children cannot live together safely, CYS will provide a safe, temporary home for the children. This “out-of-home” placement may be with relatives. It may be with a resource family (previously known as foster family). Sometimes, it is in a group home or a residential center.

***If your child is removed from your home, an “emergency hearing” will be held before a Judge within 72 hours. You have the right to an attorney, which is discussed later in this packet.***

***If your child is not living with you,*** CYS will work with you to help you make changes. These changes will allow you to provide a safe home and bring your family together again. You may have to decide to put your child's needs for safety and nurturing above your own needs. You will have to stay away from destructive people, improve your choices and end addictions. This may be difficult, but CYS will offer suggestions and services to help you.

### ***Strength Based Approaches***

It is important to think about the problems you are having that led to CYC's involvement with your family. Think about the help you and your family can use. Talk with CYC about your ideas. It is also important to think about the strengths you and your family already have. You may have sources of help that you have not thought about. Strength and support may come from your relatives, friends, neighbors, religious groups, and community agencies.

### ***You and Your CYC Caseworker***

The main person that you will talk with from CYC is your caseworker. CYC caseworkers are trained to assist families. They work with many families. Caseworkers understand that family problems, personal problems and money problems are not easy to solve. They understand that it may upset you to have a stranger give you advice. Caseworkers do have things to say, but they will also listen. They will ask you to talk about yourself and your family. They ask because it helps to talk. Your conversation will help everyone understand your family situation. Talking can help uncover problems and lead to answers. It can also help identify services for you and your family.

You will be asked to work as a partner with your CYC caseworker. You may also work with caseworkers from other agencies. CYC provides some services directly to you. It also provides services to you by asking other agencies to work with you.

### ***Family Service Plans***

If CYC must work with your family in order to solve problems, your family will be "accepted for services." Early on, family members and the CYC caseworker may work together to write a plan. This plan is called the Family Service Plan (FSP). **Your FSP is your key to change.** You and your caseworker will create goals. The goals will identify the changes you need to make and the services to be provided. It will tell you the time you have to successfully complete a goal. When possible, big tasks will be made into small steps.

The FSP is required by law. It must be signed by your caseworker and by you. When you sign the plan, it means that you agree with it. If you do not agree with it, you don't have to sign it. You will receive a copy of your Family Service Plan to keep. Talk often to your caseworker about your progress on goals. Remember to tell your caseworker about any changes in your life. When your life changes, such as moving to a new home or starting a new job, your FSP may need to change as well.

**Your FSP goals must be completed within a short time.** This is particularly important if your child is not living at home. You must make significant changes within 12 months. If the Judge

finds that you are not making progress, s/he may decide that your child cannot return home. This is why you must work on the goals in your FSP every day.

### ***Appeals to the Department of Public Welfare (DPW)***

The Pennsylvania Department of Public Welfare Office of Hearings and Appeals oversees CYS and will review some decisions made by the Agency.

#### **You may appeal or request that DPW review a decision in these situations:**

1. **“Accepted for services”:** You may appeal the CYS decision to accept your family as a client in need of services.
2. **Family Service Plan:** You may appeal the Family Service Plan within 15 calendar days of receiving it. You may appeal whether or not you signed the FSP.
3. **ChildLine:** You may appeal an “indicated” ChildLine report if you don’t think you abused or neglected your child.

Ask your attorney or your caseworker for more information.

### ***Services***

The services your CYS caseworker will talk to you about will depend on what your family needs, what you ask for, or what the Judge might order. Sometimes services are provided by CYS. Sometimes CYS will refer you to services provided by another agency or program. You may request and/or be asked to go to the following in order to assess your needs or to strengthen your family:

- ❖ Psychological assessments
- ❖ Parenting classes
- ❖ Counseling or therapy
- ❖ Self-help or support groups
- ❖ Job training
- ❖ Drug and alcohol rehabilitation
- ❖ Counseling in homemaking and home budgeting

Making progress toward the goals in our FSP is important. You can do this by using the services you are offered. The changes you make will help the Judge decide about your child’s future. Please talk with your caseworker if you have any problems with any service or program, such as:

- ❖ Scheduling problems
- ❖ Transportation to a program’s location

- ❖ Meeting the requirements of the program
- ❖ Problems talking to staff in a program or agency

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

When your family is accepted for services with CYS, you will begin working with a variety of professionals. Your main contacts, however, is the caseworker assigned to your case through CYS. Other caseworker and case managers may be provided through private agencies. The following is a common list of professionals who work with families involved with CYS.

CYS Caseworker: The CYS caseworker sets up planning meetings and checks in with the service providers working with your family. The CYS caseworker must make sure you are getting the services you need. Your CYS caseworker is required to testify at your court hearing, if applicable, and report on your progress or lack of progress. Your caseworker should meet with you regularly, at least monthly but more often if your case is complicated. If your caseworker is not responding to your calls or requests, you may contact his/her supervisor. If your family is Court involved you may also contact your attorney. There are times when the caseworker assigned to your case might change. If at any time you don't know who your CYS caseworker is, or if you don't know how to get in touch with your caseworker, call (724) 662-2703.

Lawyers: You will have a lawyer assigned to represent your legal interests. Your child will also have a special lawyer who may also be called a "Guardian ad Litem," "Guardian," or "GAL." Lawyers are also sometimes referred to as "advocates," "attorneys," and/or "counsel." CYS will also have a lawyer called a "solicitor" who represents the legal interests of CYS. Stay in contact with your lawyer and tell him/her 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 CYS caseworker.

Judge: The Judge will be making decisions during Court hearings about your children and family.

Foster Parents: Foster parents are people who have been trained to care for children removed from their homes. If CYS has placed your child into the care of a licensed relative, this is called Kinship Foster Care.

Service Providers: These are professionals who usually work for private or other community agencies and provide services to you and your children. They may include, but are not limited to, therapists, mental health specialists, drug or alcohol counselors, in-home counselors, child profile workers, child prep workers and staff who supervise visitation. Those services are from professional providers who will help you build or enhance parenting skill-sets and assess and manage the health and safety of your family. Specifically, some service providers work with children to help them achieve developmental milestones; others work with parents to help them with problems related to budgeting, mental health issues, domestic violence, housing, truancy, physical health, or drug and alcohol issues.

### ***About Your Child in an Out-of-Home Placement***

The caseworker will work with you and others to make sure that your child's social, emotional, developmental, and health needs are met. S/he will prepare a plan of services, with your help whenever possible. Help make sure that you child is well cared for. Give your caseworker as

much information as you can about any allergies, any medicines routinely taken, or other health needs. Offer a copy of your child’s health records. Tell your caseworker about all regularly scheduled appointments.

Unless restricted by CYS or a Court order, you may choose to go to your child’s medical and dental appointments. It’s a good way to offer support and to continue to know about his or her health care and CYS will encourage you to attend these appointments.

### ***Visiting Your Child While They Are in Out of Home Placement***

If your children are not living with you, **visit them regularly**. It is very important to them. Regular visits will help you and your children keep family ties. Cards, letters and gifts are nice, but they need to see you in person.

Visits are required by law, so for almost all families, visits are an important part of the Family Service Plan. Unless the Court orders you not to visit, you may visit every other week. Visits can occur in a variety of locations such as the Mercer County Children and Youth Services Office, the community, your home, a relative’s home, etc. If your child is placed in a group home or residential setting, you will be encouraged to visit there. You can learn about the program and perhaps join in some activities.

Your visits with your children let your caseworker and the Judge know that:

- ❖ Your child is important to you
- ❖ You want to be a responsible parent for your children
- ❖ You want to take care of your children yourself

If you are in court, a Judge may ask you if you have visited regularly. Be able to say – YES! Remember, your children should benefit from your visit.

- ❖ Enjoy the time you spend with your child
- ❖ Be positive with them during visits
- ❖ Use your best parenting skills
- ❖ If you have complaints, talk about them to your caseworker, not your child
- ❖ Follow all agency and court rules at visits
- ❖ If you have problems with transportation, tell your caseworker
- ❖ If you have problems with your visitation, tell your caseworker

### ***The Courts and Your Representation***

Not all families have “court-active” cases. If you are involved in Court hearings, you can choose to be represented by an attorney. It helps to have an attorney with you in Court. You can talk



to your attorney before every Court hearing. Keep all legal papers such as petitions, case summaries, and FSPs, and read them over with your attorney.

If you wish to hire an attorney, it is your right to do so. If you cannot afford an attorney, one will be provided to you through the Mercer County Public Defender's Office. An attorney will only be assigned to you if you meet the income guidelines. **Call your attorney as soon as you know your first Court date.** Contact the attorney quickly so that s/he can meet with you and be prepared to represent you. Your caseworker can provide you with the number to your attorney. If you decide to hire a private attorney, please provide your caseworker with his/her name, phone number and address. You may also be required to sign a release for your attorney so that the proper information can be given to him/her. Also give your attorney your caseworker's name and phone number.

### ***Your Child's Responsibilities and Rights***

Responsibilities are part of a child's life. This is true whether your child is living with you, with relatives, or with others. A child will be expected to follow the rules and routines of the placement setting. S/he may be expected to cooperate with therapeutic treatment. Depending on age, s/he will help with the Family Service Plan (FSP). If school-age, your child will go to school.

In addition to responsibilities, your child has the right to:

1. safety and protection from danger,
2. a permanent home, food and clothing,
3. age-appropriate supervision and discipline,
4. medical and dental care,
5. services to meet any special needs,
6. information about the reasons why he or she is getting help from CYS,
7. receive an education;
8. practice his or her religion,
9. complain to a CYS caseworker,
10. respectful and courteous treatment,
11. opportunities to visit with the family (unless denied by Court),
12. to agree to adoption (age 14 years and older),
13. guidance before the age of 18 years on how to plan for life as an independent adult,
14. receive help coping with separation from family,
15. keep some personal possessions,
16. be represented by a lawyer.

### ***Your Rights***

You do not lose your rights simply because your family becomes involved with Children and Youth Services.

1. Every parent who receives services has the right to explanations about:
  - the reasons why your family is involved with CYS
  - your Family Service Plan (FSP)
  - any treatment or rehabilitation plan
  - any court actions, court orders, or other legal documents
2. Every parent has the right to talk to CYS using:
  - telephone numbers for your Caseworker and his/ her Supervisor
  - a 24-hour phone number for CYS: (724) 662-6130
  - an interpreter, if you do not speak English, or if you are hearing impaired
3. Every parent has the right to information about:
  - court proceedings and court actions
  - actions taken by CYS
  - a ChildLine report, if applicable (Note: You may request a copy from your Caseworker. Some information will be removed)
4. Every parent “accepted for services” has the right to services:
  - that meet the standards set by federal, state, and local regulations
  - that are written in the Family Service Plan (FSP) (Note. A parent does have the right to refuse services. But you are responsible for the result. If you refuse help, you may not be able to meet your child’s needs. If your child is in an out-of-home placement, you may not be able to reunify your family)
5. Every parent has the right to choose to have an attorney:
  - for legal advice and representation in court
  - to review and inspect records and documents. (Note: You will be provided with an attorney if you meet the income guidelines and/or you may hire your own attorney)
6. Every parent has the right to complain.
7. Every parent has the right to be treated with respect, which includes:
  - no discrimination based on disability, age, race, sex, religion, ethnic origin, economic status, or sexual orientation
  - privacy and confidentiality (within limits set by laws and court orders) (Note: There are exceptions. CYS must tell the proper authorities about any child abuse, criminal activity, or about any person’s threat to harm themselves or others)
8. If your child is in an out-of-home placement, you have the right to:
  - have your child(ren) return home when all of the conditions required by the court and your Family Service Plan (FSP) have been met
  - contact with your child(ren) and information about his/her whereabouts (unless denied by the court)
  - visit at least every two weeks (unless denied by the court)
  - send mail and receive phone calls (unless denied by the court)
  - go with your child to a medical or dental appointment (unless denied by the court)
  - be told of any change in the child’s placement
9. If your child is in an out-of-home placement, you have the right to be consulted and make decisions about:

- your child’s religion,
- your child’s general or special education needs. If your child needs an Individual Educational Plan (I.E.P.), your signature is needed to begin the process,
- hospitalizations and/or medical and surgical treatment,
- out-of-county travel,
- your child’s involvement in contact sports, such as football,
- giving photos or information about your child for publication or media purposes,
- any waiver of liability (usually part of the forms for sports, trips or camp applications),
- your child’s marriage or enlistment in the military.

(Note: For some of these situations, a Judge will consent if you are not available or if your refusal is not in the child’s best interests)

### ***Your Responsibilities***

As a parent, you are responsible to:

1. help pay for your child’s care. When your child is in an “out-of-home” placement, you contribute to the costs of the placement:
  - If you receive public assistance (TANF), you will not receive money for your child or children while they are in out-of-home placements
  - If you have a job, the court will decide the amount you pay.
2. be present in court for all hearings and follow all court orders.
3. meet the goals of a Family Service Plan (FSP) within the time allowed.
4. identify supports for the family.
5. stay in contact with your child(ren) and participate in case-planning, and medical and educational decision-making for them.
6. treat others with courtesy and respect.
7. call if you need to cancel an appointment.
8. obey all court and agency rules about weapons and threatening behavior.
9. provide information to your Caseworker (Note: Your Caseworker needs to know about changes in your life, including changes in your address or telephone number, your work, your job, your marital status, your health status, or your household, such as someone moving into or out of your home.)

## ***Responsibilities of Mercer County Children and Youth Services***

### For parents, the agency is responsible to:

- be respectful and courteous.
- assess your family's needs.
- plan for appropriate services that help you and your child.
- tell you about advocacy services.
- arrange for your regular visits with your child.
- involve you in writing the Family Service Plan (FSP) and in making any changes to the FSP.
- obey all court orders and report any progress to the court.
- protect your family's confidentiality, **but** report any child abuse to authorities.
- keep, release, and destroy records as required by law.
- testify in court about your family (if your family's case is court-active).

### For children, the agency is responsible to:

- protect children from abuse and neglect.
- provide for a child's safety, health, and nurturing.
- plan for a permanent home.
- include children older than 14 years of age in planning the Family Service Plan (FSP).

### When a child's placement is needed, CYS must:

- place children in the most home-like setting possible.
- review the placement regularly.
- supervise, visit, and support temporary caregivers.
- help with a return to the family or, if age-appropriate, a move to independent living.

## ***What if I am in jail or prison?***

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 this situation you must ask your attorney to make arrangements for you to be present at the hearing or to participate by phone. Social workers at the prison may also be able to help you.

It can be very frustrating if you are in jail and your family is involved with CYS. The law says that you can't lose your child solely because you are in jail. It is very important that you keep in contact with the CYS caseworker, your lawyer and request visits with your child. If your child is in foster care for 15 months or more (or sometimes even less time), CYS may consider filing a petition to end your parental rights. Here are some important steps to maintain your relationship with your child:

- *Stay in contact with your child* - Write letters, send cards, make calls, and request visits.
- *Stay in contact with the CYS caseworker* – Call them, write them, ask to participate in the planning for your child.

- *See what services are available to you in jail or prison* - Talk to your prison social worker/counselor about services that may be available.
- *Go to court hearings.* You have a right to have a lawyer for court hearings involving your child. If you do not have a lawyer, ask the judge to appoint one. If you do not know who your lawyer is, ask your CYS caseworker. Ask your lawyer to make arrangements for you to be at all court hearings.

### ***What are the Permanency Goals?***

As mentioned previously, The Adoption and Safe Families Act (ASFA) is a federal law that requires every child in placement to have a “*Permanency Plan*” with at least one goal (see Concurrent Planning below) so they don’t end up spending their entire childhood in foster care. The goals of ASFA are to promote safety, permanency, and well-being for children by placing a limit on the amount of time they spend in foster care.

ASFA outlines 5 possible permanency goals for children who have been removed from their homes. They are:

#### ***Reunification (return home)***

In most cases the permanent plan for your child will be to *return home*. To accomplish this, you need to work on the services outlined in your Child Permanency Plan and follow all court orders to address the problems that caused your child to be removed from your home. Before you are reunified with your child, the judge must be assured that you are able to provide a safe home and guarantee proper care of your child.

#### ***Adoption***

If you cannot reunify with your child, the federal law says the next best permanent goal is *adoption*. If your child’s permanent plan is adoption that means your parental rights will be terminated and someone else will legally become your child’s parent.

#### ***Subsidized Permanent Legal Custodianship (SPLC)***

The next possible permanency goal for a child who cannot be reunited with their parent is *Subsidized Permanent Legal Custodianship*.

This goal allows the parent to maintain their parental rights while someone else becomes the child’s legal custodian. Most times, this person is a relative, close friend of the family, or even a foster parent who has been caring for the child for at least 6 months. The legal custodian must agree to provide a permanent home for the child. If the court grants *Subsidized Permanent Legal Custodianship* to another party they will be acting as the parent and will make important medical and school decisions for the child. The custodian may receive some financial assistance

from the state to help care for the child.

With a permanent goal of SPLC your parental rights are not terminated and:

- You may still have to pay child support depending on your resources
- CYS will not need to stay involved with your family
- You can petition, or ask the Family Court, by filing documents through Domestic Relations, to establish visits or change custody if the change is in the child's best interest

### **Placement with a Fit and Willing Relative**

If your child cannot be *Reunified* with you, and neither *Adoption* nor *Subsidized Permanent Legal Custodianship* are possible, then the next permanent plan may be *Placement with a Fit and Willing Relative*. This means your child will live with a relative, godparent or family friend, and that the caseworker will continue to work with your family. The court case will stay open and the Judge will review your case every 5 months. You keep your parental rights, but your child lives with his/her relative. You may continue to visit with your child if it is ordered by the court.

### **Another Planned Permanent Living Arrangement (APPLA)**

If your child cannot be reunified with you, and none of the other permanency options described above are possible, then the permanency plan of last resort is *Another Planned Permanent Living Arrangement*. This permanency goal allows your child to continue living with a family that provides consistent emotional support and shelter until he/she achieves independence or one of the other permanency goals described above. This may include placement in a group home or residential treatment facility. If your child's permanency goal is determined to be *Another Planned Permanent Living Arrangement* this means your child will not be living with you and will continue to be supervised by CYS and the court. In this arrangement you would still be able to visit and be involved with your child if ordered by the court.

### **What is a Concurrent Plan?**

In most instances, when a child is first removed from a home all services are directed toward helping that child return home. However, in the event that reunification is not possible, the federal government's Adoption & Safe Families Act (ASFA) encourages CYS caseworkers to also work on a backup permanency plan for a child at the same time he/she is working with you to reunify your family. This is called Concurrent Planning. CYS will usually develop this plan as soon as your child enters foster care. You need to assist CYS with the development of the concurrent plan by giving the names and addresses of relatives or family friends that might be able to care for your child in the event that he/she cannot be returned to you.

You should know that CYS, the court and other parties involved with your child may discuss permanency with your child's caregivers, including relatives. They may discuss adoption and/or other permanency plans even while CYS is working with you on reunification. These connections may prove to be valuable even if your child is eventually returned to your care.

## **Definitions**

**Accept for Services** – the individual/family becomes a client of CYS.

**Age-appropriate** – refers to the child’s expected mental and physical capacities.

**CASA** – Court-Appointed Special Advocate – S/he advocates for your child’s interests in court. A CASA advocate is not an attorney. S/he does not represent or advocate for you and may agree or disagree with you in court.

**Child Abuse** – see the legal definition, based on the CPSL, on page 18.

**Child Abuse Report** – the written report of a child’s abuse. CYS can decide that child abuse is indicated (i.e., likely that it occurred), or CYS can decide that a report is unfounded (i.e., abuse cannot be proven). If at least one incident was proven to a court’s satisfaction, the case is founded.

**ChildLine/Abuse Registry** – statewide list of all cases of child abuse that are under investigation, indicated, or founded.

**Court-Active Case** – a case under review by a Judge.

**Court Order** – a legally binding document stating a Judge’s instructions or directions. (All court orders must be followed by all parties.)

**Family Group Decision Making** – a planning process that brings together the child’s parents, extended family members and others with an interest to ensure a child’s safety.

**Family Service Plan (FSP)** – a plan for the CYS client that identifies problems and how to solve them. It states the amount of time allowed for successful completion and the service programs to be put in place for the family.

**Foster Care** – a child’s temporary home and care by a trained caretaker.

**Kinship Placement** – a child’s temporary home with a relative or friend of the family.

**Out-of-home Placement** – a temporary home for a child who, for safety reasons, must live away from parent(s).

**Permanency** – the law requires that every child have a permanent home. CYS must establish a permanent home. The child may return to the birth family. Or, a Judge may decide that the child live with relatives or adoptive parents.

**Perpetrator** – a parent, a person over the age of 14 years residing in the home of the child, a person responsible for the child’s welfare, or a paramour of a parent or caregiver.

**Rights** – “having the right to ...” means that society has given a person permission – through the legal system – to act or secure an action in the way that s/he desires.

**Termination of Parental Rights (TPR)** – a legally binding court decision made by a Judge in court. TPR ends all parental rights of birth parents.