

# What Happens When Your Child and Family Are Involved with DCFS?



**Arkansas Department of Human Services  
Division of Children and Family Services**

Care \* Commit \* Connect

Our mission is to keep children safe and help families.  
DCFS will respectfully engage families and youth  
and use community-based services and supports  
to assist parents in successfully caring for their children.  
We will focus on the safety, permanency,  
and well-being for all children and youth.

**PUB-11 (08/2013)**

**T**his booklet is designed to help you understand what happens when you and your child come into contact with DCFS. We know this can be a difficult time, but we are here to help. We want every child to grow up in a safe, loving environment and become a healthy, productive adult. We will work with you to make this happen. This booklet outlines the roles and responsibilities for everyone involved and outlines the court process. You will also find a glossary of terms at the end of this booklet.

While the best place for a child is almost always with his or her family, there are times when the police or DCFS will move a child away from his or her family to keep him or her safe. When the police or DCFS receive a report of child abuse, neglect, or abandonment, they must investigate. If they feel a child is in danger, they will move him or her away from the home. While this initial move is temporary, it is up to the court to decide if and when a child should return home. During the time a child is away from his or her family, he or she will live with a foster family who will provide a safe, loving home. A Family Service Worker (FSW) will work with the family to help make their home safe for their child's return. Even though getting the family back together is the main goal, sometimes the court will decide that it is not best for a child to return to his or her family. When this occurs, DCFS will help a child find a permanent family with a relative or an adoptive family, or live independently if he or she is old enough.

## **When You Come into Contact with DCFS**

You are most likely dealing with the situation described above. Please know that DCFS has the best interests of your child in mind. We want him or her to be happy, safe, and healthy. We believe that children are safe when they have positive protective relationships with caring family members. Therefore, we will work with you to make your home a safe place. The person you will work most closely with is your FSW. His or her primary responsibility is to work with you to reunite your family by helping you correct the issues that resulted in your child's move away from your home. Making meaningful decisions about your family requires your close participation, so you and your FSW will work together to create a plan with a final goal of having your child return to your home. The plan is a written agreement that you will sign. It lists all the things you must do, including anything the court has ordered, in order for your child to return home. The plan also lists what DCFS will do to help. The plan may include counseling, physical and psychological evaluations, housing, employment, child care, transportation, and legal services. Your FSW is there to help you along the way and answer any questions you may have.

Your FSW will also frequently visit the home of the foster family where your child is staying to make sure your child is ok, to discuss the plan, any changes to the plan, and any problems that your child may be having. He or she will work with the foster parents to help your child be as comfortable as possible. To know what you should expect from your FSW, his or her responsibilities are listed below.

## **Responsibilities of the Family Service Worker**

1. Provide services to support the case plan goal(s) for you and your family.
2. Assist in investigations of suspected child abuse and neglect by making on-site visits, obtaining background information, and interviewing parties involved.
3. Assist in establishing goals, objectives, tasks, and time frames when making the plan to help your child return home.
4. Recruit foster families and conduct home studies and family assessments to help find the best foster home for your child.
5. Visit with your family and your child's foster family to be sure everyone is working to achieve the goals of the plan.
6. Perform any other related responsibilities to help create the best experiences for your child.

7. Make regular contact with you, your child, your child's foster family, law enforcement officials, medical personnel, teachers, child care personnel, agency and private attorneys, and any one else identified as important to you and your child.

Additionally, your FSW is required to report to the court about whether or not you are achieving the goals of your plan and make recommendations about you and your family. **If you feel you cannot keep up with the plan, please talk to your FSW. If you do not, you may lose your rights as a parent.** Your rights are listed below. Please let your FSW know if you have any questions regarding your rights.

## Your Rights

1. You have the right to be notified, in advance, of any court hearing or other legal action involving your child. You will be informed of the time, location, and reasons for the actions.
2. You have the right to ask for a lawyer any time there is any type of legal action involving your child. If you cannot afford a lawyer, you should let the court know. You may be able to receive free legal assistance.
3. You have the right to be involved in creating the plan for helping your child return to your home. You have the right to receive a copy of the plan. You have the right to talk to the judge if you disagree with the plan.
4. You have the right to appeal any final court order to a higher court.
5. Unless the court decides you cannot visit your child, you have the right to visit your child by making an appointment with your FSW (he or she may supervise the visits).
6. You have the right to an interpreter in court if you cannot hear, speak, or understand English.
7. You have the right to be informed about your child's adjustment to foster care and his or her development, such as health issues and school progress.
8. You have the right to make a complaint or ask any questions of your FSW concerning your child in foster care. Please see the list of names and phone numbers at the end of this booklet.
9. You have the right to stay involved in your child's life while he or she is in foster care such as participating in educational decisions or physical and mental health assessments and treatments (unless the court has determined it not in your child's best interest). There will be staffings to discuss progress made. The staffings will include your FSW, the foster parents, and attorneys. You have the right to be a part of these staffings. You also have the right to bring an advocate to the staffings.
10. You have the right to be notified, in advance, if your child is moved to a different foster home, unless this advance notice would endanger your child; or an emergency arises where the child must move to a new foster home immediately. In this case, you will be notified within 24 hours.

## Understanding Foster Care

Foster care exists because we believe all children have a right to a safe and supportive environment in which to grow. The purpose of foster care is to provide a healthy home and community experience for your child while the conditions which caused your child's move away from your home are being resolved. Thus, foster care is meant to be temporary. The length of your child's stay in foster care will depend a great deal on the conditions which caused DCFS or the police to move your child and the time and resources available to resolve them. The goal of foster care is to work toward a finding a permanent home for your child, preferably, with you.

**We believe long-lasting success with families is the work of a team,** involving you, your child, your child's foster family, your FSW, and others you may identify as being important to you and your child.

Team members need to respect each other and communicate openly and honestly with each other. The needs of your child will be best served when all team members work together.

### **Foster Families**

It is the responsibility of foster parents to provide twenty-four hour nurturing care to children who live with them. They also have the responsibility to help your child develop a good self image and have positive feelings about their past, present, and future.

As temporary substitute parents, foster parents are close to your child on a day-to-day basis. This closeness allows foster parents to function as an important member of the foster care team. Therefore, the foster parents are in an excellent position to evaluate your child's current needs and make sure they or resources in the community are meeting your child's needs. Because foster parents are with your child every day, they can contribute a special knowledge to DCFS and to you, including information about your child's behavior, relationships with playmates and other members of the foster family, and adjustment to school and the neighborhood.

To help you better understand how your child will be cared for while living with a foster family, the foster family's responsibilities are listed below. Your FSW can answer any questions you may have regarding these responsibilities.

### **Responsibilities of Foster Families**

1. Participate in training and education programs for foster parents both before and after they become foster parents, to improve their ability to care for your children and others who are in foster care.
2. Help develop an individualized training plan and follow the plan.
3. Follow the policies and the decisions of DCFS and accept the supervision of DCFS.
4. Help your child and DCFS plan and achieve his or her return to you, a permanent home with a relative or an adoptive family, or independent living.
5. Communicate with the attorney ad litem about the needs of your child so that the attorney can present a complete and accurate picture to the court.
6. Participate in staffings and court hearings and present information about your child, when required.
7. Provide a nurturing family life experience for your child, including guidance, intellectual stimulation, affection, and appropriate discipline.
8. Establish well defined rules; set expectations and limits consistent with your child's age, and clearly establish that there will be consequences for inappropriate behavior; discipline with kindness and understanding; train and teach your child using positive techniques that stress praise and encouragement, rather than using negative techniques.
9. Protect your child by locking up all dangerous objects and substances.
10. Store all medications in a secure location and follow the instructions on the label when giving them to your child. Understand the possible side effects of all medications and keep a log of all medications given to your child.
11. Provide for enrollment and regular school attendance when age-appropriate in an accredited school and encourage the expression of your child's strengths and special talents. Provide your child with opportunity for recreational activities and for participation in family, school, and community activities.
12. Cooperate with DCFS in arranging for routine medical and dental care as well as making sure your child receives appropriate care during any illness. Go with your child on all medical appointments.

13. Protect your child from exposure to second-hand smoke and take every precaution to ensure his or her health and safety.
14. Maintain a record of health care and immunization records via the Medical Passport.
15. Keep a lifebook for your child to record developmental progress as well as regular and special events in your child's life while he or she is in their home.
16. Speak positively of you and your family.
17. Maintain absolute confidentiality of information about you and your family and do not discuss it with anyone else.
18. Maintain open communication with all team members, including communication with your family when it is part of the plan.
19. Show support and help prepare your child for any move that he or she must make (back to your family, to a relative's home, another foster home, an adoptive home, or independent living).

### **Helping Your Child Adjust to Foster Care**

In order for you to help your child best adjust to living with a foster family, please:

1. Explain to your child that living with the foster family is the best thing for him or her at this time. Be sure your child understands that he or she is not to blame.
2. Let your child know that you are not leaving and that you will be visiting regularly.
3. Send your child's clothing and shoes and, if possible, send some of your child's favorite toys or books.
4. Be careful not to make promises you won't be able to keep.
5. Make every effort to keep scheduled visits and let your FSW know as soon as possible if you are unable to make a visit.

### **DHS and DCFS**

DHS, acting through DCFS, serves as the court-appointed legal custodian for your child and has the final responsibility for making sure your child has the best possible foster care experience and that appropriate long-term plans are made. DCFS also wants to help you resolve the problems or conditions affecting your family that resulted in your child's move away from your home. Cooperation among the courts, other agencies, and community resources is necessary to make sure that all plans are carried out.

### **Responsibilities of DCFS to Your Child**

Children have certain natural rights based on their special status as children and their inability to care for themselves. Among these rights are:

- the right to live with their family and to receive love, protection, nurturance, and support until they reach adulthood;
- the right to be free from harm, neglect, and abuse;
- the right to receive an education;
- the right to have physical care and medical attention;
- the right to enjoy life with a family;
- the right to be disciplined and to receive religious and moral training; and,
- the right to grow into independent and self-sufficient young adults.

When a child's right to live with his or her own family is at risk, he or she has a right to be represented by legal counsel (attorney) and to have his or her legal rights protected in any judicial procedure

regarding custody or guardianship. DCFS has certain responsibilities to children who have temporarily or permanently been moved from their parents. Responsibilities of DCFS to your child are as follows:

1. Place your child in a family foster home, relative foster home, or other substitute care facility that can best serve your child's needs and is the least restrictive environment.
2. Place your child close to your family to allow frequent contact.
3. Make sure your child has planned, regular visits with your family and relatives.
4. Give your child honest information regarding all decisions.
5. Provide your child the basic rights that are stated above.
6. Provide opportunity for religious experiences for your child.
7. Allow your child to participate in planning, conferences, staffings, and court hearings whenever possible and age appropriate.
8. Keep a record for your child that includes legal documents such as birth certificate, social security card and court orders.
9. Communicate with your child's school about custody and other issues that might impact your child's ability to learn.
10. Help your child return to your family, be legally freed to form a new family with relatives or adoptive parents, or live independently, if age-appropriate.

### **Responsibilities of DCFS to You and Your Family**

You are the key to long-range planning for your child in foster care. You are a central member of the foster care team. Your child began with you, identifies with you and, in most instances, wants to return to you. Your child's return home is dependent on your ability to achieve the goals of your plan and make your home a safe place for your child. Otherwise, you face the possibility of losing your parental rights and, therefore, your child. DCFS has certain responsibilities to you while your child is under their care. They are listed below.

1. Offer and provide services that will help keep your family together.
2. Let you know why it was necessary to temporarily move your child and place him or her with a foster family.
3. Do not judge or criticize you. Acknowledge that you share in your child's life.
4. Let you know how you can still be involved in your child's life while he or she is in foster care.
5. Let you know what you must do to have your child return home.
6. Include you when creating the plan for helping your child return home.
7. Give you every possible support and service for achieving the goals of your plan to help your child return home.
8. Return your child to your home when the necessary changes or conditions required by the court have been made.

### **Your Responsibilities as a Parent**

Listed below are the responsibilities that you have as the parent of a child who is in foster care.

1. Provide any and all important information about your child and family to DCFS.
2. Tell your FSW about any special needs your child has, including health conditions, school information, and important family customs or cultural practices. **It is very important that you tell your FSW about your child's medical needs and problems, including illnesses, medications,**

**allergies, and immunization records** in order for your child to receive proper medical care while he or she is living with a foster family.

3. Participate in staffings and court hearings.
4. Work with your FSW to create a plan that will help your child return home.
5. Participate in the services to support the case plan goal(s) offered to your family and work on achieving the goals of your plan.
6. Be involved, as often as possible, in your child's medical appointments or social or religious activities.
7. Keep in contact with your FSW and keep him or her updated on what you are doing to achieve the goals of your plan. Be sure your FSW always has your current address and telephone number.
8. Maintain contact and communication with your child. Make sure you keep your appointments to visit with your child.
9. Talk to your FSW or lawyer if you have any concerns.
10. Provide financial support for your child. The court will decide how much you need to pay.
11. Let DCFS know as soon as possible if you wish to give up your rights as a parent and end your relationship with your child.

## **COURT PROCESS**

Because the court makes most of the decisions regarding your child and family, it is important that you understand the court process, part of which will be multiple court hearings. If, at any time, you have questions regarding the court process, your FSW or lawyer will be able to help you. If you cannot afford a lawyer, let the judge know. If you are eligible, the court can help arrange legal assistance for you. You may, at any time, request a court hearing to review your case. **It is very important that you attend all hearings.**

The court process is described below (the following information regarding the court process in Arkansas was adapted from [www.arkansascasa.org](http://www.arkansascasa.org)).

**Reports and Investigation** – The state police investigate all reports of severe maltreatment and by law are required to initiate these investigations within 24 hours of receiving a report. Severe maltreatment includes things such as sexual abuse or exploitation, broken bones, internal injuries, abandonment, burns, and suffocation. DCFS investigates all other types of maltreatment reports and must do so within 72 hours.

**Emergency Removal** – DCFS and law enforcement have the right to remove a child from his or her home for up to 72 hours without notifying the parents if they believe the child's health or safety are at risk. Most emergency removals occur as a result of a report to the Child Abuse Hotline. During this time, a child will stay with a foster family.

**Emergency (Probable Cause) Hearing** – The emergency hearing must be held within five working days after an emergency removal to determine 1) if there was probable cause to remove the child and 2) if probable cause still exists that the child should remain away from home. In other words, the court will decide if DCFS or the police were right in removing your child.

**Adjudication Hearing (Trial)** –The adjudication hearing is held within 30 days after the probable cause hearing unless the court finds good cause to extend the hearing for an additional 30 days. The purpose of the adjudication hearing is for the judge to determine whether the allegations are substantiated by

the proof (found true). In order for dependency-neglect to be found true, DHS/DCFS must prove that, due to parental unfitness or child maltreatment, your child is at great risk for serious harm.

**Disposition Hearing** – The disposition hearing usually occurs immediately after the adjudication hearing if the judge has determined the child dependent-neglected. The purpose of the disposition hearing is to determine what action will be taken. The judge will determine whether a child is safe to return home or whether the child must continue living with a foster family and remain under the care of DHS/DCFS. The judge will also order services to reunify and/or preserve the family. If the court determines a child must remain away from home, the court will approve a plan for the child and parents to visit each other as well as a plan to help the child safely return home.

**Review Hearings** – The first review hearing must be held within six months of the emergency removal. Subsequent review hearings must be held every six months. The purpose of a review hearing is for the judge to re-examine the situation, determine whether the court orders and approved plan are being followed, and determine whether each party is working to achieve the goals of the plan.

**Permanency Planning Hearing** – The permanency planning hearing must be held no later than 12 months from the emergency removal. The purpose is for the judge to decide where the child should permanently live. These options may include 1) Return the child to his or her family, 2) Continue working on the plan to return the child to his or her family 3) Approve a plan to terminate the parental rights of the parents, 4) Approve a plan to allow the child to be adopted.

**Termination of Parental Rights** – Termination of parental rights (TPR) can be voluntary or court-ordered. TPR is a permanent, legal action in which a parent gives up all rights and responsibilities and ends the relationship with his or her child. After TPR, another family will be able to adopt and care for the child. If at any time you wish to terminate your rights as a parent, please let DCFS know.

### **A Final Note**

We hope this booklet has been helpful to you in understanding what happens when your child and family are involved with DCFS. Remember that we are here for you. We have your child's interests in mind and we want what's best for you and your family. If at any time you have questions or concerns, please let us know. You have the contact information for your FSW, his or her supervisor, and the DCFS County Supervisor on the back page of this booklet.

# Glossary

**Abandonment** – Failure of a parent to provide reasonable support and to maintain regular contact with a child through statement or contact when the failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future and support or maintain regular contact with a child without just cause or an articulated intent to forego parental responsibility. Abandonment does not include acts or omissions of a parent toward a married minor.

**Abuse** – Any of the following acts or omissions by a parent, guardian, custodian, foster parent, person eighteen years of age or older living in the home with a child whether related or unrelated to the child, or any person who is entrusted with the child’s care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, a significant other of the child’s parent, or any person legally responsible for the child’s welfare, but excluding the spouse of a minor:

1. Extreme or repeated cruelty to a child;
2. Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ;
3. Injury to a child’s intellectual, emotional, or psychological development as evidenced by observable and substantial impairment of the child’s ability to function within the child’s normal range of performance and behavior;
4. Any injury that is at variance with the history given;
5. Any non-accidental physical injury;
6. Any of the following intentional or knowing acts, with physical injury and without justifiable cause:
  - A. Throwing, kicking, burning, biting or cutting a child;
  - B. Striking a child with a closed fist;
  - C. Shaking a child; or
  - D. Striking a child on the face or head; or
7. Any of the following intentional or knowing acts, with or without physical injury:
  - A. Striking a child six years of age or younger on the face or head;
  - B. Shaking a child three years of age or younger;
  - C. Interfering with a child’s breathing;
  - D. Pinching, biting, or striking a child in the genital area;
  - E. Tying a child to a fixed or heavy object or binding or tying a child’s limbs together;
  - F. Giving a child or permitting a child to consume or inhale a poisonous or noxious substance not prescribed by a physician that has the capacity to interfere with normal physiological functions;
  - G. Giving a child or permitting a child to consume or inhale a substance not prescribed by a physician that has the capacity to alter the mood of the child, including, but not limited to, the following:
    1. Marijuana;
    2. Alcohol, excluding alcohol given to a child during a recognized and established religious ceremony or service;
    3. A narcotic; or
    4. An over-the-counter drug if a person purposely administers an overdose to a child or purposely gives an inappropriate over-the-counter drug to a child and the child is detrimentally impacted by the overdose or the over-the-counter drug;

- H. Exposing a child to a chemical that has the capacity to interfere with normal physiological functions, including, but not limited to, a chemical used or generated during the manufacture of methamphetamine;
- I. Subjecting a child to Munchausen's syndrome by proxy or a factitious illness by proxy if the incident is confirmed by medical personnel.

NOTE: The list in the above section contains examples of unreasonable action, but is not intended to be exclusive.

No unreasonable action shall be construed to permit a finding of abuse without having established the elements of abuse.

Abuse shall not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child. Abuse shall not include when a child suffers transient pain or minor temporary marks as the result of an appropriate restraint if:

1. The person exercising the restraint is an employee of an agency licensed or exempted from licensure under the Child Welfare Agency Licensing Act;
2. The agency has policy and procedures regarding restraints;
3. No other alternative exists to control the child except for a restraint;
4. The child is in danger of hurting himself or others;
5. The person exercising the restraint has been trained in properly restraining children, de-escalation, and conflict resolution techniques;
6. The restraint is for a reasonable period of time; and
7. The restraint is in conformity with training and agency policy and procedures.

Reasonable and moderate physical discipline inflicted by a parent or guardian shall not include any act that is likely to cause and which does cause injury more serious than transient pain or minor temporary marks. The age, size and condition of the child and the location of the injury and the frequency of recurrence of injuries shall be considered when determining whether the physical discipline is reasonable or moderate.

**Attorney ad Litem** – An attorney appointed by the court to represent the best interests of a child who has been determined to be dependent-neglected.

**Family** – A spouse, parent, child, sibling, or a person related to another person by blood or a common ancestor; also birth family, legal family, adoptive family.

**Lifebook** – A book belonging to a child in foster care which is designed to record progress and document developmental, educational, and social milestones while he or she is away from his or her permanent family.

**Neglect** – Acts or omissions of a parent, guardian, custodian, foster parent, or any person who is entrusted with the child's care by a parent, custodian, guardian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, childcare facility, public or private school, or any person legally responsible under state law for the juvenile's welfare, but excluding the spouse of a minor and the parents of a married minor, which constitute:

1. Failure or refusal to prevent the abuse of the child when the person knows or has reasonable cause to know the child is or has been abused;

2. Failure or refusal to provide the necessary food, clothing, or shelter, or medical treatment necessary for the child's well-being, except when the failure or refusal is caused primarily by the financial inability of the person legally responsible and no services for relief have been offered;
3. Failure to take reasonable action to protect the child from abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness when the existence of the condition was known or should have been known;
4. Failure or irremediable inability to provide for the essential and necessary physical, mental, or emotional, needs of the child, including the failure to provide a shelter that does not pose a risk to the health or safety of the child;
5. Failure to provide for the child's care and maintenance, proper or necessary support, or medical, surgical, or other necessary care;
6. Failure, although able, to assume responsibility for the care and custody of the child or to participate in a plan to assume such responsibility
7. Failure to appropriately supervise the child that results in the child's being left alone at an inappropriate age or in inappropriate circumstances creating a dangerous situation or a situation that puts the child at risk of harm;
8. Failure, regardless of whether the parent, guardian, custodian, foster parent, or any person who is entrusted with the child's care, etc. is present, to appropriately supervise the child that results in the child being placed in inappropriate circumstances creating a dangerous situation or in a situation that puts the child at risk of harm;
9. Failure to ensure a child between 6 and 17 years of age is enrolled in school or is legally being home schooled or as a result of an act or omission by the child's parent or guardian, the child is habitually and without justification absent from school.

**Medical Passport** – The Medical Passport is a brief, readable, and current summary of the child's health history and current health status for use by present and future caretakers of the child.

**Staffing** – A meeting organized to review the case plan, reassess a child's and family's needs, and make sure progress is being made toward the goals set out in the case plan. It involves parents, children, a Family Service Worker, and any others involved in a child's life.

## Who to Contact:

Family Service Worker \_\_\_\_\_

Work Phone \_\_\_\_\_

Emergency Phone \_\_\_\_\_

Family Service Worker's Supervisor \_\_\_\_\_

Work Phone \_\_\_\_\_

Emergency Phone \_\_\_\_\_

DCFS County Supervisor \_\_\_\_\_

Work Phone \_\_\_\_\_

Emergency Phone \_\_\_\_\_