

The Emerging Practice of Forensic Social Work in Parents Representation Cases

Michael Heard, MSW
Sonja Ulrich, MSW

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National Trends In Parents Representation

- American Bar Association: National Alliance of Parent Representation
- Children's Bureau
- Title IV-E Funding
- Parent Advocates/Parent Allies

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Overview of Forensic Social Worker Use in Child Welfare Cases in Washington State

- Prior to the Washington State Parents Representation Program
- The Growth of Forensic Social Work
- The Future of Forensic Social Work
- The Process

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Examples of Forensic SW Roles in Parents Representation Cases

- Home Studies
- Case Review/Case Consultation; Compliance with State and Federal Policies. Statutes, Best Practices
- Reunification/Safety Assessment/Transition Planning
- Visitation Observation
- Race and Equity Concerns
- Assessment of Service Plan
- Development of Questions for Depositions

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What Makes an Effective Forensic SW in Child Welfare Cases

- Understanding of:
 - public child welfare agency requirements
 - federal legislation and state policies
 - general child welfare expectations
 - Current knowledge of child welfare research
- Write reports/testify well;
- Professional etiquette
- Well written and up to date CV
- Objectivity

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Tips: Connecting with Parent Attorneys

- Find out which attorneys/agencies are representing parents in your county
- National and state parent representation listserv
- National Association of Public Defense
- Send Michael Heard your CV/resume
Michael.heard@opd.wa.gov

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What the Forensic Social Worker Needs from the Attorney Team

- Clear and realistic timelines for work products
- Involvement as early as possible
- Clearly articulated expert request
- Complete information – sending the file and all documentation including case notes
- Clear and ongoing communication (SW needs to be informed, in real time, of any dispositional changes to the case or mediated solutions)
- List of all current service providers and contact information

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Ethical and Practice Considerations

- Adhering to boundaries as an “expert”; supporting the client as an advocate
- Working with the client –how to initiate and continue the professional relationship of the forensic social worker
- The forensic social worker and interaction/contact with GAL/CASA, state social worker, foster parent, lawyers and potential placements
- Mandatory Reporting
- Ending Involvement in the Case
- Clinical practice vs. forensic practice

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**Role of Forensic SW at 72 Hour Hearing:
What Can They Do?**

- Assess and testify as to reasonable efforts (active efforts) made to **prevent or eliminate the need for removal**
- Assess for risk and safety and develop in-home safety plan, if appropriate. Provide information to court via testimony on differences between risk and safety
- Assist family to identify other relatives/suitable persons available for placement
- Conduct an initial/brief assessment of case circumstances and parent needs and recommend services to mitigate parenting deficiencies, allowing for child to return home sooner
- Parent home study/assessment: may result in better visitation plans or shorter time/steps to reunification
- Educate attorney on issues of relevance to consider in taking testimony from the state social worker

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**Role of Forensic SW at Fact-Finding:
What Can They Do?**

- Refuting the elements of the dependency statute
 - Washington’s law: “abandonment” Was there “abuse or neglect” Forensic social worker can review what efforts were made to prevent or eliminate removal that focus on specific parental deficiencies
 - Forensic medical review can assist the attorney in determining if “abuse” occurred, and can direct attorney where to focus efforts/experts
- Is there “no parent available”?

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**Role of Forensic SW at the Dispositional Hearing:
What Can They Do?**

- Placement with parents
- Relative Placement: What happens when the Department does not support relatives: rehabilitating placement options
- Service plans for parents
 - Identify specific parental deficiencies
 - Does the parent have a developmental disability
Incarcerated Parents
 - Visitation Plans
 - Culturally Competent Services
 - Are services trauma informed?
 - Services for parents whose children have special needs

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**Role of Forensic SW at the Permanency Hearing:
What Can They Do?**

- Review hearings and the importance of “findings”
 - Is the parent “in compliance”
 - Is the parent “making progress” RCW 13.34.138
- What is the Department’s assessment of the case/client?
- Is there a fair/accurate portrayal of the client?
 - Does the Department believe the client is “resistant” to the case plan?
- Are services addressing the identified parental deficiencies?

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**Example of Forensic SW Practice Excerpt
from a Reunification Assessment**

"As evidenced in research, increased worker contacts are clearly correlated to positive outcomes for children and families. The frequency and nature of the relationship between the caseworker and the family are important to supporting reunification. Frequent contact naturally lends the relationship to increased communication, which leads to an increased understanding of expectations and partnership in case planning, ultimately impacting timely reunification. In this case, the case worker did not have meaningful contact with the family for over six months, which appears to be a barrier to client engagement and significantly impacting timely reunification."

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**Role of Forensic SW at the Permanency Hearing:
What Can They Do?**

- Was there a psychological evaluation conducted?
 - Did the evaluator have the requisite training to identify the parent's issues?
- Was the evaluation thorough and objective?
- Are the recommendations feasible?
- Futility: how to respond to a finding that services would be "futile" and who should make that determination

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**Role of Forensic SW at the Permanency Hearing:
What Can They Do?**

- Reassessing "Reasonable Efforts" at the Review/Permanency Planning Stage – how the forensic social worker can assist
- Reassessing visitation at the Review/Permanency Planning Stage
- Forensic social work and permanency planning for incarcerated clients
- Permanency planning and children with special needs

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**Example of Forensic SW Practice
Excerpt from an Assessment**

"The Adoption and Safe Families Act requires that reasonable efforts must be made to prevent placement of a child in out-of-home care and achieve timely permanency for a child who is placed in out-of-home care. When a child is removed from the home, the worker must make reasonable efforts to offer remedial services to help the family. Services must focus on the identified safety threats, help families eliminate the need for placement, be culturally appropriate, be accessible and be tailored to meet the parents' needs. In this case, reasonable efforts are not evident and the services provided for the family do not address the parenting deficiencies that led to the initial placement in care."

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**Termination and Alternatives
What Can They Do?**

Defensive:
A case review: why reasonable efforts (active efforts) have not been made, what services should have been offered.

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**Termination and Alternatives
What Can They Do?**

Offensive:

- Assessing and Proposing Alternatives to Termination
- Identify each stage of the case in which reasonable efforts were not provided; where/when the law was violated and why the timeline to termination should be tolled.
- Review the case for statutory and regulatory steps required in the case work but not completed correctly.
- Review the case for federal requirements for title IV-E and other pertinent legislation and identify areas where the case work failed to follow
- Identify case practice that was out of compliance with state policy and likely impacted reasonable efforts (e.g. monthly contact with family, engagement, joint case planning, etc.)
- Develop a proposal/plan to support a successful reunification.
- Relative or suitable person placement proposal (including out-of-state options)
- Looking at the best interest of the child/family from the defense prospective

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**Example of Forensic SW Practice
Excerpt from a Reunification Assessment**

“Ultimately, the issues the client faces are not issues that present a safety risk to the children. This is a woman who is disabled, not unable. She has conquered her loss in eyesight and is dedicated to raising her grandchildren. Currently all three grandchildren are placed in separate homes. This separation of siblings, coupled with the experience of multiple placements, and placements that do not match the cultural needs of the children all contribute to the unnecessary trauma experienced by these children.”

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Forensic Social Work and Cases in Limbo

Examples of cases “in limbo”

1. Parent in compliance with most services, visitation still supervised, older child has a relationship with parent, parent does not have housing
2. Child placed with one parent, 2nd parent living separate, parents want to reunify, Department, CASA do not support
3. Incarcerated parents with “too much” time left to serve
4. Example:

Forensic Social Worker can assess the case, determine where/why case has stalled, make recommendations for reunification/safety planning and/or relative/suitable person placements

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**Example of Forensic SW Practice
Excerpt from a Reunification Assessment**

“For parent-child visits to be beneficial, they should be frequent and long enough to enhance the parent-child relationship and to effectively document the parent’s ongoing interactions between the parent and the child....Every visitation plan and situation should be treated differently and be individualized to meet the needs of the children and family in the case. In this case, the research findings would suggest that these children are in need of additional time with their mother, on a more frequent basis, and in a more natural setting. Based on a review of the visitation notes as well as case documentation, this would be the most appropriate response. There is no basis for a limited amount of visitation time and no safety issues present that would prevent an expansion of the current plan.”

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**Example of Forensic SW Practice
Excerpt from a Reunification Assessment**

"Intensive Family Preservation Services (IFPS) or Homebuilders would be an excellent resource to support reunification. The provision of an in-home parenting coach and/or supports may be beneficial to Ms. Smith in developing boundaries and rules as Sarah returns home. In addition, a parenting coach/service provider can help Ms. Smith address the social aspects of parenting Sarah and provide her with the knowledge and resources on how to parent a child who has experienced prenatal drug exposure."

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**Example of Forensic SW Practice
Excerpt from a Summary of a Case Review**

"The lack of culturally appropriate services provided in this case may simply be due to a lack of cultural competence in the provision of services. Being culturally competent is to possess the capacity to work effectively with people from a variety of ethnic, cultural, political, economic and religious backgrounds. Although some people like to refer to this as racial difference, being culturally competent is larger than being aware of the color of someone's skin. Being aware of others, respecting their values, beliefs, traditions, customs and parenting styles are all critical to being aware of someone's culture and providing services that are a match to the needs of the client. In addition, people who work in the helping fields need to be aware of how their own cultural influences impact how they view others and the unknown biases that they may bring to the work. In this case, the lack of cultural competence has impacted the timeliness to reunification and, ultimately, permanency."

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Resources/Links

- Child Welfare Information Gateway
- ABA Child and Safety Guide for Judges and Attorneys
 - <https://www.americanbar.org/products/inv/book/215601/>
- Fostering Connections to Success Legislation
- Indian Child Welfare Act (ICWA)
- Rise Magazine
 - <http://www.risemagazine.org/>
- Judge Edwards
 - www.judgeleonardedwards.com/
- Children's Bureau/Title IVE/Federal Policies
 - <https://www.acf.hhs.gov/cb>

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Tips: Starting a Forensic SW Practice

- Develop a process for yourself – How will you address each case to ensure you are handling them all consistently?
 - What are the elements you will need? Consider the timing of each (family interviews, records review, visit observation)
- How will you store the information to ensure confidentiality? Develop a filing system to maintain files for clients.
- Be aware of any material in writing to attorneys as it may be requested as discovery in the case. Address attorneys in a formal manner in emails.
- Do not disclose client names on emails; use initials or non-identifying information if you do not have a secure server

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Tips: Starting a Forensic SW Practice

- Identify your time value – create a cost/rate sheet and be consistent in the application of your rates
- Develop a system to track your time on cases to ensure accuracy and documentation of what the activity was during the time you billed for
- Establish a list of boundaries and expectations you share with the attorney at the time of the contract
 - Independent judgement/assessment
 - Verbal report to the attorney on impressions and findings prior to begin writing

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Contact Information

Sonja Ulrich, MSW
Forensic Social Worker
sonjadulrich@yahoo.com

Michael Heard, MSW
Social Services Manager
Washington State Office of Public Defense
Michael.heard@opd.wa.gov

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