

How does a caseworker tell the court that a child needs to remain out of the home or in care at a perm hearing?

Margaret A. Burt, Esq. 2017

Perm hearings are to tell the Judge what has been happening over the last 6 months – this means what parents have done or not done, what caseworker and service providers have done and child’s status – that is how child has been doing. It is critical that in describing what caseworker has done, you focus on your “diligent efforts or “reasonable efforts” to achieve the goal – which often is return to parent – if it is not return to parent, then you must detail what you did toward the other goal.

If you want child to remain in care/ out of the home you must convince the Judge that the child cannot go home safely. It is NOT “the parent did not do what the court order/service plan said” - it must be why it is not SAFE for the child to go home yet, that is what abuse/neglect we fear would occur if the child went home.

Ask yourself – why is it not SAFE for the child to go home today?

Examples:

John cannot go home to his mother safely at this time. Mrs. Jones continues to abuse alcohol and cannot keep a 2 year safe. She was discharged from the ABC program for non compliance and testing positive and has refused to cooperate in an intake appointment with another program. In the last month, she has showed up for 2 out of 4 visits with alcohol on her breath.

Sue must remain in foster care as her stepfather continues to deny that he sexually abused her and claims “the Judge got it wrong, that’s all”. He refuses to attend sexual abusers program. Mrs. Richards has stated that she still does not believe that the sex abuse occurred but will “leave my husband if the Judge orders me to do that”. Mrs. Richards is not a protective ally for her daughter and must constantly be told not to bring up the sexual abuse during visitation.

Jennifer and Jamie cannot return home at this time. Mrs. Franklin continues to have serious mental health problems, does not consistently attend treatment and refuses medication. She comes to visits disheveled and with strong body odor and generally ignores the children. She mumbles and engages in rants about politics and religion aimed at no one in particular. She will abruptly leave in the middle of the visits. The children are visibly scared of her, cry and cling to the caseworker.