

CASE PLANNING, COLLABORATION, AND CONDITIONS

How to Collaborate to Achieve
SMART Conditions and Family
Interaction Plans

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WHAT IS CASE PLANNING?

- ▶ At this point, you have learned about how our clients enter the child welfare system and how to represent a parent pre-disposition.
- ▶ Depending on the stage of the proceedings or where the child is placed, the Department or court may use different terms (protective plan, safety plan, in home safety plan, case plan). Each of these terms has a different meaning to DHS, but it is most important to explain what they mean to your client.



WHAT IS CASE PLANNING?

- ▶ A case plan should “focus on enhancing parent/caregiver protective capacities to eliminate impending danger so the parents/caregivers can adequately manage child protection without intervention.” (Ongoing Standards, pg. 16).
 - ▶ If the child is out of home, why can they not be returned?
- ▶ “The case plan organizes case activity and is a tool for communicating with parents/caregivers, children, family members, court parties, and other individuals involved in providing supports and services to the family.”
- ▶ Does this description work in practice? Are county social workers sharing these plans with you? With your client? Including your client in its development?

INCORPORATING CASE PLAN INTO DEFENSE



- ▶ Case plans should include collaboration among the social workers, your client, you, and any members of your client's support system.
- ▶ The Ongoing Standards advocate "reaching consensus on the case plan." In addition, "if a previously uninvolved parent/caregiver becomes engaged following the completion of the case plan, consideration should be given to revising the case plan to accurately reflect that parent's perceptions and feedback."
 - ▶ In other words, this should be a living, changing document connected to your client and their family's needs.

DEFENSE CASE PLANNING

- ▶ Case planning and cornerstone advocacy (visiting, placement, services, and conferences) become one of the central focuses of parent representation.
 - ▶ Case plans are important NO MATTER the expected outcome (dismissal, trial/fact-finding, in home plan, consent decree, out of home order).
- ▶ We should work collaboratively with our client to create our own case plan. It may or may not match the Department's current plan.
 - ▶ Using client service specialists, experts in child protection, etc.

FAMILY INTERACTION PLAN

- ▶ The Department must create a family interaction plan when working with a family.
 - ▶ Family interaction includes: Face to face contact, telephone calls, letters, email, attendance at routine activities such as counseling sessions, medical appointments, school events, and faith related activities.
- ▶ Ongoing Standards, pg. 39: “Family interaction is an opportunity to maintain, establish, and promote parent-child and sibling relationships and should occur ***as frequently as possible.***”
- ▶ Request a copy specifically in discovery, but also request a copy as soon as you are appointed. Confirm that the Department is following through on its own plan. If you and your client believe that the Department is not following its plan or that it should be modified, attempt to collaborate with the Department for increased family interaction. If you are unsuccessful, file a motion with the court to address as soon as possible.

FAMILY TIME/FAMILY INTERACTION AND OTHER CONDITIONS (PG. 40, 172)

- ▶ Agency is responsible for ensuring initial face to face family interaction occurs within five working days of the child(ren)'s placement in out of home care.
- ▶ Facilitating face to face family interaction is the responsibility of the agency and must occur weekly at a minimum.
- ▶ Family interaction cannot be used as a punishment, reward, or threat for a child.
- ▶ The agency cannot restrict or suspend family interaction as a means to control or punish a parent for failure to work with agency or community providers or to comply with conditions of the case or permanency plan.

CONDITIONS

- ▶ Depending on your county or department, these could be provided at the beginning of a case at an informal pretrial, before you are appointed or retained, or just in the dispositional report prepared prior to the hearing.
 - ▶ There are pros and cons of receiving the proposed conditions very early in a case (i.e. your client may feel like everything is already decided, a thorough assessment of your client's needs may not have been completed, conditions may not be tailored to your clients' needs or abilities, etc.). However, the earlier you have this discussion with your client and with the worker, the earlier you can start advocating for appropriate conditions.
 - ▶ It is always good to discuss what conditions your client believes they may need under the cornerstone advocacy model. What services does your client want/need? What do they think is not necessary? Are these conditions related to your client and their family or are they boilerplate?

SMART CONDITIONS

- ▶ Wisconsin as a state has a goal to create effective and tailored court orders. We should be using this to our advantage.
- ▶ Are conditions for your parent?
 - ▶ S: Specific
 - ▶ M: Measurable
 - ▶ A: Attainable
 - ▶ R: Relevant
 - ▶ T: Time-Bound
- ▶ What does this mean in practice?

HOW DO WE CHANGE CASE PLANS AND CONDITIONS?

- ▶ If you practice in a county in which the judge defers to the Department on conditions and case plans, how do we attempt to make changes and have plans and conditions that are tailored to our client, understandable, and fair?
 - ▶ Work with your client to review conditions they believe would be fair. Check for understanding.
 - ▶ Do you as an attorney understand what a condition means? What about moving targets? About “not being a checklist”?
 - ▶ Attempt to be included in any case planning meeting with the Department. Or schedule your own meeting with the social worker and your client. Prepare your client prior to this meeting about what will be discussed, your role, and their goals for the meeting and for the case.

CASE STUDY: CONDITIONS

- ▶ Review document 5, the conditions for Tanya Hess and the unknown father.
- ▶ Focusing on the conditions for our client, Tanya Hess, what are some of the concerns about the conditions? What are some of the positives?