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# After Disposition: The Work Continues

CHIPS Training  
February 19, 2020  
Beth Stockbridge

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# Objectives

Attorneys will:

Understand how a CHIPS case ebbs and flows through its lifetime

Be able to read a Permanency Plan and represent a client's interests at a Permanency Plan hearing

Be cognizant of all available post-disposition motions to defend against or proactively make changes to fight for reunification t

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## Special Notes

If SPD appointed to TPR, but for a case that does not qualify for a CHIPS Pilot case, consider filing a Notice of Limited Appearance to represent client in CHIPS case.

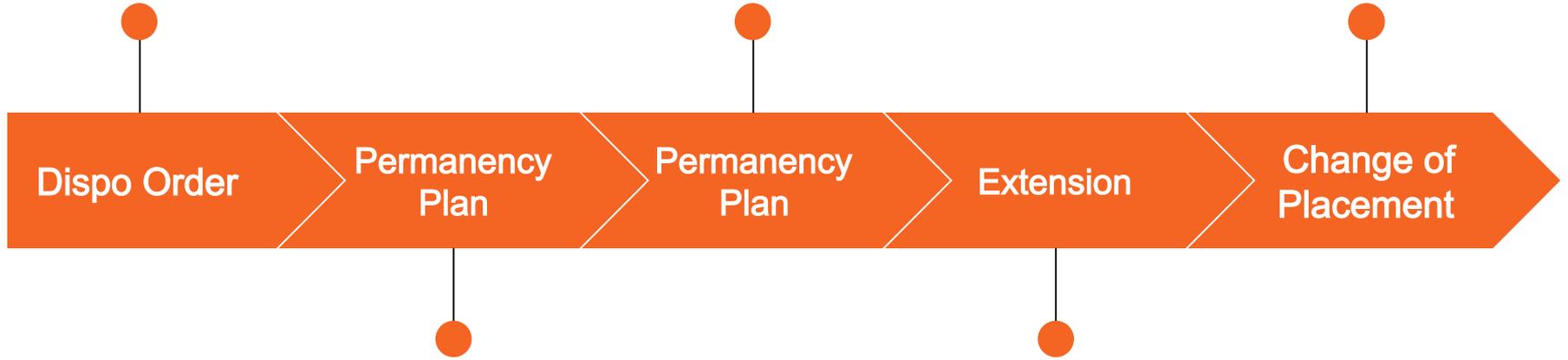
If you have questions, please email me at [stockbridgee@opd.wi.gov](mailto:stockbridgee@opd.wi.gov) or call Assigned Counsel Division.

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May 5, 2017

March 15, 2019

May 1, 2019



March 16, 2018

May 1, 2019

# Timeline of Tonya Hess case

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# Resources for Perm Plans & Other Post-disposition Motions

- Children's Court Improvement Project
    - [www.wiccicptraining.com](http://www.wiccicptraining.com)
    - E-Learning Activities
    - Benchcards
  - Wlcourts.gov motions
  - SPD motions (motions to address family interaction, reasonable efforts)
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# Permanency Plans

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# Permanency Plans

## What it is?

Designed to assure that children in out-of-home care achieve permanency quickly 48.38

Establishes goals and how they will be achieved. 48.38(1)(b)

## What is required?

Must be filed with the court within 60 days of removal from home (usually marks transition from I/A worker to Ongoing)

## Why must it be held?

\$\$\$\$ - Tied to Federal funding

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# Permanency Goals 48.38(4)(fg)

## Safe Reunification

- 48.38(4)(fg)1.
- If goal isn't reunification, must explain why reunification is not safe and appropriate

## Guardianship

- 48.38(4)(fg)3.

## Placement for adoption

- 48.38(4)(fg)2.

## Placement with fit & willing relative

- 48.38(4)(fg)4.

## OPPLA

- 48.38(4)(fg)5
  - Only child 16 or older
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# What is Concurrent Planning?

Defined in 48.355(2b)

Appropriate efforts to *work simultaneously* towards achieving more than one permanency goal listed in 48.38(4)(fg)

- Plans can contradict each other
  - Neither goal is “primary” or “secondary”
  - Must do concurrent planning *unless* Court determines not appropriate
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# Why are Permanency Plans important?

Federal and State pressure to move case towards permanency faster through concurrent planning

- Adoption and Safe Families Act of 1997

Opportunity for Courts to review the efforts the parents AND the department have made towards concurrent goals

- Practice tip: Consider addressing family interaction or lack of reasonable efforts at PP hearing. 48.355(2c)(b)
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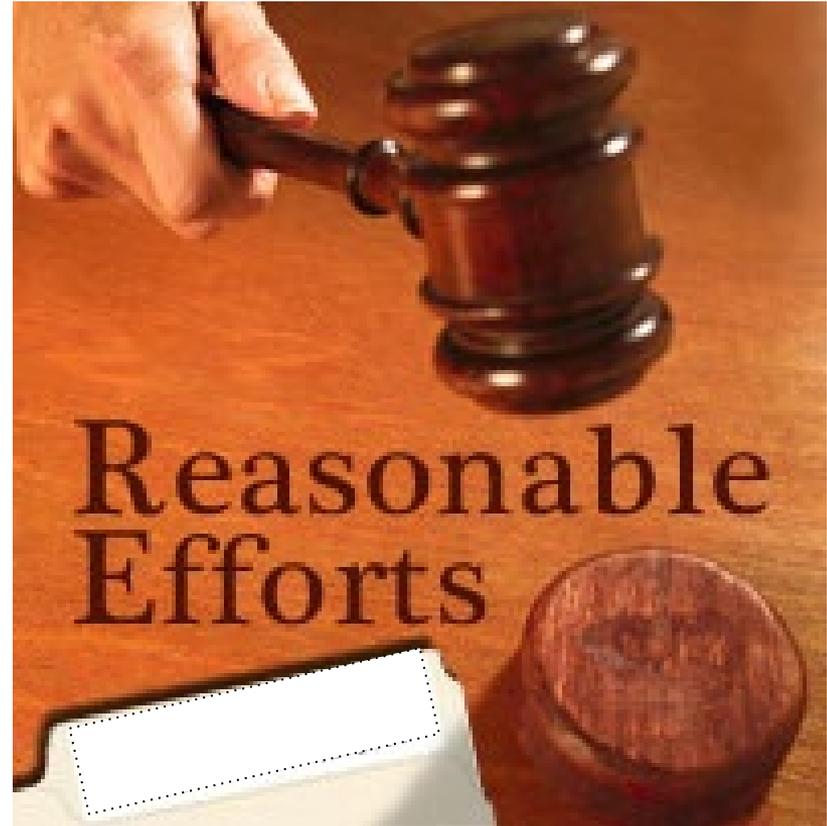
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## Reasonable Efforts

### 48.355(2)(c)

Court can consider:

- Comprehensive assessment of family's situation
- Whether financial assistance was provided
- Other in-home or intensive services
- Monitoring of client progress
- Consideration of alternative ways to address family's needs



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# Other Issues to be Addressed - 48.38(4)-(5)

All important aspects of the child's life

- When and why child was removed
- Why not placed with relatives or siblings
- Educational issues
- Medical issues

Relative placement important because considered a less-restrictive placement 48.355(1).

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# Advocacy within Perm Plan Review

- Use as opportunity to highlight parent's progress
  - Air grievances with Department or service providers - suggest solutions
  - Ask Court to improve nature or length of family interaction to recognize parent's progress
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# Other Post-Disposition Motions

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# General Procedures - 48.299(4)(b)

- Rules of Evidence are not binding
  - Greater weight of the credible evidence
  - Children's appearance can be waived
  - Foster parents have right to provide written or oral statements
  - Court still must make Out-of-home Findings (Contrary to welfare and reasonable/active efforts)
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# Extension Hearings

- Must be extended prior to expiration of order
  - Cannot address child's placement through an extension 48.357
  - Temporary extension can be granted for 30 days
  - Court report should be filed 48.365(2g)
  - If in-home, extension can be up to 1 year; out-of-home up to 18th/19th/21st birthday
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# Revision Hearings

- Modify conditions of a dispositional order
  - Restrict or increase family interaction
  - Change child support
  - Transfer legal custody
  - Cannot extend expiration date or change placement
  - Hearing must be held unless all parties sign waiver of objection
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## Revision Hearings - Notice

- Notice must be provided 3 days prior to hearing
  - Can proceed to hearing immediately if all consent
  - The request for revision must be attached
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# Revision Hearings - Visits

If revision is to suspend visits:

- Court must set conditions for return of visits
- Court should warn parent of TPR grounds

Visits should only be denied if continued contact not in child's best interests.

NOT: punishment to parent for not engaging in services or punishment to child

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See p. 178 of Ongoing Standards

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# Change of Placement

- Out-of-home to out-of-home
  - Out-of-home to in-home
  - In-home to Out-of-home
  - All are similar
  - Any person receiving notice may object within 10 days after notice sent and filed with the court
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## Change of Placement - Notice

- Notice must be provided 3 days prior to hearing
  - Can proceed to hearing immediately if all consent
  - For In-home to out-of-home: Hearing is required,  
Determine new expiration date,  
Name 3 relatives,  
Other out-of-home findings must be made
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# Change of Placement - To In-Home

- New expiration date cannot be more than one year after the date of the change of placement order
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# Trial Reunification

- Can only be requested the the Agency
  - Allows child to be placed in home for up to 90 days and can be extended an additional 90 days
  - Technically, still an out-of-home placement
  - Child support order can continue
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# Case Closure Orders

- Can close a CHIPS case by entering an enforceable family court order
  - Family court case must already have existing Order
  - 5 days notice must be given
  - Can determine child support, custody, and placement
  - Enforceable in family court
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**Questions?  
Suggestions?**

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