

# **MAINTAINING FAMILY CONNECTIONS**

## TABLE OF CONTENTS

### VI. MAINTAINING FAMILY CONNECTIONS

A.	Rights/Roles and Responsibilities of the Birth Family.....	1
1.	Birth Families Rights.....	1
2.	Birth Families Responsibilities.....	2
B.	Visiting Between Child and Significant Others.....	3
1.	General Principles.....	3
2.	Children Covered.....	4
3.	Visiting Policy for Children Placed in Child Care Institutions, Group Homes and Child-Placing Agencies.....	4
4.	Court Orders.....	4
C.	Visiting Policies.....	5
1.	The Role of the Child and Family Planning Team.....	5
2.	Placement Visits.....	6
3.	Arrangements for Visits.....	6
4.	Location of Visits.....	6
5.	Frequency of Visits.....	7
6.	Reasonable Rules for Visits.....	7
7.	Visit with Friends.....	8
8.	Visitation in Unrelated Homes – Visiting Resources.....	8
9.	Visiting Supports and Services.....	9
10.	Restrictions on Visiting.....	10
a.	General Guidelines.....	10
b.	Restrictions Imposed By the Foster Care Provider.....	10
11.	Specific Restrictions.....	11
a.	Supervision of Visiting.....	11
b.	Prohibiting or Terminating Visits.....	12
c.	Prohibiting Disclosure of the Foster Parent’s Address.....	12
D.	Telephone And Mail Contacts.....	12
1.	Children Covered By Policy.....	13

2.	Telephone and Mail Contacts for Children Placed In Foster Homes and Shelters.....	13
3.	Telephone and Mail Contacts for Children Placed in Child Care Institutions, Group Homes and Child Placing Agencies.....	14
4.	Telephone and Mail with DHR Staff and Service Providers.....	14
5.	Telephone and Mail Contacts with Legal Counsel, Advocates, and Courts.....	14
E.	Telephone Contacts	
1.	Reasonable Rules for Telephone Contacts with Parent/Relative.....	14
2.	Telephone Contacts with Friends.....	15
3.	Telephone Contacts with Legal Counsel, Advocates, and Courts.....	15
4.	Telephone Restrictions.....	16
5.	Monitoring.....	16
6.	Limits on Calls To/From Certain Persons.....	16
7.	Prohibiting Disclosure of Provider’s Telephone Number.....	17
8.	Payment for Telephone Calls Made by Children in Foster Care.....	18
a.	Obligation to Pay.....	18
b.	Payment to Providers.....	18
F.	Mail.....	19
1.	Written Communication Between Children and Parents/Relatives or Friends.....	19
2.	Interception of Mail.....	19
3.	Censoring or Withholding Mail.....	20
4.	Withholding Provider’s Address.....	20
5.	Mail Contact with Legal Counsel, Advocates and Courts.....	21
6.	Payment to Providers for Mail Expenses.....	21
G.	Out of County/Out of State Visits.....	21

## **VI MAINTAINING FAMILY CONNECTIONS**

Parental involvement and cooperation is very important while a child is in out of home care placement. It is of utmost importance for birth families to maintain frequent contact with the social worker and work with the department to improve conditions that led to the child's placement. Family connections may be made through face to face visitations, telephone contact, and mail. Frequent visitation often supports timely return home for children and this permanent plan. These connections are fundamentals to child well being and timely permanency. Birth families, foster parents, and the Department should work in partnership to achieve the best possible outcome for the children. The main focus should be on the needs of the children and their best interest.

### **A. Rights/Roles Responsibilities of the Birth Family**

The "Foster Parent Bill of Rights" Act 2004-257 provides information to birth families about their rights/roles and responsibilities. A birth parent's rights/roles and responsibilities cease at court ordered termination of parental rights. The ISP team may choose to allow continued contact between the birth parent and child after termination of parental rights.

#### **1. Birth Families Rights:**

- Be informed through the ISP process of the type of services, placements and other options that can be provided for the family.
- Participate in the Individualized Service Plan (ISP).
- Be informed of their rights under Alabama Child Welfare practice.
- Participate, through the ISP process, in the planning and movement of their children while in foster care.
- Be informed of and attend all court proceedings and administrative reviews regarding their children.
- Families should be kept informed, through the ISP process, of the agency's recommendations regarding their children.
- Be informed through the ISP of case information regarding their children in a timely manner and in understandable language.
- Participate in their child's education and health services as specified in the ISP.
- Visit and communicate with their children as determined in the ISP.

- Be informed, through the ISP process, of doctor, dental, health department, mental health counseling, and other medical appointments the children may have and if known by the child welfare worker.
- Consent to non-routine medical procedures and the right to be notified of other medical procedures including surgery.
- Be involved in developing the children's lifebook.
- Participate in deciding any significant changes with the foster parent (i.e. piercing of ears, appropriate hairstyles and clothing) through the ISP process.
- Determine religious affiliation.
- Be contacted for consent in support of their children participating in activities which could result in potential danger (e.g. driving, football, hunting, etc.).
- Be informed of any allegations of abuse or neglect to their children while in out-of-home placement.
- Birth Parents and age appropriate children have the right to have input, be consulted and be in agreement with non-ISP members/attendees at ISP meetings.
- If available, parents have the right to consent for the news media to use their child's photographs or to recognize their child's achievement.

2. Birth Families Responsibilities:

- Be an active participant in the development of their children's Individual Service Plan.
- Accept services and support from the department, foster parents, and others directly involved in the child's life for the purposes of reunification.
- Identify and access services needed for their children.
- Participate in the day to day parenting of their children, as may be directed by the ISP team.
- Provide financial support according to the child support guidelines.
- Provide information concerning relatives who may be potential resources for the children.

## B. Visiting Between Child and Significant Others

Children in out-of-home care have the right to visit with parents, family members and others such as friends, former foster parents and children from previous foster care placements. Among other things, this policy recognizes the need for family attachments, and is intended to promote visits to support and strengthen family attachments and to expedite for each child in care.

### 1. General Principles

The system of care shall promote children visitation with their parents and family.

1. The matter of visitation shall be addressed in the child's individualized service plan. The frequency and circumstances shall depend upon age and need. Visitation shall be viewed as an essential ingredient of family reunification services. Hence, when the goal is for the child to return home or live with a family member, visitation will be actively encouraged; assistance with transportation will also be provided.

2. Visitation may be arranged by the age appropriate child, the child's parents or family or the foster parents, as well as by DHR staff and the staff of residential facilities, in accordance with the individualized service plan.

3. Supervision of visitation shall be required only when there is danger that the parent or family member with whom the child is visiting will harm the child unless the visit is supervised. When supervision of visitation is required, such supervision may be provided, as appropriate, by the child's foster parents, as well as by DHR staff, the staff of residential facilities, or other designated person."

Visiting with parents, family members, and friends will be promoted for every child in out-of-home care unless visiting (1) places the child's safety at risk, (2) substantially inhibits attainment of the goals of the safety plan or the permanency goal of the ISP, or (3) subjects the child to intimidation regarding investigative statements or court testimony. Visiting will be addressed by the child and family planning team, and any restrictions placed on visiting will be specified in the ISP.

There will be no restrictions placed on the number, frequency, duration or sites of visits unless it has been determined and documented in the case record that these restrictions are needed and authorized by this policy.

Visits are to be viewed as valuable in and of themselves and as strategies in meeting the child's developmental and permanency needs. Visits can be arranged and supervised without the involvement of the DHR worker unless it has been determined and documented in the case record that DHR involvement is needed to protect the child.

Visits with parents and family members cannot be used as rewards or punishments (for children, parents, or other family members). In addition, a child is not to be forced to visit against his or her will. If a child does not want to visit, the worker and foster care provider should see that someone close to the child

discusses with the child why he or she does not want to visit and addresses the child's desires about visiting in a way that is supportive of the child and family.

## 2. Children Covered

These visiting requirements apply to all children in the custody or responsibility of the department who have been removed from their home and placed in out-of-home care (e.g., home of relatives, foster family home, therapeutic foster family home, group home, shelter home, child care institution, hospital or other residential facility). The policy does not apply to children living in their own home.

Children retain the right to visit with their parents and families even when the rights of the parents have been terminated. Visiting may be restricted only when it (1) places the child's safety at risk, (2) substantially inhibits attainment of the goals of the safety plan or the permanency goal of the ISP, or (3) subjects the child to intimidation regarding investigative statements or court testimony. The circumstances and extent of visiting will be addressed in the child's ISP.

## 3. Visiting Policy For Children Placed In Child Care Institutions, Group Homes And Child Placing Agencies

Child care institutions, group homes and licensed child placing agencies which approve foster homes that serve children in the custody or responsibility of the Department are to develop a written policy regarding visiting. These facilities may adopt the policy of the Department or develop their own as long as it is consistent with Department policy and provides children no less visiting rights than children in foster homes approved by the Department. The visiting policy is to be approved by the Department and explained to all children placed by DHR and their parents so they understand the policy. A copy of the policy will be given to the parents upon request.

These facilities may choose to apply this policy only to children placed by the Department.

## 4. Court Orders

Court orders must be followed. At times there will be an existing court order (often from a divorce proceeding) in place at the time an ISP is being developed with the child and family. The existing order must be followed until modified or lifted. However, DHR must seek to have the order lifted and local counsel can assist with modifying if it substantially inhibits attainment of the child's permanency goal, or imposes requirements inconsistent with Alabama Child Welfare practice.

Sometimes, after an ISP has been developed, the court will order additional services, lift restrictions, or impose additional restrictions. However, DHR must seek to have the order lifted or modified if it substantially inhibits attainment of the child's permanency goal, or imposes requirements inconsistent with Alabama Child Welfare practice.

If the court refuses to modify or lift an order as requested, the county DHR will inform the Division of Family Services. If the Division concurs that the court order is inconsistent with Alabama Child Welfare practice, the Division will take appropriate action.

### C. Visiting Policies

The child in foster care has the right to visit with parents, other family members, and friends unless visiting (1) places the child's safety at risk, (2) substantially inhibits attainment of the goals of the safety plan or the permanency goal of the ISP, or (3) subjects the child to intimidation regarding investigative statements or court testimony.

An ISP need not be in place for visits to occur. Visits will begin immediately upon placement unless restrictions are imposed.

If there are safety concerns, the DHR worker will arrange and/or be present at the initial meeting between the parent(s) and the foster care provider, and/or the initial meeting between the family member(s) and the foster care provider.

The family and child will be assisted in understanding their rights and obligations concerning visits. Any changes affecting visiting will be discussed with the parent(s), the age appropriate child, the foster care provider, and service providers as appropriate, and the parent(s) will be notified in writing.

#### 1. The Role Of The Child And Family Planning Team

Visiting is needed to maintain and strengthen family and other attachments. Visiting is also a right of the child and family. Thus:

- the ISP will identify visiting as a step needed to maintain and/or strengthen attachments to parents, other family members, and friends; and
- the ISP will identify steps needed to permit visiting that is desired by the child and family.

The child and family planning team will identify services needed to support and encourage visiting. Also, the team will clarify, among other things, (1) the role and responsibilities of the foster care provider and service providers in supporting, arranging, approving, participating in or supervising visits, (2) the role of the DHR worker in supporting, supervising, or approving visits, (3) any therapeutic purpose particular visits are expected to serve and (4) restrictions, if any, to be placed on visits. For example, the team may decide that, because of safety concerns, the foster parent(s) should be present during parental visits; it may also decide that while present, the foster parent(s) should model parenting skills or give specific feedback. The team's decisions will respect the family's culture (beliefs and values).

Issues related to visiting will be reassessed frequently.



## 2. Placement Visits

The worker shall encourage and support the parent(s) to participate in the actual placement of the child. When a pre-placement visit has not occurred, the DHR worker shall inform the parent(s) and child of their visiting rights at the time of placement. When it is not feasible to inform the parent(s) at the time of placement (e.g., the parent(s) is inaccessible, an emergency prevents oral notice), prompt notice will be provided after placement.

## 3. Arrangements for Visits

Visits may be initiated by the family, the child, friends, or the foster care provider. Visits will be conducted in accordance with the "reasonable rules" of the foster care provider permitted by this policy, unless restrictions apply.

The visitor and foster care provider (who will involve the age appropriate child) will mutually agree on the time of day, duration, and location of visits, unless these matters are specified in the ISP.

The DHR worker will normally not arrange or be present at visits, unless (1) requested by the child or visitor, (2) the ISP or safety plan requires the worker to arrange, supervise or otherwise be involved in visits (e.g., when necessary to protect the child's safety), or (3) to obtain information for court reports and/or child and family planning team participation.

The DHR worker, or another person designated by the worker or the child and family planning team, will mediate any conflicts that occur between the family and foster care or service provider(s) over visits. If problems persist, the DHR worker will discuss the matter with the child and family planning team. The child should not be asked or expected to mediate conflicts.

Visits of parents will be arranged so as to encourage and permit the parent(s) to engage in routine parenting functions such as: (1) bonding and attachment; (2) performing daily care responsibilities such as bathing, feeding, dressing of the child, (3) helping with homework, (4) attending school functions and conferences with the child, (5) transporting or going with the child to a medical appointment, (6) taking the child shopping, for a hair cut or for other personal care, or (7) taking the child on family or recreational outings such as church, picnics, walks, cook-outs, family holidays and reunions.

## 4. Location of Visits

Visits will occur in the most normalized, family-like setting that will meet the child's need for safety. Visits may occur in the foster home or other placement, the family residence, a relative's home, or the site of special events such as the school, church, park, etc. Visits should not occur at the offices of the County Department unless necessary to protect the child's safety, or unless requested and agreed upon by the age appropriate child and visitor.

When visits are to be supervised, they may occur at the foster home or other placement or another acceptable site.

#### 5. Frequency of Visits

Daily visits with the parent(s) and other family member(s) will be encouraged. At a minimum, the team will encourage and support weekly visits with the parent(s) if the permanency goal is for the child to return home. If the permanency goal is relative placement, at least weekly visits with the relative will be encouraged and supported.

If frequent visits are not occurring between the child in care and the parent(s), other family members or friends, the DHR worker will assess the reasons and take steps needed to encourage and promote frequent visits, including arranging visits as needed. The worker will also discuss the issue with the child and family planning team.

When the parent(s) is unable to visit frequently even with supportive services, mail and telephone contacts will be intensified. The Department will reimburse the parent(s) as necessary via local or flex funds to enable intensified phone and mail contact.

#### 6. Reasonable Rules for Visits

The foster care provider may require the child and those with whom the child visits to abide by the following reasonable rules:

- The time of day, duration and location of visits will be determined by the child's, family's, and provider's circumstances. For example, normally visits should not interfere with the sleeping schedule of the child. However, if a parent works odd hours and is able to visit only when the child would usually be sleeping, a mutual decision about the timing of visits must be reached that permits the parent and child to visit. The social worker can help mediate this decision.
- Parents, family members and other visitors will give the provider advance notice of visits unless excused by prior arrangement.
- When visiting is at the provider's home or other placement, the parent(s) or other visitor may be required to abide by reasonable "house rules" of the provider (e.g., no smoking inside the house, no use of profanity).
- The foster care provider may require the parent(s) or other visitor to leave if they arrive for the visit in an apparent intoxicated or drug induced state, or exhibit threatening or abusive behavior to the child or provider. If necessary, DHR should be called for assistance in terminating the visit. The police should be used only as a last resort.
- The foster care provider may refuse to allow the child to leave with the parent(s) or other visitor who appears incapable of caring for

the child (e.g. visitor who is physically ill, appears intoxicated, or exhibits threatening or abusive behavior to the child).

- When the foster care provider cancels or limits a visit as authorized above, the provider should document their observation of the visitor's behavior or action that caused concern. These observations, and actions taken by the provider, should be shared with the DHR worker immediately, and addressed with the parent(s) or other visitor at an appropriate time.

#### 7. Visits with Friends

Visiting with friends, including friends from his or her home community or a prior placement, will be promoted for every child in out-of-home care, unless visiting places the child's safety at risk.

The "reasonable rules" outlined above apply to visits with friends. Rules for visiting with friends should be fair, flexible, and consistently applied to all children in the home or other placement. However, the child and family planning team may permit the foster care provider to apply different "reasonable rules" to a particular child if warranted, exception can be documented.

#### 8. Visitation in Unrelated Homes – Visiting Resources

There may be times when it is appropriate for foster children to visit in unrelated homes which are considered visiting resources for the child. Example: child has formed positive relationship with a significant other person and the child desires to visit. The County Department has a responsibility to evaluate and approve the home as a visiting resource. Although the foster parents may suggest the visiting resource for the child, the decision regarding placement rests with the County Department. The Central Registry must be cleared for any state where the unrelated resource has lived during the past five years. Arrangements are made by the Department for the child to visit with relatives or close friends of the foster family who have formed a close relationship with the child.

The County Department must assess the foster child's relationship with the proposed visiting resource and the person's willingness to provide care for the child for a few days. The worker must determine that the home meets the safety standards outlined in the Minimum Standards for Foster Family Homes (except for criminal history checks) and that there is appropriate sleeping space for the child. All members of the visiting resource family should be interviewed and references contacted.

If the proposed visiting resource is approved, the worker must provide the visiting resource with the names and phone numbers of agency person(s) to contact in an emergency.

The County Department must establish a case file on the visiting resource, including completing a face sheet. The form, Evaluation of Unrelated Visitation Resource for Foster Child (DHR-DFC-1604), should be used for the dictated home evaluation. If an approval is granted to the visiting resource complete the

Unrelated Visitation Resource Approval form (DHR-DFC-1606). The original is to be maintained in the County Department file and a copy given to the visiting resource. Contact with the resource will be made if there is repeat visitation. The form, Reapproval of Unrelated Visitation Resource for Foster Child (DHR-DFC-1605), may be used for updating the approval.

A visiting resource is not a temporary shelter resource for a child entering foster care nor a temporary shelter for a child being moved from one foster care resource to another. A visiting resource is not considered as a placement or as respite and there is no board payment involved. The child's/family narrative must reflect the dates and assessment of the visit.

#### 9. Visiting Supports and Services

The Department will provide services to encourage and support as needed the child's visits with the parent(s), other family members and friends. Possible services are listed below. This list is not exhaustive:

- Transportation or payment of transportation expenses (e.g., purchase of bus tickets, provision of money for gasoline) for the child, family or friends;
- Helping to promote and/or coordinate visits when the family or child needs or requests assistance;
- Assisting with child or adult care, housing, or meals;
- Education of the foster care provider regarding the needs of the child and family for visiting, the importance of reunification, feelings provoked by visits, and practices relating to supervision of visits;
- Supportive involvement of the therapist, social worker, or foster care provider;
- Coaching, to enable the child and family or friends to acknowledge and talk about needs and feelings;
- Using neighbors and other family members to support visits (e.g., providing transportation to the visiting site, providing own home for visiting, or negotiating or arranging visits convenient to the parent's location and schedules);
- Crisis services to support visiting, such as giving the foster care provider crisis intervention training or access to crisis intervention services; and
- Conflict resolution and mediation services relating to visiting.

Foster care and service providers can be reimbursed for the cost of travel (mileage and per diem) that eliminates the necessity for worker travel (e.g., the provider rather than the worker transports the child to visit with the parents).

10. Restrictions on Visiting

a. General Guidelines

The child has the right to visit parents, other family members, and friends. Visiting may be temporarily restricted only when it (1) places the child's safety at risk, (2) substantially inhibits attainment of the goals of the safety plan or the permanency goal of the ISP, or (3) subjects the child to intimidation regarding investigative statements or court testimony. Visits may also be temporarily restricted when necessary to stop repeated violations of "reasonable rules" of the provider permitted by this policy. The child becoming "upset" by a visit does not constitute a basis for restricting visits. This is often evidence that continued support is needed to assist children, families, and providers in understanding the effects of visitation.

The child and family planning team may impose restrictions on visiting in the ISP. DHR may impose restrictions on visiting in the safety plan. In addition, the foster care provider may temporarily impose restrictions, subject to review by the DHR worker and child and family planning team. The parent(s) of a child placed pursuant to an Agreement for Foster Care also has the right to impose restrictions on visits but not on the visiting rights of the other birth or adoptive parent, unless there is a court order.

A decision to impose restrictions or a decision about the type of restrictions to impose must be based on an individualized assessment that considers, among other things, the physical, emotional and mental condition and age of the child, the child's ability for self-protection, and whether there will be a person present at visits who can monitor the child's safety and prevent intimidation.

A restriction placed on visiting must be assessed frequently by the child and family planning team, and modified or eliminated when it is no longer needed. Any restriction, or any revision of a restriction, must be explained to the child, if age appropriate, the parent(s), and the person restricted. Written notice of the revision shall be given to the parent(s).

b. Restrictions Imposed By the Foster Care Provider

The foster care provider may impose temporary restrictions not specifically authorized in the ISP or safety plan:

- when necessary to protect the child; or
- when necessary to stop repeated violations of "reasonable rules" of the provider permitted by this policy.

When the provider imposes a restriction not authorized by the ISP or safety plan, the provider shall notify the Department immediately (i.e., no more than one working day later, by message if necessary). The restriction, even though temporary, must be explained to the child in a way that is supportive of the child and family.

The worker shall assess the situation with the provider, the age appropriate child, the parent(s) and the person to whom the restriction applies (if other than the parent(s)), and promptly make a decision about whether the restriction is appropriate. If the worker concurs with the restriction, the restriction is to be documented in the ISP and explained to the child, the parent(s) and the person restricted, and written notice provided to the parent(s). If the worker determines the restriction is inappropriate, the worker will take appropriate action.

The provider may prevent disclosure of the provider's address or may restrict the child's visits with the parent(s), other family members, or friends (such as, by requiring visits to be supervised) for a period of up to four days after placement in the exceptional circumstances that (a) the provider has not been provided information by the worker about whether restrictions on visits need to be imposed and (b) the provider otherwise lacks adequate information regarding whether any such restrictions need to be imposed. The provider must immediately (i.e., by the end of the next working day, by message if necessary) inform DHR of any restrictions imposed, including any requirement of supervised visits. If the provider prohibits visits, the child must be provided with frequent alternate opportunities for contact (i.e., telephone calls, mail contact, etc.) During the four-day period, the DHR worker and the provider will determine whether there is a need for restrictions on visiting.

11. Specific Restrictions

a. Supervision of Visiting

Supervised visits shall be required only when there is reason to believe that unsupervised visits with the parent(s) or other visitor would (1) place the child's safety at risk, (2) substantially inhibit attainment of the goals of the safety plan or the permanency goal of the ISP, or (3) subject the child to intimidation regarding investigative statements or court testimony. The need for supervision must be documented in the case record and supervision shall be no greater than necessary to protect the child.

Reasons for requiring supervision must be continually reassessed. The reasons for supervised visiting must be explained to the child in a way that is supportive of the child and family.

If supervision is necessary, the following persons may provide the supervision: (1) foster parents, (2) staff of residential facilities, group homes and child care institutions where the child is placed, (3) service providers such as therapists, or (4) other persons, such as neighbors and responsible family members designated by the DHR worker or the child and family planning team or (5) DHR staff. Supervision should be provided in the most normalized, least restrictive manner and setting that permits protection of the child.

b. Prohibiting or Terminating Visits

Visits between the child and the parent(s) or other visitor may be prohibited or a visit in progress terminated when there is reason to believe that, even with supervision, visiting (1) places the child's safety at risk, (2) substantially inhibits attainment of the goals of the safety plan or the permanency goal of the ISP or (3) subjects the child to intimidation regarding investigative statements or court testimony. Reasons for prohibiting or terminating visits shall be documented in the case record.

If the parent(s) or other family member is prohibited from visiting with the child, frequent alternate opportunities for contact (e.g., telephone calls, mail contact) must be provided. The prohibition must be continually reassessed and when it is no longer needed to protect the child, the prohibition must be lifted.

c. Prohibiting Disclosure of The Foster Parent's Address

The Department may prohibit disclosure of the foster parent's home address to specific persons only when there is reason to believe, as documented in the case record, that their having knowledge of the foster parent's address would (1) place the provider's safety at risk, (2) place the child's safety at risk, (3) substantially inhibit attainment of the goals of the safety plan or the permanency goal of the ISP, or (4) subject the child to intimidation regarding investigative statements or court testimony.

If a decision is made to not disclose the address to certain persons, it is to be recorded in the ISP, and alternative places for visiting and/or frequent alternate opportunities for contact (i.e., telephone calls, mail contact, etc.) will be arranged. It is important that the child be helped to understand why the foster parent's address cannot be disclosed.

D. Telephone and Mail Contacts

This policy has been developed to comply with the Alabama Child Welfare practice.

- a. Children shall be permitted to freely communicate by telephone or mail with (i) legal counsel of the child's choosing, including the child's guardian-ad-litem, and (ii) organizations that provide legal services.
- b. Children shall be permitted to freely communicate by telephone or mail with (i) the child's parents and family members and (ii) adult friends of the children including former foster parents. This right may be restricted only pursuant to procedures and in circumstances specifically identified in written policy.
- c. Children retain the right to communicate and visit with their parents and family even when the child is in the permanent custody of DHR (i.e., parental rights have been terminated). When the child is in permanent custody, the matter of his/her

communication with parents and family members shall be addressed in the child's individualized service plan. Such communication may be restricted when it would undermine or defeat attainment of the goal or objectives identified in the plan."

The social worker and foster care provider (including relative, foster family homes, shelters, group homes, child care institutions or other residential facilities, and relative caretakers) with whom a child is placed are to encourage frequent contact between the child, the child's parents, other relatives and friends unless restrictions are specified in the individualized service plan ISP. Neither the worker nor provider is to force the child to communicate against his will, support understanding by the social worker and others often help children with the typical pain in confusion which can impact their longing for visitation. With the exception of telephone communication to and from friends (Refer to Section Telephone Contact with Friends), forbidding or restricting communication by or to a child as punishment or using communication as a reward for good behavior is not allowed.

#### 1. Children Covered by Policy

The policies outlined below apply to all children in the custody/responsibility of the Department who have been removed from their own home and placed in out-of-home care (family foster home, group home, child care institution, or other residential facility) or with relatives. They do not apply to children living in their own home.

Children retain the right to communicate and visit with their parents and relatives even when the rights of the child's parents have been terminated. The circumstances and extent of communication between birth parents/relatives and the child must be addressed on a case-by-case basis and must be specifically addressed in the child's ISP/case plan. Such communication may be restricted when it would undermine or defeat attainment of the goals identified in the ISP/case plan or the child's safety would be placed at risk. Any restrictions must be documented and supported in the ISP/case plan. In determining the circumstances and extent of communication between a child and the child's birth parents/relatives, providers involved in serving the child must be consulted.

#### 2. Telephone and Mail Contacts for Children Placed in Foster Homes and Shelters

Foster home and shelter care providers are to be informed of a child's right to telephone and mail contacts. The provider may establish reasonable rules by which the child must abide. Any restrictions on communication must be discussed with the child, if age appropriate, his parents, and the provider. The child's ISP/case plan is to specify any persons with whom the child may not communicate and any other communication restrictions which may apply. The restrictions can be revised any time as needed.

Written notice shall be given to the provider, the parents and the child (ren) of the names of persons with whom the child may not communicate and any other restrictions. Any revisions to the restrictions are to be provided in writing to these persons.



A foster home or shelter care provider may forbid a child from providing parents, relatives or friends with the foster home's or shelter's address or telephone number for a period of up to four (4) working days in the exceptional circumstances that (a) the social worker has not given the foster home or shelter information regarding the necessity of restrictions, and (b) the foster parent or shelter otherwise lacks adequate information regarding whether any such restrictions need to be imposed. In the meantime, the worker and/or the provider must provide the parents, relatives or friends an immediate alternate means of communication, such as the child initiating the call or a telephone call to or from the child in the DHR office.

3. Telephone and Mail Contacts for Children Placed in Child Care Institutions, Group Homes and Child Placing Agencies

Child care institutions, group homes and child placing agencies with foster homes which serve children in the custody/responsibility of the Department are to develop written policies regarding telephone and mail contacts. These facilities may adopt the policies as provided by the Department or promulgate their own as long as they are consistent with Departmental policy and provide children in care no lesser communication rights than children in foster homes approved by the Department. The communication policies are to be approved by the Department, explained to all DHR children placed in the facility, and a copy of the policies provided to the parents of the children.

4. Telephone and Mail Contacts with DHR Staff and Service Providers

Children in custody/responsibility of the Department have a right to communicate by telephone and/or mail with the DHR worker or other staff as well as with other persons providing services to them and their families. The provider's authority to establish reasonable rules for telephone/mail contacts with parents/relatives applies to a child's communication with DHR staff and service providers.

5. Telephone and Mail Contacts with Legal Counsel, Advocates, and Courts

Children in the custody/responsibility of the Department must be allowed to communicate with lawyers, guardians-ad-litem, court-appointed special advocates (CASA's), organizations providing legal services, judges, and courts. This includes lawyers and advocates who have no formal relationship with the child but whom the child desires contact. The worker is to provide to the child the names, addresses, and telephone numbers of the lawyer, guardian-ad-litem, and/or advocate who is representing the child in juvenile court. The provider's authority to establish reasonable rules for telephone/mail contacts with parents/relatives applies to a child's communication with legal counsel, advocates and courts.

E. Telephone Contacts

1. Reasonable Rules for Telephone Contacts with Parents/Relatives

A child must be afforded reasonable privacy to make and receive telephone calls. All court orders regarding telephone communication are to be followed. Foster

care providers may require children and those with whom the child communicates by telephone to abide by the following reasonable rules:

- The timing, duration and frequency of calls will be determined by the child's, parents, and provider's circumstances. Telephone calls normally should not be made to a child when it will interfere with the routine sleeping schedule of him/her and provider's family. However, a parent may work odd hours and may be able to call only when the provider and family would usually be sleeping. Even though telephone contacts may be inconvenient, the provider and parent must reach a mutual decision as to when a parent can call. Often the ISP team can help mediate this type of discussion.
- The provider may require callers to identify themselves.
- The provider may require the child to give the provider notice before initiating a long distance call.
- The provider may require the child, before initiating a call, to tell the provider the name of the person the child is calling.
- The provider, upon request of the child, may assist the child with making telephone calls.

## 2. Telephone Contacts with Friends

Friends are an important factor in normalization of a foster child's experience in care. Children in foster care are to be allowed to have telephone contacts with friends, including former foster parents, other foster children, and friends known to them prior to coming into foster care. Reasonable rules as outlined above for telephone contacts with parents/relatives also apply to telephone contacts with friends.

Providers may restrict telephone communication with friends for punishment only if the imposed restriction is for a reasonable period of time and if it is consistent with the telephone restrictions a provider applies to other children in the home, including the provider's own children.

If a teenager has a source of income, such as part-time job, the provider may require him/her to reimburse the provider for long distance calls to friends. Any reimbursement practices must be consistent with those which the provider applies to other children in the home, including the provider's own children.

## 3. Telephone Contacts with Legal Counsel, Advocates and Courts

Refer to Section VI C. for general principles regarding communication with legal counsel, advocates, and court. The provider's authority to establish reasonable rules for telephone contacts with parents/relatives (Refer to Section VI C) applies to these type calls as well. Upon request, a child's attorney(s) and advocate(s) are to be provided the telephone number and address of where the child is placed. Unless there is a situation that the child reasonably believes is an

emergency, the worker and provider may restrict the child to making one call per day to any attorney, advocate, or court. However, the child is to be allowed to leave a message with a receptionist or secretary for the attorney, advocate, or court to return the call at a specified number. There is no limit, on the number of calls the child can receive from legal counsel, advocate or court.

#### 4. Telephone Restrictions

There are three (3) kinds of restrictions which a provider may impose: (1) monitoring, (2) limits on making/receiving calls, or (3) prohibiting disclosure of provider's telephone number. Providers may restrict telephone calls to and from a child in circumstances in which information, documented in the child's record, and decided through the ISP makes it reasonable to believe that the child's physical or emotional health may be endangered by making or receiving the calls; i.e., that the telephone contact would undermine or defeat the goals of the child's case plan or the child's safety would be placed at risk. Such restriction shall be consistent with the child's ISP/case plan and shall be no greater than necessary to prevent the endangerment. (Note: A child becoming "upset" by a telephone contact does not constitute endangerment but is often an indicator of need for further work to address the pain and separation of children and their families.) This decision may be made at any time during placement only if circumstances warrant restrictions. The provider should explain the reason for the restriction to the child in a way that is not judgmental of the child's family.

#### 5. Monitoring

There may be situations when a provider needs to monitor a telephone call (i.e., listen in on the call). If a telephone conversation is monitored, the parties to the conversation must be informed at the beginning of the call and told the reason for the monitoring. The provider is to communicate immediately with the child's worker any concerns noted during the monitoring.

Some situations where telephone monitoring might be needed are:

- when ordered by the court;
- when there is reason to believe that the caller is threatening, verbally abusing the child, or using sexually provocative language, or encouraging the child to engage in acts which would endanger the child such as illegal behavior or running away; or
- when there is reason to believe that the caller is attempting to persuade the child to recant statements regarding alleged abuse or neglect.

The need for monitoring is to be clearly documented in the ISP record and frequently assessed to determine whether it should be modified or eliminated.

#### 6. Limits on Calls To/From Certain Persons

The following are factors/situations which may warrant telephone restrictions by not allowing the child to make calls to or receive calls from certain persons:

- The provider, in monitoring the telephone conversations, has heard the person threaten the child or use sexually provocative language.
- The child has related to the provider, worker, or another person a telephone conversation indicating that the person threatened the child or used sexually provocative language.
- When there is reason to believe that the caller is attempting to persuade the child to recant statements regarding alleged abuse or neglect.

If a provider believes that continuance of telephone communication with a certain person may endanger a child, he/she may impose a restriction on such telephone calls and is to notify the Department immediately. The worker is to review the situation with the provider and child and parent, or other person for whom the restriction is to apply and promptly make a decision as to whether to concur with the restriction. If the worker determines that the restriction is inappropriate, the record is to document the corrective action taken. If the worker concurs with the restriction, the restriction is to be documented in the child's record and discussed with the ISP team as soon as possible. The person, other than a friend of the child, to whom the restriction is to apply is to be given written notice of the restriction.

Foster care providers may temporarily restrict telephone calls to a child from a parent, relative or friend when that person has repeatedly demonstrated that he will not abide by reasonable rules regarding the time, duration and frequency of calls. The provider is to notify the worker if telephone calls have been restricted. The worker is to document in the child's record the restriction imposed and the reason, whether there is concurrence with the restriction, and if not what corrective action is taken. The person to whom the restriction is to apply is to be given written notice of the restriction.

The worker, along with the provider and the ISP team, must frequently reassess any restriction imposed on telephone contact and modify or eliminate the restriction when it is no longer needed to protect the child or to promote reasonable compliance with established rules.

#### 7. Prohibiting Disclosure of Provider's Telephone Number

Disclosure of the provider's telephone number to certain persons when there is reason to believe that the child or provider may be prohibited. The ISP team is available to assist in this situation or decision. If the decision is made not to give the provider's number to specified parents, relatives, or friends, it is to be documented in the child's ISP/case plan. It is important that the child be helped to understand why the provider's number is not to be revealed. In these situations, the worker is to develop alternate means for the parent, relative, or friend to communicate by telephone on a regular basis with the child. Examples would be to have the child initiate the call or arrange a telephone call to or from

the child in the DHR office. Calls under these particular circumstances may require monitoring.

8. Payment for Telephone Calls Made by Children in Foster Care

a. Obligation to Pay

When a child is placed in out-of-home care in a location which will require long distance calling, the Department is responsible for paying for these long distance calls initiated by children to persons covered by this policy, as provided below. The Department will pay for long distance calls for up to a limit of 30 minutes per day to parents or significant family members or 15 minutes to persons other than parents or significant family members. The Department's obligation is limited to 30 minutes daily for all long distance calls combined.

In exceptional circumstances, such as when a child's parent is in a foreign country, departure from the 30 minutes per day limit may be permitted. For example, the child may be allowed to talk longer but on a less frequent basis.

As discussed earlier, a provider may require a teenager with a source of income to reimburse the provider for long distance calls to friends.

Children have the right to make or receive long distance calls paid for by someone other than the Department as long as the calls are to and from persons covered by this policy and as long as they are in accordance with reasonable rules pertaining to the time, frequency and duration of calls.

b. Payment to Providers

Foster home providers and residential facilities which receive a board payment will receive an additional \$25 a month telephone allotment for each child in out-of-home care who will be making long distance telephone calls. The allotment will be added to the board payment currently being made to the provider and will continue as long as the child is in the home or facility and the child needs to make long distance calls. Phone and mail payments are generated on the ACWIS subsystem referred to in the ACWIS Procedures Manual. If the cost of the child's long distance calls for a month exceeds \$25, the foster care provider is to submit to the worker the original telephone bill with the calls in excess of \$25 highlighted, and the foster parent can be reimbursed from the county's local funds. Counties may use their "flex" dollars for reimbursement of such cost.

The Department may also reimburse relatives providing care to children in DHR custody if they incur expenses related to the children making long distance calls. Payment out of local funds and reimbursement by the State Office can be made following the same procedures as for foster care providers.

Should residential contract providers incur excessive expenses allowing children to make long distance calls, they can request an amendment to their contract to cover these additional costs.

F. Mail

1. Written Communication Between Children and Parents/Relatives or Friends

A child in foster care is free to send and receive sealed mail unless restricted in accordance with policy outlined below. All court orders regarding mail communication are to be followed. The child's ISP is to specify any parent, relative, or friend with whom the child may not communicate by mail and any other restrictions on mail communication. All mail restrictions are to be explained to the child. Providers serving a child are to be given written notice of any person with whom the child may not communicate and any other mail restrictions. Changes regarding mail communication are to be provided by written notice to the parties affected by the change.

Providers may read mail when a child requests a specific piece of mail be read, or when a child is incapable of requesting assistance because of a physical or mental disability. The provider may, upon a child's request, also assist the child in preparing mail to send to a parent, relative or friend. Providers should encourage children to send cards or write on special occasions.

2. Interception of Mail

Providers may intercept and read specific pieces of mail in circumstances in which information, determined and documented in the child's ISP makes it reasonable to believe that the child's physical or emotional health may be endangered, i.e., that the goals of the child's ISP would be defeated or undermined or the child's safety would be placed at risk by the language or other content of the mail. (Note: A child becoming "upset" by mail contact does not constitute endangerment.). In such cases, the worker will assist the provider in deciding whether to censor or withhold specific mail.

The following are situations where mail may endanger a child and, therefore, may be intercepted and read.

- Mail which the court orders to be intercepted.
- When there is reason to believe that the mail contains language which is attempting to persuade a child to recant statements regarding alleged abuse or neglect.
- Mail from a person specifically restricted from communicating with the child.
- When there is reason to believe the mail may contain language which is threatening, sexually provocative, or encouraging the child to engage in acts which would endanger the child such as illegal behavior or running away.

### 3. Censoring or Withholding Mail

All court orders regarding censorship are to be followed.

A provider may, after opening and reading mail (in accordance with policy as stated above), censor any portion of the mail that would endanger the child's physical and emotional health. If the child's physical and emotional health can only be protected from endangerment by withholding the entire letter, the provider may do so. Any restriction on the receipt of mail shall be no greater than necessary to prevent endangerment. The provider should explain the censorship or withholding of mail in a way that is not judgmental of the child's family.

Mail that is reasonably suspected of containing contraband may be opened in the presence of the child. If contraband is found in the mail, it is to be removed, and the remainder of the mail is to be given to the child, unless it is to be read, censored, or withheld as discussed above. Examples of contraband include tobacco products, adult reading material, pornography, weapons, drugs, etc.

The provider is to notify the worker immediately of any mail that has been censored and immediately send to the worker any mail that has been withheld from a child. The worker must promptly decide to concur or not concur with the action. The worker must document in the child's record that the mail was censored or withheld and the reason, that the worker reviewed the censorship or withholding, and whether or not the worker concurred with the decision. If the withholding was appropriate, the mail is to be maintained in the child's case file. A copy of any portion of the mail that can be given to the child is to be promptly returned to the provider. If the censorship or withholding was inappropriate, the worker is to direct the provider to give the mail or appropriate parts to the child immediately.

If specific mail is withheld or is opened and read to prevent endangerment, the sender of the mail is to be notified of this action and the reason. The worker and/or provider is to frequently reassess any restriction imposed on mail communication and modify or eliminate the restriction when it is no longer needed to protect the child from endangerment.

### 4. Withholding Provider's Address

When circumstances, documented in the ISP, indicate that there is reason to believe that the child or provider will be endangered by the provider's address being given, the worker may decide that specific parents, relatives or friends not be given the provider's address. That person will be permitted to send mail for the child to the County Office, whereupon the worker will promptly forward or deliver the mail to the child. Guidelines outlined above for censoring mail may need to be applied.

5. Mail Contact with Legal Counsel, Advocates and Courts

Mail from a child to identifiable attorneys, guardians-ad-litem, other legal advocates, judges, or courts is to be sent unopened. Mail from such persons is to be delivered unopened. Upon a child's request, the worker may assist the child or provider with reading mail from or preparing mail to an attorney, advocate or court.

6. Payment to Providers for Mail Expenses

The Department is responsible for paying for the cost of mail which is sent by children in foster care to persons covered by this policy. A teenager with a source of income may be required to pay for postage for mail to friends. The requirement must be consistent with the practice which the provider applies to other children in the home, including the provider's own children.

The additional monthly allotment which will be paid to foster home providers and residential providers who receive board payments for long distance calling is also to be used to cover any mail expenses. If the amount provided is not sufficient to cover the costs, the foster parents can be reimbursed for the excess expenses using the same procedures for telephone expenses. The foster parent is to submit the original receipt showing the cost of purchasing stamps, envelopes, etc. The same procedures are also to be used if relatives with whom a DHR child is placed incur mail expenses which will need to be reimbursed.

G. Out of County/Out of State Visits

In order to maintain family connections and possible permanent placement resources, visits are not to be limited to instate parents and relatives of children in care. If plans are being considered for a child in the Department's custody to visit parents or relatives out-of-state, and the County Department does not have information to determine the suitability of the home, an evaluation should be made by the reciprocal out-of-state agency. If the visiting resource is unrelated, an evaluation must be requested. A home evaluation is also required if supervision is needed or if a placement is likely. A visit is defined as 30 days or less. However, if the visit begins and ends within the period of a child's vacation from school, it would still be a visit not a placement even when exceeding 30 days.

ICPC procedures as outlined in, the Interstate/Intercountry Services to Children Policy and Procedures, effective date August 1, 2003, must be followed when a home evaluation is requested.



If the request pertains to a possible placement resource for the child, this intention should be clearly stated. Such requests should be made sufficiently in advance of the proposed visit to guarantee adequate time for the out-of-state agency to make a study.

Refer to Interstate/Intercountry Services to Children Policy and Procedures for information on what to include in the study.

If a home evaluation is not needed, it is not necessary to notify the State Department of Human Resources of visits. Nor is it necessary to notify the reciprocal state agency. Arrangements can be made directly with the family for visits.

Since the child will be under the jurisdiction of the court, approval of the court must be secured in writing, whether an evaluation is requested or not.