

CASE PLANS

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Definition

- A case plan is “any plan for the delivery of services to a child and parent or guardian, or when reunification is not required, the child alone, that is developed according to the requirements of section 245.4871, subd. 19 and 21; 245.492, subd. 16; 256B.092; 260C.212, subd. 1; or 626.556, subd. 10.” *Minn. Stat. 260C.007, Subd. 3.*
- 245.4871 addresses children with an emotional disturbance, which is primarily our 260D or voluntary placement for treatment purposes cases.
- 245.492 addresses multiagency plan for intervention and integration of services.

Definitions (cont.)

- Minn. Stat. 256B.092 addresses a coordinated service and support plan for recipients receiving home and community-based waived services.
- Minn. Stat. 626.556, subd. 10 address the duties of the local welfare agency and local law enforcement when they receive a report. This statute addresses when a child remains in the home and a child protection service plan is created.
- Minn. Stat. 260C.212, Subd. 1 addresses out-of-home placement plans

Right to Counsel

- Minn. Stat. 260C.212, subd. 1(d) states “[t]he parent or parents or guardian and the child each shall have the right to legal counsel in preparation of the case plan and shall be informed of that right at the time of placement of the child...”

Timelines

- Minn. Stat. 260C.212, subd. 1(a) requires an out-of-home placement plan to be prepared within 30 days after a child is placed in foster care.
- The out-of-home placement plan shall be filed with the court and provided to the parties within 30 days of the court ordering the child in foster care. *Minnesota Rules of Juvenile Protection Procedure (RJPP) Rule 26.02, Subd. 2.*
- The child protective services plan shall be filed with the CHIPS petition unless the Agency includes a statement in the petition explaining why it has not been able to develop a plan. *RJPP Rule 26.04(b).*

Case Plan Practice

- Southwest Health and Human Services will complete a shell or outline of the case plan with the parents by day 20.
- On day 20 the social worker will send a copy of this outline to the Assistant County Attorney and Guardian ad Litem.
- By day 21 the Assistant County Attorney will send a copy of the outline to the parents’ attorneys.
- By day 23 the parents’ attorneys will have reviewed the case plan with their clients and contact the Assistant County Attorney to advise her/him if the attorney would like to be present for a meeting regarding the case plan. If the parents’ attorney would like to be present they must provide 3 different times and dates that will work for them and their client(s) by day 26.

Case Plan Practice (cont.)

- Between day 26 and 29 the social worker will meet with the parents and Guardian ad Litem to have the case plan signed.
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- By the time the child(ren) have been in placement for 30 days, the case plan will be filed with the Court and distributed to the parties.
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- When a new case plan is due, Southwest Health and Human Services should work backwards 30 days from the date it is due. For example if a case plan expires on January 31, the social worker must send copies in compliance with #2 by January 21.
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- When the child is placed out of home, day number one would be the date the child was removed per Minn. Stat. §260C.212, Subd. 1.
- When the child is not placed out of home, day number one would be the date of the initial hearing in the matter. (I could not find a specific timeline for case plans when in-home. I looked at §260C.201, Subd. 6).

260C.212, Subd. 1

- This statute outlines the requirements for out-of-home placement plans.
- Out-of-home placement plans should be prepared by social services jointly with the parents and in consultation with the guardian ad litem, the child's tribe, the foster parents, and, when appropriate, the child.
- As appropriate the plan shall be signed by the parents, guardian ad litem, representative of the child's tribe, the social worker, and, if possible, the child.

260C.212, subd. 1 (cont.)

- Very specific items must be included in the out-of-home placement plan:
 - A description of the foster home selected and how the out-of-home placement plan is designed to achieve a safe placement for the child in the least restrictive, most family-like setting available;
 - The specific reasons for placement and descriptions of the problems or conditions in the home that necessitated removal;
 - A description of the services provided;
 - The specific actions to be taken by the parents to correct the problems or conditions;
 - The reasonable or active efforts to be made to achieve a safe and stable home for the child;
 - A description of any services or resources requested by the child, child's parents, guardian ad litem, or foster parent and if those services were provided;
 - A visitation plan, including sibling contact;

260C.212, subd. 1 (cont.)

• Specific items (cont.)

- If a child cannot return to the care of either parent, documentation of steps to finalize adoption or transfer of permanent legal and physical custody as a permanency plan;
- Efforts to ensure the child's educational stability while in foster care;
- The educational records of the child;
- The efforts of the agency to ensure continuity of health care;
- The health records of the child;
- Independent living plan for a child 14 years old or older;
- For a child in a 260D placement, diagnostic and assessment information;
- For a child 14 years old or older, a signed acknowledgement regarding their rights.

Scenario

• CASE PLAN PRESENTATION SCENARIO

• Mother: Susan Wilson, mother in Manitowish, WI

• Child 1: Amanda Anderson, age 10

• Father of Child 1: Aaron Anderson

• Parents signed RFP: No separate custody order

• Agency has contact with Amanda and she and her siblings and her regards

• Susan has a medical visit

• Susan has indicated that Amanda consistently worries about her younger siblings and appears to often take on a parent role

• Child 2: Barry Burns, age 8

• Father of Child 2: Ben Burns

• Susan has Ben in Barry's father: They lived together and broke up when Barry was about 3 years old. No RFP, no paternity action

• Ben had two boys for two years

• Ben is currently incarcerated in WI State Prison for Possession of Prescription Fraud with a minimum date in June 2020

• The Agency spoke with Ben and learned he expressed an interest in forming a relationship with his son and his father but was hesitant to provide further details

• Susan has indicated that she is currently struggling with financial challenges and is struggling to pay for her children's expenses. The father has made several requests for an RFP meeting and a visit, but has not responded to requests. Ben had not responded to requests. Ben had not responded to requests. Ben had not responded to requests.

• Child 3: Chad Cropper, age 4

• Father of Child 3: Charles Cropper

• Parents signed RFP: No separate custody order

• Susan and all three children have lived with Charles for the past four years in a home owned by him in Manitowish

• Long history of reports/complaints/charges/convictions/parole violation between Susan and Charles. Charles was recently arrested for Money Laundering charges and a CHIPS report prohibiting contact with Susan and the three minor children

• Charles provided full and complete information, subject to certain findings, and asked by the DSW. Charles has reportedly been charged with his brother in law Ben's father's possession of controlled substance, 90 miles south of Manitowish

• Susan has spoken to her sister and indicated she is in contact with Charles. Charles appears to have been in the community, but Susan has not spoken to him for some time

Scenario (cont.)

- Chad appears to be significantly behind in language development and has a noticeable stutter when he speaks
- An intake was received by the Agency regarding Susan Wilson and her children, Amanda Anderson, age 10, Barry Burns, age 8, and Chad Cropper, age 4. The intake stated Susan's home has piles of garbage, mold, food scraps and dog feces all over the home. The children all sleep in the living room in sleeping bags and do not have any mattresses. The report goes on to state Susan left the children home alone Saturday evening while she went out. When she returned Sunday morning, she was "extremely funny" according to Amanda. She had a green substance that, according to Amanda, looked like "the green stuff you put on spaghetti". She also had a needle and white powder, but hid them in her purse before Amanda could get a better look at the items.
- The Agency has received eight reports in the last year and three have been screened on regarding living conditions and drug use. Susan has a felony conviction for possession of controlled substance from five years ago and recently plead guilty to 10th degree possession of controlled substance, based on a pipe that was located in her possession that contained methamphetamine residue.
- The initial report was screened in for a family assessment response and a social worker went to the home and the condition on the home was concerning, but not enough to ask for removal at that time. Susan refused to submit to drug testing and stated she did not need any help.
- A second report was screened in later that week for a family assessment response where it is alleged Charles choked Susan in the presence of the three children as he was upset that she left him to care for the children without their only vehicle. Susan has not called "finger her" marks on her throat at the time. Law enforcement did not note the conditions of the home in their report but indicated they children were left with Susan as she did not appear to be under the influence of drugs or alcohol at the time of the incident. When the social worker went to the home, Susan slammed the door on the social worker and refused to speak about the concerns.
- Based on these concerns, a CHIPS petition was filed. The Court granted the Agency's request for custody of each of the children for purposes of out-of-home placement when Susan has a mental health crisis and made statements about wanting to "end it all" at the Adm/Dswy Hearing. Amanda is currently in the temporary custody of her father Aaron while Barry and Chad are currently placed together with a maternal aunt in Manitowish.

Scenario (cont.)

- Does the Agency create a case plan for all individuals?
- What type of visitation would be looked out?
- Which individuals should have visitation?

Case Plan Example

- Out-of-Home Placement Plan for Susan Wilson.
- Parent Detail
 - What does the parent need to accomplish or demonstrate fro the child to return home?
 - Susan Wilson will need to have open and honest conversation with the Agency to address her need for further services. The items needing to be addressed include physical conditions of the home, drug use, mental health, and domestic violence.
 - Concerns were reported about the condition of Susan and Charlie's home that were unsafe for the Amanda, Barry and Chad. The home environment concerns are piles of garbage, mold, food scraps and dog feces all over the home. These conditions in the home are a risk to the physical safety of the children.
 - SWHHS is concerned about the lack of supervision for the children while Susan was gone for an entire evening leaving the children without an adult to supervise them or help in an emergency.

Case Plan Example (cont.)

- Out-of-Home Placement Plan for Susan Wilson.
- Parent Detail
 - What does the parent need to accomplish or demonstrate fro the child to return home?
 - SWHHS is further concerned about drug use; the children have seen drugs and paraphernalia in the home and have access to the drugs. Amanda has been able to notice Susan's behavior changing in the past and SWHHS is concerned that when Susan is using she will not be able to safely parent the children. Susan has denied a problem with drug use but has had previous convictions for controlled substance crimes and SWHHS has had 8 reports within the last year regarding drug use and the conditions of the home.
 - SWHHS is concerned about the children's physical safety when Susan and Charles are fighting. There was an incident where Charles choked Susan in front of the children and then left the home. Susan refused to discuss the matter with SWHHS which prevents SWHHS from assessing the safety of the children.

Susan Wilson

Goal 1: Susan will not use any alcohol or mood altering chemicals unless prescribed by a physician.

- Susan will submit to random drug testing at the request of the social worker, guardian ad litem or court.
 - Any refusal or inability to provide a sample within 15 minutes of a scheduled test will result in a fail.
- Susan will complete a chemical use assessment and abide by the recommendations.
- Susan will report any medication changes to her social worker.
- Susan will not bring in or allow anyone else to bring in controlled substances or paraphernalia into her home.

Goal 2: Susan will address her mental health.

- Susan will complete a diagnostic assessment and abide by all recommendations.
- Susan will sign releases for open communication with her therapist.
- If Susan is feeling like she wants to hurt herself or someone else she will immediately seek help from a mental health professional, call 911 or go to the emergency room to be evaluated.
- Susan will take any medications prescribed to her and follow through with all appointments for her medication management if recommended.
- Susan will cooperate with an Adult Mental Health Case Management assessment to discuss possible services.

Susan Wilson (cont.)

Goal 3: Susan will ensure her home is clean and safe for the children.

- Susan will allow the social worker and GAL in the home to make a list of things that need to be cleaned up.
- Susan will complete the tasks on an agreed upon timeframe.
- If Susan needs help with cleaning supplies or a dumpster, she can talk to her social worker about options.
- Susan will allow the social worker and GAL in the home for scheduled and unscheduled visits to monitor the progress and make sure the home continues to stay clean.

Goal 4: Susan will participate in services that address domestic violence.

- Susan will continue to work with the crime victim coordinator
- Susan will meet with a Domestic Violence Victim's Advocate
- Susan will not allow the children to have contact with Charles Cooper until approved.
- Susan will not engage in any form of domestic violence.

Susan Wilson (cont.)

Goal 5: Susan will demonstrate an understanding and ability to meet the needs of the children.

- Susan will successfully complete parenting classes and use the skills she has been taught.
- Susan will attend any appointments for the children when requested.
- Susan will attend all visitation with the children.
- Susan will cooperate with establishing paternity for Barry.
- Susan will follow through with all requests from the school.
- Susan will follow through and assist with any recommended evaluations for the children.
- Susan will cooperate with an early childhood assessment for Chad.

Goal 6: Susan will cooperate with social services and the GAL.

- Susan will report any changes to the household including people living there, address and phone number changes.
- Susan will sign all necessary releases.
- Susan will return phone calls within 48 hours and attend all scheduled meetings with the social worker and/or GAL.
- Susan will report any concerns she has about her children.
- Susan will report any concerns about her ability to complete the tasks listed above.

Multiple Fathers

- What steps should the Agency take to locate fathers?
- What about Charles and Aaron?
 - What's the same/what's different?

Charles Cooper

- **Goal 1: Charles will not use any alcohol or mood altering chemical unless prescribed by a physician.**
- Charles will submit to random drug testing at the request of the social worker, guardian ad litem or court.
- Charles will complete a chemical use assessment and abide by all recommendations.
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- **Goal 2: Charles will participate in services that address domestic violence.**
- Charles will complete a domestic violence assessment and abide by all recommendations.
- Charles will abide by the DANCO and all requirements of his criminal file.
- Charles will not have contact with Susan or the children, unless approved by the Court.
- Charles will not engage in domestic violence.

Charles Cooper (cont.)

- **Goal 3: Charles will demonstrate an understanding and ability to meet the needs of the child.**
- Charles will successfully complete parenting classes and use the skills he has been taught.
- Charles will sign all necessary releases and cooperate with providing any necessary evaluation regarding Chad.
- Charles will report any concerns regarding his child to the social worker.
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- **Goal 4: Charles will cooperate with the social worker and GAL.**
- Charles will report any changes to his address or telephone number within 48 hours of the change.
- Charles will sign all necessary releases.
- Charles will return phone calls within 48 hours and attend all scheduled meetings with the social worker and/or the GAL.
- Charles will report any concerns regarding his ability to cooperate with the case plan to the social worker.

Aaron Anderson

- **Goal 1: Aaron will cooperate with all placement requirements.**
- Aaron will cooperate with his local social services agency and all ICPC requirements.
- Aaron will keep the Agency updated regarding his progress with licensing.
- **Goal 2: Aaron will cooperate with visitation planning.**
- Aaron will ensure Amanda is available for visitation with Susan.
- Aaron will cooperate with a visitation coordinator/social worker to arrange visitation schedules.
- Aaron will ensure Amanda has weekly phone contact with Barry and Chad.
- Aaron will ensure Amanda is having weekly face to face contact with her siblings, Barry and Chad.
- Aaron will report any concerns regarding visitation.

Aaron Anderson (cont.)

- **Goal 3: Aaron will cooperate with the social worker and GAL.**
- Aaron will report any changes to his telephone number within 48 hours of the change.
- Aaron will advise the social worker prior to any changes in his address.
- Aaron will sign all necessary releases.
- Aaron will return phone call within 48 hours and attend all scheduled meetings with the social worker and/or the GAL.
- Aaron will report any concerns regarding his child or his ability to cooperate with the case plan to the social worker.
- **Goal 4: Aaron will cooperate with recommended mental health services regarding Amanda.**
- Aaron will schedule a diagnostic assessment for Amanda and ensure she abides by the recommendations.
- If Amanda is prescribed medication, Aaron will ensure the medication is taken as prescribed.
- Aaron will provide updates regarding therapy and medication changes pertaining to Amanda.

Incarcerated Parents

- How does the case plan differ?
- What about Ben?

Ben Burns

- **Goal 1: Ben Burns will cooperate with establishing paternity.**
- Ben Burns will submit to genetic testing.
- **Goal 2: Ben Burns will demonstrate an understanding and ability to meet the needs of the child.**
- Ben will explore what options are available to him at MCF Stillwater to improve his parenting and decision making.
- Ben will report to the Agency about available classes.

Ben Burns (cont.)

- **Goal 3: Ben Burns will cooperate with the social worker and GAL.**
- Ben will report any changes in his address or incarceration status within 48 hours of the change.
- Ben will sign all necessary releases.
- Ben will return phone call within 72 hours.
- Ben will report any concerns with his ability to cooperate with the case plan.
- Ben will attend all scheduled meetings with the social worker and/or GAL.
- Ben will have monthly contact with the Agency to discuss progress and/or concerns.
- Ben will discuss any concerns about Barry with the social worker within 48 hours.

Suggestions to Engage Parents

- Frequent meetings or contact.
- Attitude goes a long way.
- Listen, don't judge.
- Meeting the needs of the generation

Non-Custodial Parents That Cannot be Reunified

- Order for Protection
- Lack of Capacity
- How do their case plans differ?

Others Involved in Case Planning

- Minn. Stat. 260C.221(a) state in part “the agency has the continuing responsibility to appropriately involve relatives, who have responded to the notice required under this paragraph, in planning for the child and to continue to consider relatives according the requirements of section 260C.212, subdivision 2.”

Creation of New Case Plan

- In-home case plans are required to be updated every three months.
- Out-of-Home placement plans are required to be updated every six months.
- Update when there is a change in placement.
- Update when there is a significant development in the case.
- How are new case plans approved by the Court?

When Things Go Wrong

- No approved case plan
- Case plan expired
- Didn't file a case plan within 30 days
- Needed services aren't available in your area
- Parents aren't abiding by the case plan

Court Orders

- Should all the goals or tasks be listed in a Court Order?
- What if the case plan and Court Order differ?

Appellate Court Treatment of Case Plans

- In the Matter of the Welfare of M.D.O., 462 N.W.2d. 370, (Minn. 1990).
- In the Matter of the Welfare of the Children of W.J.C., III, 2016 WL 358275, July 5, 2016.
- In the Matter of the Welfare of A.R.B. and D.T.R., 906 N.W.2d 894, (Minn. App. 2018).
- In the Matter of the Welfare of J.L.I., 2018 WL 1462209, March 28, 2018
- In the Matter of the Welfare of C.F., unpublished, 2019 WL 511024, February 11, 2019
- In the Matter of the Welfare of E.C.S, unpublished, 2019 WL 226324, May 28, 2019
