FOSTER CHILD NOTIFICATION OF REVIEWS AND COURT HEARINGS STANDARD

PURPOSE

The purpose of this standard is to provide direction and guidance to the Children and Family Services (CFS) programs regarding notifying children in foster care of reviews and court hearings in which they are involved. This standard is intended to achieve statewide consistency in the development and application of CFS core services and shall be implemented in the context of all-applicable laws, rules and policies. The standards will also provide a measurement for program accountability.

INTRODUCTION

Idaho Judicial Rule 40 stipulates that a child eight (8) years of age or older, will be provided notice of, and have a right to be heard in hearings held in respect to them. Title IV section 475(5)(C)(iii) of the Social Security Act also requires the court holding a permanency hearing to conduct age appropriate consultation with the child regarding the proposed permanency or transition plan. Children and youths often feel a strong need to be involved and informed in court processes concerning their welfare. A child eight (8) years of age or older can provide the court with information related to the proposed permanency or transition plans, as well as to their perceived needs, interests, and concerns. Children will often have questions regarding their circumstances and their future. Their questions may be answered at the review, and children and youth should have the opportunity to participate in decisions affecting them. Workers should use discretion and professional judgment, especially when working with children under twelve, in determining the most appropriate action to be taken in conducting consultation with children and how courts receive the information the child provides.

STANDARDS

Idaho Judicial Rule 40 states "After the adjudicatory hearing, a child [in foster care] who is eight (8) years of age or older, shall be provided with notice of, and have a right to be heard, either in person or in writing, in any further hearings to be held with respect to the child."

Notification

The CFS social worker or designee will provide notification to the child a minimum of five (5) working days prior to the hearing. Whenever possible, notification will be given directly to the child. The CFS Program Manager will designate staff responsible to provide notification. However, whenever possible, the child's social worker will be the designated staff.

Notification of a child does not pertain to shelter care and adjudicatory hearings, but is required for permanency and review hearings. After the adjudicatory hearing, the CFS social worker or designee will inform children in foster care eight (8) years of age or

Foster Child Notification of Reviews and Court Hearings Final Standard: 9-15-2008

older, in writing and in advance, of all court proceedings involving the child. A copy of the written notice will be maintained in the child's case file (see attached letters). The court should also be provided verification of notification through an inclusion of this notice in the body of the court report.

At the time of notification, the child should be made aware that any information provided to the court will not be confidential, but will be available for review by all parties.

Consultation

Courts holding permanency hearings regarding proposed permanency or transition plans are required to conduct age appropriate consultation with the child, according to Title IV section 475(5)(C)(iii) of the Social Security Act. The statute does not prescribe specifically how this requirement must be met, which allows for discretion in how this requirement will be complied with. However, the following actions would be sufficient:

- The child's views on the proposed permanency or transition plans are identified in a report to the court.
- An attorney, social worker, or guardian ad litem verbally reports the child's views to the court.
- The child is present in the courtroom.
- The child provides a written statement to the court.

Information provided to the court regarding the child's best interests alone is not sufficient to meet this requirement.

Court Attendance

A child eight (8) years of age or older can attend court hearings and reviews. If it is suspected that an alternate method of submitting information to the court would be in the child's best interest, this must be determined and approved by the court. Alternative methods of submitting information to the court may be more compelling in cases where the child is under twelve years old. School attendance alone should not be justification for a child not participating in a court hearing or review. If the child does not want to attend the court hearing or review, they may exercise that choice and will not be forced to attend. In this event, an alternative method of submitting information to the court can be used, if approved by the court. Information provided to the court, including alternate methods, will be made available for review by all parties.

Any variance to these standards will be documented and approved by Division Administration, unless otherwise noted.

Letter for older child (Insert Regional Letterhead)

Date

Dear (youth's name)

The purpose of this letter is to inform you of a court (review/hearing) on (date) at (time) that involves you and your family. It will be at (place) in front of Judge (name). The Judge is going to look at the progress that has been made on your family's case plan.

You are encouraged to participate in this court (review/hearing). The judge might ask you questions about your situation. If you choose not to go to court, you could write a letter to the judge. Whatever you say to the judge can be made available to anyone involved in your case.

If you have any questions, I can be reached at (phone number).

Sincerely,

(Name) Social Worker Letter for younger child (Insert Regional Letterhead)

Date

Dear (child's name)

There is a court (review/hearing) on (date) at (time). It will be at the (place) in front of Judge (name). The Judge is going to look at the progress that has been made on your family's plan.

You can go to this court hearing if you want to. The judge might ask you questions about your situation. If you don't want to go to court, but you have something you would like to say, you can write a letter to the judge. What you say to the judge will not be kept secret. Other people involved can know what you say.

If you have any questions about this, you can call me at (phone number).

Sincerely,

(Name) Social Worker