

**LESSONS LEARNED: “A REPORT ON THE ST. CLAIR COUNTY FAMILY TO FAMILY ADVOCACY FOR NON OFFENDING PARENTS PILOT PROJECT”**

**Lakeshore Legal Aid**

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## **REPORT ON THE ST. CLAIR COUNTY FAMILY TO FAMILY PILOT:**

### **I. INTRODUCTION/BACKGROUND**

Built upon the belief that a collaborative, community-centered, culturally sensitive government response to child maltreatment was essential to the well-being of families, the Annie E. Casey Foundation provided several states, including Michigan, with the means to implement the *Family to Family Initiative*. With start-up funding and comprehensive technical assistance from the Annie E. Casey Foundation, Michigan was provided with the tools to re-conceptualize and reconstruct their foster care system to better serve children and families throughout the state.

The *Family to Family Initiative* is designed around four key strategies:

- *Recruitment, Training, and Support of Resource Families*- Which focuses on providing meaningful supports to foster and kinship-care families in low income communities of color.
- *Building Community Partnerships* - Which reaches out to a wide range of community members and engages them in the process of change by acting as resources to vulnerable families.
- *Family Team Decision-Making*-, Which concerns a process of decision making that, involves not only foster parents and caseworkers but also birth families and community members.
- *Self-Evaluation*- Which keeps accurate statistics on child and family outcomes that can be used to illustrate progress, show where change is needed and drive decision making at the policy level.

*The Family to Family Initiative* is designed to recognize and build upon the strengths of birth families. By building on the strengths that families possess, and by providing them with community resources and support, the goal is for families to be in a position to safely care for their children in their own communities and in their own homes. When a child must be removed from his/her home, the philosophy is clear that every effort should be made to have the child live with relatives or a foster family within the child's own community. A key component of Family to Family is the recruitment and retention of families of color together with a new emphasis on making decisions *with*, rather than *for*, parents.

## **II. PROJECT DESCRIPTION**

As domestic violence advocates, both Lakeshore Legal Aid and Safe Horizons saw both agencies involvement in the implementation of Michigan's *Family to Family* project as imperative to the success and safety of our clients. Although adult and child victims are often found in the same families, child welfare and domestic violence programs have historically responded separately to victims. Child welfare caseworkers and domestic violence service providers have lacked a mutual understanding of one another's mission and approach when addressing the co-occurrence of child abuse and domestic violence. Additionally, although many legal aid organizations have set aside resources to provide representation to victims of domestic violence in custody matters, very few have involved themselves in matters relating to the intersection of domestic violence and the child welfare system. This divergent response has hurt both adult and child victims of domestic violence.

When Safe Horizon's Executive Director, Jenny Schultz, started her new position in 2005, St. Clair County was just beginning to implement the new *Family to Family* initiative. Ms. Schultz had worked closely with the *Family to Family* pilot project in Macomb County and had seen that the project had a remarkable effect on the rights and resources of birth parents, especially battered women. As a result of her

experience, Safe Horizons entered into a collaborative with Lakeshore Legal Aid to design a project to help battered women and their children navigate through this new system.

After learning as much as possible about this new initiative, both Lakeshore Legal Aid and Safe Horizons felt that the most potentially problematic and controversial portion of the initiative was the Team Decision Making (TDM) meeting. Prior to the initiative, a decision to remove a child from his family was made solely by the CPS worker and her supervisor. If the decision was made to ask the court to assume jurisdiction over a child, a petition would be drafted and parents were then appointed counsel at the initial hearing. Under the *Family to Family Initiative*, anytime a removal is contemplated, a TDM meeting comprising the biological parents, community partners and Child Protective Services (CPS) is held.

It was agreed early on that the pilot would target non-offending battered parents and that the emphasis would be in working with DHS to create ways of holding batterers accountable and protecting battered parents. Both agencies believed that in the vast majority of cases, keeping the non-offending parent safe was essential to keeping her child safe. Both agencies operate under the premise that in the majority of cases battered mothers are good parents, employ many protective measures, and sacrifice for the protection of their children.

The St Clair County pilot project chose to focus primarily on Team Decision Making. Prior to the project there were no statewide protocols or guidelines for how TDM meetings were to operate, or who qualified as a community partner. Further, there was little guidance on how the corporate culture of the MI Department of Human Services (DHS) was to shift from a punitive, internal approach to an inclusive, strength based approach while problem solving with families. Further, although Family to Family is a large conceptual framework, there was initially little guidance on how DHS was to manage the inherent conflict between being strength based, while simultaneously being

subjected to a statutory mandate to address abuse and neglect in a legal and adversarial setting. Initially each county was given the freedom to devise its own TDM process to address its own unique set of circumstances.

Both project partners felt that TDMs posed not only an opportunity for domestic violence advocacy and education, but also posed possible legal liability for non-offending battered parents. Anything a parent would say at these meetings could be used to either craft supportive services for a family or to support a petition for removal. Complicating this dynamic, CPS workers were receiving less than two hours of training in the dynamics of domestic violence and virtually none in cultural competency.

Without a working knowledge of the power and control dynamics inherent in abusive relationships, domestic violence was something rarely considered when an investigation began. Even if domestic violence was identified in a case, DHS workers often times did not believe victims of domestic violence if they did not show signs of visible injury, have police reports or medical records documenting abuse or did not have personal protection orders in place. Non-offending battered parents were being told that they were just as much to blame as offending parents for failing to protect their children from witnessing or encountering abuse.

Domestic violence victims were routinely being held accountable for domestic violence in the home. Many survivors were charged with failure to protect their child from witnessing violence perpetrated against them on the theory that the survivor's inability to control the violence exposed the children to emotional harm. Additionally, parent agency agreements routinely held a non-offending parent responsible for the actions of the perpetrator. Although DHS often found additional supporting reasons for removal, the underlying conceptual framework inherently blamed the victim for placing herself in a relationship where there was violence. For example, Lakeshore staff routinely heard statements such as, "We know these women choose badly every time", or, "She has choices, the children don't." Despite the strong supportive conceptual framework of

Family to Family, the initiative posed significant problems for domestic violence survivors and put them at risk of losing their children.

However, despite all of the potential problems, both agencies recognized that the new openness resulting from the Family to Family initiative was a sea change in how the Department of Human Services (DHS) had previously operated. The Family to Family initiative provided an unheard of degree of openness and opportunity for advocacy in a non-adversarial setting. Therefore, Lakeshore and Safe Horizons entered into a collaborative project to address these issues at both a local and statewide level. With the cooperation of DHS, Lakeshore and Safe Horizons worked to create statewide policy that would be consistent across jurisdictions, began a process of institutional training for domestic violence advocates, legal aid lawyers and pro bono attorneys, and created a protocol that would place a domestic violence advocate within the TDM process when domestic violence is an issue in a case.

Both partners felt that because this was a statewide initiative, in addition to local work in St. Clair County, simultaneous advocacy strategies across the state would be necessary to create lasting and systematic protections for battered women.

### **III. INITIAL BARRIERS**

There were significant initial barriers to the collaborative relationship between Lakeshore and Safe Horizons. There were two initial conceptual debates.

The first debate involved the role of a domestic violence advocate in a Team Decision Making Meeting. Lakeshore felt very strongly that the advocate was there to address the specific needs of the non-offending battered parent at the meeting; and that the purpose of the advocacy was to support the rights of the individual client. Safe Horizons began from an educational viewpoint; believing that the advocate would be there, primarily, to educate the system by providing information to the entire group

about the complex dynamics of domestic violence and how these dynamics may have affected the situation at hand. For example, the issues of why some battered women stay in abusive relationships, how batterers undermine the authority of non-offending parents, how women do not 'ask for' or 'cause' the battering, or why battered women may not have access to transportation, money or shelter for their children without help from social service agencies would be addressed.

There are two ways to be invited to a TDM, either as a community representative whose role is to provide expertise on a particular topic or as an advocate for an individual client whose role is to advocate on behalf of a client's individual needs. Safe Horizons viewed the pilot as a vehicle for systems change and that this was best served through the role of community representative. Lakeshore believed that it was necessary to advocate for a specific client on a specific day. This debate became one of the core conversations of the pilot and the concepts were never truly integrated. However, because the court advocate was to be a Lakeshore employee so as to insure that attorney/client privilege attached and that there was no mandatory reporting requirement, the initial role of the domestic violence specialist was as an individual advocate for individual clients.

The second problem involves potential conflicts of interest that could arise when a non-offending parent's partner has already accessed Lakeshore's service and Lakeshore has access to privileged information regarding that person. In order to avoid a conflict of interest, the advocate from Safe Horizons, working under the umbrella of Lakeshore, needed to do a conflict check in the Lakeshore database to maintain the ethical standards of practice and to prevent any potential conflict problems for the agency. However, Safe Horizons felt it necessary per their mission and quality assurances to provide the same level of support for all self-identified victims of domestic violence. The agencies compromised by agreeing to send a different Safe Horizons advocate, one with no connection to Lakeshore Legal Aid, to the meeting if it was determined that a conflict exists.

#### **IV. STATEWIDE ADVOCACY**

Lakeshore and Safe Horizons identified the following significant legal and institutional concerns in the implementation of Family to Family:

1. In some counties protocols expressly prohibited attorneys from attending meetings.
2. Although facilitators were telling clients that meetings were confidential, those around the table did not share a common understanding of this term.
3. Throughout the state, clients were afforded different rights depending on their particular county's protocol.
4. Parents with Limited English Proficiency were not consistently given access to professional interpretation services for meetings.
5. Parents were being asked, in some cases, to sign legal paperwork during meetings.
6. No quality assurance mechanism existed on a statewide level to monitor the activities of individual counties.

In order to address these concerns, Safe Horizons and Lakeshore convened a working group comprised of representatives from the Michigan Poverty Law Program (MPLP), the Michigan Coalition Against Domestic and Sexual Violence (MCADSV), The Michigan Domestic Violence Prevention and Treatment Board (DVPTB), the Department of Human Services (DHS), Legal Services of Northern Michigan, Wayne State Law School and the Women's Resource Center of Traverse City. The working group met in various locations throughout the state and invited local DHS representatives to each meeting.

#### **Attorney Involvement in TDMs**

Initially, counties were given the option to decide whether or not they would allow attorneys to attend TDMs. This was a significant concern for the legal aid community because anything disclosed at a TDM could later be used against a non-offending parent to support a petition for removal. Although the issue of the admittance of attorneys was solved after the first statewide meeting and DHS issued a written

memorandum stating that parents had a right to have an attorney present at their own cost, the issues surrounding the nature of TDMs as quasi legal proceedings persisted throughout the workgroup meetings. DHS remained consistent in its assertion that the right to a court appointed attorney does not attach in these proceedings because the proceeding is part of institutional decision-making rather than court process. Those representing legal aid disagreed strongly with this assertion, stating that because there is state action and anything within the TDM process can be later used to support a petition, a TDM is a type of administrative process in which due process rights must attach.

The debate over the hybrid nature of Team Decision Making illustrated the inherent conflict within Family to Family; DHS is mandated to provide strength-based supportive services and make decisions with, rather than for, families, while at the same time monitoring a case to determine if there is abuse and neglect sufficient to require the State to take jurisdiction of the child. On one hand, DHS is required to foster a “full disclosure” environment in which the parent is urged to be honest and open with DHS; however at the same time, such full disclosure may be later used against the parent. Despite all attempts to develop a paradigm contrary to this, there is an inherent adversarial relationship and power differential between DHS and a non-offending parent.

It was hoped that the inclusion of attorneys within the TDM process would blunt some of this inherent tension; however, the nature of the attorney-client relationship actually aggravated the inherent conflict. Throughout the pilot, when attorneys were present, DHS workers reverted to a deficit-based analysis of the non-offending parent in anticipation of legal proceedings. While DHS suggested that attorneys required a different skill set to fully appreciate TDMS, including the use of mediation skills, the inherent structure of a TDM as part of a potential removal made it difficult for attorneys to do anything but to advise clients to withhold negative information, thereby protecting their client from potential harm. Unfortunately, this same dichotomy also prevented

DHS from obtaining a full picture of the non-offending parent's needs and limited DHS's ability to provide the parent with further supportive services.

### Confidentiality Concerns

It became apparent early on in the pilot that the term 'confidential' meant different things to different people. This confusion caused significant problems. At the beginning of the TDMs that we witnessed throughout the pilot, the meeting facilitator opened the meeting by giving ground rules. One of the ground rules was that everything that was said in the meeting was to remain 'confidential'. If the non-offending battered parent had been working with a domestic violence agency, she was operating under the assumption that the term 'confidential' meant that any information that she gave during the meeting would be kept in complete confidence and could not legally be disclosed to a third party unless it reflected suspected or actual abuse or neglect of a child. If the non-offending parent had been working with legal aid, she had been assured that all information disclosed was confidential and privileged and that attorneys could not disclose adverse information. For DHS, 'confidential' meant that the participants in the meeting should respect the privacy of the other participants in the group and not discuss, or gossip about, what happened in the meeting. As stated earlier, anything disclosed by a parent in a meeting could legally be used during subsequent child protective proceedings. Therefore, 'confidentiality' did not exist in the context that non-offending parents would have been led to believe by either project partner.

The statewide group discussed and developed an 'advice of rights' form to inform parents that although the purpose of the TDM is not a fact-finding mission, anything said at the meeting could later be used to support a petition for removal or termination. However, the group never came up with a form that was agreeable to all parties involved. Representatives from DHS were concerned that by stressing the limits of confidentiality with parents up front that they would be inhibiting an open and honest

discussion. Advocates felt that although that may be true, parents have a right to know what those limits are.

It became clear as advocates witnessed more and more meetings that some CPS workers did use meetings to probe for more information in an effort to strengthen a petition for removal or termination. Often the information received from family members and support persons at the meeting was damaging to the non-offending parent and used in the subsequent petition. A well trained and highly skilled facilitator was able in many cases to steer the conversation away from a 'fact finding' expedition; however much of the success of the TDM process was deeply dependent on the facilitators skill and commitment to Family to Family core values.

Although an 'advice of rights' form was drafted, it is not clear if the form was distributed statewide. The collaborative tried to remedy this situation by stressing the importance of talking to clients about this specific issue with domestic violence service providers, legal aid attorneys and pro bono attorneys during statewide trainings.

### Equal Protection Concerns

Throughout the state, clients were afforded different rights depending on their particular county's protocol. The statewide group identified this disparity between counties as a significant issue within the Family to Family initiative. As a result, Lakeshore and Safe Horizons worked collaboratively with the St. Clair County Department of Human Services to draft a model TDM protocol that addressed issues of domestic violence through the planning, implementation and aftermath of a TDM.

### Limited English Proficiency (LEP) Concerns

The working group also raised concerns about the importance of good translation within TDMs, particularly in light of several anecdotal reports that DHS relied heavily on family members for translation and interpretation. DHS immediately clarified that there was an existing protocol that requires that adequate professional translation and interpretation is made available to LEP clients and stated that this would be clarified in writing to Family to Family Facilitators. It was also agreed that the cultural competency of a facilitator is vital to the success of a meeting and DHS agreed that this would be a priority within its own training agenda.

### Legal Paperwork in TDMs

Lakeshore and Safe Horizons had both received reports from advocates and clients that parents were being asked, in some cases, to sign legal paperwork during meetings including Powers of Attorney and Guardianship Petitions. This procedure, although verified only anecdotally, again served to highlight the quasi-judicial nature of Team Decision Making meetings. Parents are not provided court appointed counsel for these meetings but were at times being encouraged to enter into agreements with legal significance. As a result of this concern, DHS promulgated a memorandum forbidding the execution of legal documents as part of the TDM process.

### Quality Assurance

Throughout the year of meetings, it was agreed that for the *Family to Family Initiative* to truly succeed, DHS needed to develop a quality assurance process. A great deal of discussion revolved around the disconnect between the spirit of the *Family to Family Initiative* on a philosophical level and its implementation on a micro, concrete level. Although the *Family to Family* philosophy and rhetoric was strength-based and family-centered, it appeared that the majority of actual CPS workers across the state had not truly integrated this new philosophy into

their work. The working group agreed that the fundamentals of the initiative were enlightened and dynamic. However, much of the conceptual framework was lost in its implementation. Advocates throughout the state continued to relay to workgroup members that meetings were being used to strengthen petitions for removal, that decisions were made by workers before meetings had even taken place and that non-offending battered parents were still being held responsible for the abuse perpetrated against them. The negative attitudes expressed by many CPS workers present a major barrier to the progress of this initiative, and we must continue to work on changing these attitudes through education, real life experience and pressure to change from the upper levels of DHS down to the workers. Without a quality assurance mechanism, the Family to Family initiative is in danger of presenting the appearance of strength-based openness and philosophical change, while in fact changing only process and not negative, deficit based analysis. Further, if a TDM is not a strength based meeting, the Family to Family initiative has only served to provide a new opportunity for DHS to solicit potentially negative information about the family hastening the removal of a non-offending parents child rather than creating supportive services necessary to insure that the family remains intact.

Despite the working group's emphasis on the quality assurance mechanism, such a process has yet to become a reality. Further, the group continued to be split on the nature of the mechanism, with client advocates requesting accountability and structural change and DHS requesting evaluation and statistical analysis.

## **V. TRAINING**

In addition to convening the statewide working group, Lakeshore and Safe Horizons identified that it was necessary to train stakeholders within the legal

aid and domestic violence community about the Family to Family Initiative and its potential effect on domestic violence survivors and their children.

Lakeshore and Safe Horizons provided three trainings to domestic violence advocates throughout the project period. With the assistance of the MCADSV, Lakeshore and Safe Horizons trained both front line advocates and executive management on the critical role that domestic violence shelters can play in the adoption of local protocols and advocacy within the *Family to Family Initiative*. Lakeshore and Safe Horizons presented at the 2006 Coalition's Women of Color Institute on domestic violence advocacy within the Family to Family Initiative as well as at the 2005 and 2006 MCADSV Professional Development Institute. Safe Horizon's Executive Director Jenny Schultz highlighted the importance of local committee work and relationship building to lay the ground work for advocacy within the initiative. Although all three trainings to the domestic violence movement were well received, there were consistent concerns about how the smaller shelters could afford additional advocacy.

Lakeshore, Safe Horizons, the Michigan Poverty Law Program and the MCADSV also presented a free-standing statewide seminar to legal aid attorneys and members of the private bar on the intersection of the Family to Family Initiative, domestic violence and child custody. Over 65 attorneys attended and the approval rating for the training was over 90%. The attorneys who attended were particularly interested in the hybrid nature of TDMs and the importance of legal advocacy within TDMs.

The questions posed by attorneys during the trainings served to highlight the gaps that exist for non-offending battered parents in the juvenile court process. Traditionally, legal aid programs don't routinely handle CPS matters. However, legal aid has the historical expertise in working with child custody, domestic violence and wraparound services with shelter project partners. Additionally, the private bar lacks the resources to craft specific solutions for individual

parents in the same holistic manner that legal services does. Added to that, as aforementioned, the right to court-appointed counsel does not attach in TDM meetings. Therefore, if a parent attends a TDM without counsel, that parent may have already provided DHS information that her court appointed attorney would have advised against disclosing. The lack of domestic violence training for the private bar and the lack of resources for legal aid to attend TDMs create a “perfect storm” for the non-offending parent. Legal decisions about a parent’s child are made at meetings before a parent ever has the chance to talk to an attorney and without the non offending parent ever having been advised of her rights, choices and options.

## **VI. DOMESTIC VIOLENCE ADVOCATES WITHIN TDMS**

At the onset of the pilot, Lakeshore and Safe Horizons agreed that advocacy was necessary within the TDM process. Throughout the pilot there continued to be discussion regarding the role of the advocate: Is she there to educate the system about domestic violence or to improve individual client outcome? Because this issue was the subject of some tension, Lakeshore and Safe Horizons agreed to use the skills of an experienced advocate who had the capacity to do both. The advocate acted as an employee of Lakeshore and attorney/client confidentiality attached. However, because the TDM advocate had over 11 years experience functioning as both a legal services paralegal and a domestic violence shelter advocate she was uniquely qualified to address both agency’s goals. Through the use of sophisticated intervention, the TDM advocate was able to advocate for the individual client while at the same time informing systems of the nature of the dynamics of domestic violence, cultural competency and strength-based analysis. Almost uniformly the advocate’s presence resulted in the creation of holistic, concrete solutions for survivors. For example, in one TDM, the advocate not only headed off a threatened removal for failure to protect but insured that DHS addressed additional supports for the non-offending battered parent.

Unfortunately, advocacy within the St. Clair County *Family to Family Initiative* began later than anticipated as a result of internal issues at DHS. Therefore, the number of TDMs that the advocate participated in was relatively small. Further, after the advocate began achieving a series of significant concrete goals, her inclusion by DHS in TDMs drastically lessened. For a period of time, St. Clair County DHS did not follow protocol and did not call for advocacy when domestic violence was an issue in a case. This meant that the only way that either agency was notified of a TDM was if a client was knowledgeable enough requested an advocate be present, which did not occur in the last two months of 2006. It was not until January 2007, after another meeting with leadership at the St. Clair County Department of Human Services, that the advocate again began to receive calls on a regular basis.

Both Lakeshore and Safe Horizons believe that the inclusion of a trained advocate in TDMs, as required by the model protocols, is pivotal to insuring that a non-offending battered parent receives supportive wraparound services from DHS rather than punitive removal of her children as a result of domestic violence. It is recommended that the advocate present be one with extensive domestic violence advocacy experience and sophistication, so as to effectively navigate the complex relationship between legal aid, the domestic violence movement and DHS.

## **VII. CONCLUSION**

Both Lakeshore and Safe Horizons agree that is essential that legal services and the domestic violence movement understand Family to Family and collaborate to insure that domestic violence survivors in poverty do not lose their children for failure to protect. Both project partners agree that the intervention of a trained highly skilled advocate creates meaningful change for both individual clients and toward systemic change. Both partners recommend

that the project be replicated on a concrete community level.

However, the project partners disagree on a macro level as to the viability of the Family to Family initiative and Team Decision-making. While Safe Horizons believes that the strength based framework continues to hold promise, Lakeshore has been forced to conclude that without an additional, significant commitment from DHS to change its' corporate culture, the initiative may be destined to fail its' promise. To succeed, DHS must create and maintain a quality assurance mechanism, commit to train front line staff on the dynamics of domestic violence and cultural competency and hardwire strength based analysis into every layer of its corporate structure. Without such concrete changes, the initiative will continue to have mixed and sporadic results. When the spirit of the initiative was followed, Lakeshore clients reported that they received much needed supportive services and resources; when the intent of the initiative failed, TDM's became a fact-finding expedition to support a petition for failure to protect resulting in the removal of children from battered women.

**Michigan Department of Human Services**  
**St. Clair Team Decision Making Protocol**

**DEFINITIONS**

The following are definitions of terms used throughout the Team Decision-Making Protocol.

**Absent Without Legal Permission:** Absent Without Legal Permission (AWOLP) youth are those youth who are wards of the court because of an abuse and/or neglect petition and who have left their foster/relative placement without permission.

**CAFAS:** The Child & Adolescent Functional Assessment Scale is a rating scale, which assesses a youth's degree of impairment in day-to-day functioning due to emotional, behavioral, psychological, psychiatric, or substance use problems.

**Category V:** No services recommended. Following a field investigation, CPS determines that there is no evidence of child abuse/neglect.

**Category IV:** Community services recommended. Though, child abuse and/or neglect is not confirmed, the structured decision making (SMD) risk assessment suggest risk of future harm to the child.

**Category III:** Community services are needed to alleviate further harm to the child. A preponderance of evidence supports that child abuse or neglect occurred. The SDM tool suggests low or moderate risk of future harm to the child.

**Category II:** Services are required to maintain child safety in the caretaker's home. Preponderance of evidence supports that child abuse or neglected occurred. The SDM tool indicated high or intensive risk of future harm to the child.

**Category I:** Court petition is required child is unsafe. Preponderance of evidence was found that child abuse or neglect occurred and the child is unsafe if left in the caretaker's home.

**Caseworker:** The individual who has been assigned the case. The caseworker can be from DHS or a POS agency.

**Consensus:** Consensus is a process, it represents the idea that participants can support the decision because they had the opportunity to share their thoughts and be heard. It may not be an individual's first choice, but they agree that the decision will keep the child(ren) safe. However, the Department maintains the legal responsibility to make the decision if agreement cannot be achieved.

**Community Partners:** "Community Partners" are agencies that are providing professional services to the family or have specific expertise that has been an identified issue i.e.: domestic violence, substance abuse, mental health, etc. **Community**

**Representatives:** "Community Representatives" are defined as family support or members of the family's neighborhood or community.

**Considered Removal:** A Considered Removal is one in which the Caseworker anticipates the need to place a child(ren) in out of home care for their safety and protection.

**Department:** “Department” shall mean the Michigan Department of Human Services.

**Domestic Violence:** Domestic Violence means the occurrence of any of the following acts by a person that is not an act of self-defense: causing or attempting to cause physical or mental harm to a family or household member, placing a family or household member in fear of physical or mental harm; causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress; and/or engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed, or molested.

**Emergency Removal:** An Emergency Removal is one in which a child(ren) has already been placed in out-of-home care on an emergency basis, including after hours or on-call situations.

**Facilitator:** The Facilitator is the person who manages the TDM meeting process to help the members sitting at the table reach Consensus. The Facilitator is not a case carrying social worker or line supervisor.

**Family Team Meeting:** The Family Team Meeting (FTM) is a meeting that is arranged by the case manager following a child(ren)’s removal from the birth parent(s) or legal caretaker(s). The FTM is child centered and is conducted with the birth parent(s)/legal caretakers, the foster or resource family and whenever possible, the child(ren) within the first ten days of a child(ren)’s placement.

**Fictive kin:** An adult who is not related to a child by blood or marriage who has a psychological/emotional bond with the child and is identified as “family” as a result of their active role in the functioning of the nuclear family.

**GAL:** The court appoints a lawyer for the child – guardian ad litem.

**Placement Preservation:** A Placement Preservation is one in which the out of home placement for the child(ren) begins to disrupt and a request has been made for the child(ren) to be moved. A TDM for changes of placement may also occur when the caseworker determines other safety issues exist, requiring the child(ren) be moved to an alternative out of home placement.

**POS:** Purchase of Service. These are agencies that DHS has purchased direct services from to provide foster care.

**Removal:** A Removal occurs when an out-of-home placement for the child(ren) is required for their safety and protection. The SDM Safety Assessment must indicate the level of safety as “Unsafe” while the Risk Assessment must indicate a risk level of “High,” “Intensive,” or “Override.” Also, the level of service in the Risk Assessment must indicate “Category I,” “Category II,” or “Override.” TDMs for Removals fall within two distinct categories: Emergency Removals and Considered Removals.

**Reunification:** Reunification is a process that begins after adjudication in preparation for returning the child(ren) with the parent(s)/caretaker they were removed from.

**Substantiated:** A Children’s Protective Service case classified as a central registry case.

**Structured Decision-Making Assessment Tools:** The Structured Decision-Making (SDM) Assessment Tools are used by both Children’s Protective Service (CPS) and Foster Care (FC) workers. CPS Assessment tools are utilized to assess and evaluate all investigations where the worker has confirmed a situation of child abuse/neglect. These tools are used to monitor case progress on CPS service cases where children have not been removed from the home. The SDM Assessment Tools provide the “triggers” for initiating the TDM process. To commence a TDM the Caseworker must indicate the home to be “Unsafe”. FC assessment tools are used for developing and focusing treatment plans and evaluating case plan progress.

**Team:** “Team” shall mean all persons participating in the TDM.

**Team Decision-Making Meeting:** Team Decision-Making Meetings (TDMs) are a forum to discuss risk and safety issues with child welfare staff, family and others, and to participate in placement-related decision-making. The meeting includes the family of origin, extended family, friends, neighbors, foster parents, (when child is in a FC placement) services providers, Community representatives (may not be a service provider), and/or other professionals involved with the family. TDMs are designed to encourage participants to share information about the family, relating to the protection and safety of children and to the overall functioning of the family as it pertains to placement.

**Team Decision-Making Activity Report:** The Team Decision-Making Activity Report (TDM-AR) is the document used to record all necessary information relating to the TDM Meeting. See Attachment A.

**Type of DHS Case:** The Caseworker notifies the Facilitator of the type of DHS case being referred to the TDM process. The Caseworker simply identifies the current level of Agency involvement with the family. The three categories include: (1) CPS Investigation; (2) CPS open case; and (3) Foster Care.

**Unsubstantiated:** A Children’s Protective Services case the department classified as category III, category IV, or category V.

## **St Clair County Team Decision Making Protocol**

### ***INTRODUCTION***

#### **Purpose of TDM**

Team Decision-Making Meetings (TDM’s) represent a shift in philosophy toward a strength based and team guided decision making process. This approach welcomes community participants, creative discussions, and safety planning. The safety and protection of children drives the Team Decision-Making process and “Straight talk” is encouraged. The purpose of the TDM is not intended to be a fact-finding expedition, but instead to use information gathered to make placement decisions about the future.

Our work in Child Welfare is based on the following beliefs:

1. Children do best in strong families,
2. Families can become strong when they have the support of their communities,
3. Child welfare agencies can do their job better when they partner with communities
4. Active family involvement empowers families to identify and develop their own solutions to maintain the safety of their children.

*Goal of the TDM's*

The primary goals of TDMs are

1. All participants are to be treated with dignity and respect throughout the meeting process.
2. To reach consensus in developing a plan that protects children, preserves families and / or placements, or re-unifies families in a safe manner.
3. To involve birth families and community members, along with resource families, service providers and Department of Human Service's staff.

*TDM Participants*

The Caseworker, Facilitator and Family should coordinate their efforts to invite potential team members to each TDM meeting. Below are suggestions on whom could be included in a TDM's:

*Required to attend:*

- F-2-F Facilitator
- DHS Caseworker
- DHS Supervisor

*Encouraged to attend:*

- Family
- Community Representative
- Other DHS staff who know the family
- Staff from various support services organizations working with the family
- Primary Caretakers
- The children may also attend a portion of the TDM when the Caseworker and the parents determine that they are mature enough and that their presence would be appropriate.
- Domestic Violence advocate when intimate partner violence is suspected or disclosed. (contact 810-985-4950, ext. 208)

*Other suggested TDM Members*

- Guardian Ad Litem,
- Extended Family
- Foster Parent(s)
- Family Friends / Neighbors
- Family Attorney
- Any other person that can assist them in a TDM Meeting

In situations where the parent(s)/care providers cannot be located or unable to attend, the initial meeting will continue in the best interest of the child(ren). With the exception of the F2F Facilitator, the DHS Caseworker and DHS Supervisor, all others will be present with the permission of the family. The family will be asked if those encouraged or suggested to attend should be at the Team Decision-Making Meeting. Permission will be asked privately prior to the progression of the TDM.

### **Role of the Caseworker**

The Caseworker:

*Prior to TDM:*

1. Requests a TDM after a case conference with his/her supervisor determines that the child(ren) are at imminent risk and he/she anticipates seeking removal (except in the case of an Emergency Removal), is considering beginning the reunification/permanency planning process or there is the possible need for a change of placement, (see requesting a TDM).
2. Contact the Coordinator to schedule the date and time of the TDM and confirm the location of the meeting.
3. Provides verbal notification (either by telephone or face-to-face) or written notification of the TDM time and date to the parent(s)/caretaker and encourages the family to invite other individuals that the family wants to be present at the TDM. The caseworker will provide information about the TDM process to the family, and answer questions they may have.
4. Assists with resolving any barriers of the parent(s)/caretaker, i.e. transportation, language, literacy, physical, etc. if needed. Determine if the family needs communication assistance (e.g. is illiterate, limited English Proficiency or deaf) and insure that appropriate translation will be provided. Appropriate translation accommodation does not include translation by family member.
5. Discusses with the parent(s)/caretaker if the child(ren) will participate in the TDM, and /or child care arrangements during the meeting.
6. Prepares a rationale for requesting the TDM to discuss the possible removal or a change in placement to be shared at the TDM based upon his/her assessment and knowledge of the situation.
7. Screen the case for domestic violence and assess whether it is safe and in the best interest of the children for the TDM to take place with both parents present. It is strongly suggested that in domestic violence cases the offending parent not be present during the TDM, Separate meetings should be scheduled.
8. If any domestic violence safety concerns should be identified, a discussion with the worker and the facilitator will take place to address these concerns

prior to the meeting. In addition, invite a Domestic Violence Advocate from Safe Horizons @ 810-985-4950 ext. 208.

9. Complete computer clearances to obtain additional information about the family. These clearances may include SWSS, CMIS, Central Registry, LIEN, and SOS. Identify if there is an existing court order such as a personal protection order, a no contact bond, condition of probation or parole or other legal proceeding that would prevent contact between the parents. If such orders exist separate meetings shall be scheduled.

*During the TDM:*

10. Identify family's accomplishments along with risk and safety concerns.
11. Clearly and respectfully identify risks to the child so the family understands the Department's concerns.
12. Remain open to family and community ideas about placement alternatives.
13. With the Facilitator, guide the Team toward supporting the family in the development of a decision that keeps the child safe.
14. If a case is serviced by a POS agency – the DHS worker will make the request for a TDM, after the DHS worker and the POS worker have consulted about the situation. Both the DHS and the agency caseworker need to be present at the TDM.
15. Brings SDM tools and CAFAS tool (if available) to the TDM.

If the family does not attend the TDM – the caseworker will advise the family as soon as possible of the outcome of the meeting.

### **Role of the Facilitator**

The Facilitator:

1. Have a broad knowledge of the Department's policies, procedures, available resources and laws regarding Children's Protective Services (CPS) and Foster Care.
2. Will manage the meeting, supporting best agency practices and values, while focusing on the best interest of the child(ren).
3. Model respectful interactions with the family, creating an inclusive meeting environment.
4. Build trust with families, community providers, and agency staff in the team process to foster open and honest communication.
5. Act as both a negotiator and a mediator, pushing the team toward generating creative ways to keep children safe, upholds DHS policies and Michigan statutes.

6. Ensure all parties are heard and that professionals talk in language that everyone understands.
7. Work to develop consensus among the team members, finding common ground amidst diverse interests, focusing on family strengths, negotiating services, and developing a safety plan.
8. Identify that the TDM is the Caseworker's meeting and help the Caseworker understand that the TDM process supports decisions and serves as an active resource for their family, specifically relating to the safety plan.
9. Maintain a focused, task oriented Team meeting without dwelling on the past or placing blame. Assist in identifying natural supports of the family throughout the TDM process. Be sensitive to the ratio of staff to family members that are present during a TDM.
10. If domestic violence has been identified, maintain an awareness of potential safety concerns and shifting power dynamics.

### **Role of the Family**

The role of the family is to:

1. Make an informed decision regarding whether or not to attend the TDM meeting, and notify the caseworker of their decision.
2. Invite support persons to attend the meeting.

If attending the TDM the family will:

3. Actively participate by providing information and sharing their ideas about family/child(ren) history, current conditions, and needs; and
4. Actively participate in the discussion and work with the Team to develop Consensus in the best interest of the child(ren).

### **Role of the Community Partners**

The role of the Community Partners is to:

1. Attend scheduled TDMs and actively participate in discussion within their guides of confidentiality;
2. Advocate for appropriate services within the family's community that address the concerns presented at the meeting;
3. Assure that the situation is thoroughly examined by actively participating in the development of the decision-making process;
4. Present alternatives to the Department and family members to aid in reaching a decision about placement that provides for the safety and protection of the children.

### **Role of Community Representatives**

The role of the Community Representative is to:

1. Attend scheduled TDMs and actively participate in discussion;
2. Help the Department personnel in understanding the family and Community's perspective;
3. Acts as the community's voice by representing a geographic, cultural, religious, socioeconomic, and/or ethnic connection, as defined by the family.
4. Offer ideas and identify non-traditional resources that may exist within the family's community that may be used to alleviate the risk to children, while promoting the safety plan i.e. Faith based services, community or neighborhood services, etc.
5. Provide other information regarding the family's (if known) and the community's strengths that may be accessed to address the identified risks to children.

When appropriate additional professionals may be included in the TDM process to provide the team with information on a specific issue related to the safety of the child: i.e. medical, domestic violence, homelessness, etc.

### **INTRODUCTION TO THE TDM PROCESS**

The St. Clair County Department of Human Services utilizes a TDM meeting in planning for the safety and protection of children for placement related decisions that include three distinct processes:

1. Pre-Meeting: The pre-meeting process consists of requesting, scheduling, and preparing for a TDM. The pre-meeting process follows the format of the TDM-Activity Report.
2. Meeting: The meeting process outlines the essential elements of the TDM: introduction, ground rules, issue identification, brainstorming, decision, safety plan/action steps, placement and recap/closing.
3. Post-Meeting: The post-meeting process identifies data entry, self-evaluation, and the Administrative Review process. (When necessary)

#### *TDM PRE-MEETING PROCESS*

##### **Requesting a TDM**

Request for TDMs are made as follows:

1. Emergency Removals: When the child(ren)'s immediate safety is threatened, the Caseworker removes the child(ren) on an emergency basis then requests a TDM by the next business day following removal. In general, emergency removals will occur primarily with CPS staff.

2. Considered Removals: The Caseworker requests a TDM for a considered removal when he/she anticipates the need to place the child(ren) in out-of-home care for their safety and protection.
3. Placement Preservation: The Caseworker requests a TDM for a potential change of placement when the caseworker believes the current placement may disrupt and/or the resource family is considering to request that the child(ren) be removed from their current setting. The Caseworker will also request a TDM for changes of placement in cases where a safety issue has been identified.
4. Permanency Decisions
  - a) Reunification: The Caseworker requests a TDM prior to beginning overnight visits. The Reunification Assessment Tool must indicate that a family is making Partial or Substantial progress in Barrier Reduction and Parenting Time and the Safety Assessment must indicate Safe with Services before the TDM team can determine if it can be recommended to the Court that the child(ren) can safely return to home.
  - b) Permanency Planning: (excluding Reunification) A Caseworker requests a TDM for a permanency planning meeting when a family's progress on their service plan does not result in sufficient reduction of risk to the child(ren), and reunification cannot occur. The TDM team would consider all permanency options, including (permanent custody/termination of parental rights, full guardianship, independent living, or a permanent foster family agreement) and make a decision based on what would best meet the child's needs and an appropriate recommendation is made to the Court.

**NOTE:** Any changes in the safety plan/action steps require a separate TDM.

### **Scheduling a TDM**

The DHS Caseworker will schedule a TDM via a telephone or in-person contact with the Family to Family Coordinator.

1. Monday-Friday (normal business hours): Once the Caseworker and his/her supervisor determine the need for a TDM, the Caseworker contacts the Family to Family Coordinator by telephone or in person to schedule a meeting. The telephone number is **(810) 966-2137** for this purpose. During this telephone contact, the Coordinator will request all of the information listed below and complete the TDM-Activity Report:

Date/Time TDM requested  
 Family name\*  
 Address  
 Telephone number(s)  
 CMIS case number  
 SWSS log number  
 Name of caseworker

Telephone number(s) of caseworker  
Name of supervisor  
Telephone number(s) of supervisor  
Date/Time TDM scheduled  
Facilitator assignment  
Type of TDM  
Type of DHS Case  
Demographic information about all family/household members  
Security needs/special needs/safety alert  
Legal status  
Attendance

\*Family name generally corresponds to the name of the primary caretaker and the case number is the CPS case number

The facilitator will complete the TDM-Activity Report when conducting the TDM and then enters any information gathered during the TDM as well as the outcome of the TDM into the database following the TDM.

2. On-Call and Weekend On-Call: The on-call Caseworker will be responsible for contacting the Family to Family Coordinator to schedule all Emergency Removal TDMs that need to be scheduled. The on-call Caseworker provides a copy of the Referral to the Coordinator on the first business day following an Emergency Removal. The referral should include the necessary information for the Coordinator to complete the TDM-Activity Report.

The Facilitator is responsible for contacting the Community Partners for attendance at the TDM. The

Caseworker is responsible for verbally notifying the parent(s)/caretaker of the scheduled TDM, either by phone or in person if phone contact is not possible. The family or the Department may also contact Community Representatives for attendance at the TDM. If there is suspected or disclosed domestic violence, Safe Horizons shall be contacted at (810) 985-5538 (24 hour crisis line).

### **Location of TDM**

TDMs are generally held at community-based sites to maximize attendance. When assigning the location of the TDM, the Facilitator gives preference to the location that is most convenient or accessible to the family. However, safety issues or special needs may limit the choice of available options. Emergency Removal TDMs, will take place at the St. Clair County DHS office.

TDM meetings will be held at the DHS office when the Caseworker identifies a security need for a family such as cases involving domestic violence, an extensive criminal background, or a history of mental illness that suggests participants may be at risk. TDM staff will address these security needs, ensuring that DHS policy has been followed and security arrangements have been made prior to the TDM meeting.

### **Type of TDM Meetings**

The facilitator and caseworker will schedule the date and time of the TDM according to these established timeframes. He/she will document this information on the Team Decision-Making Activity Report.

The type of TDM requested determines the priority of scheduling.

1. Emergency Removal. The Caseworker will request an Emergency Removal TDM as soon as possible and no later than *the next business day* of the removal event. The Emergency Removal TDM will occur as soon as possible following the request and prior to court.
2. Considered Removal. The Caseworker will request a Considered Removal TDM based on the triggers outlined previously. The Considered Removal TDM meeting will be held within twenty-four hours of the request or later based on consultation between the Caseworker and the Facilitator, but no later than 2 days following the request..
3. Reunification. The Caseworker will request a Reunification TDM based on the triggers outlined previously. The Reunification TDM meeting will be held within five days of the request of the meeting.
4. Placement Preservation. The Caseworker will request a Placement Preservation TDM meeting based on the triggers previously outlined. The Placement Preservation TDM meeting will be held within five days of the request or sooner. If there is an immediate safety concern, or the child must be removed on an emergency basis, the meeting will be held within twenty-four hours of the removal.
5. Permanency Planning: The Caseworker will request a Permanency TDM meeting based on the triggers previously outlined. The meeting will be held within five days of the request, and at least 2 weeks prior to the Permanency Planning Hearing.

### **Facilitator Assignment**

There is currently one Facilitator for St. Clair County and 1 back-up facilitator. Caseworkers can contact Kim Irwin at (810) 966-2137 or by email at [irwink@michigan.gov](mailto:irwink@michigan.gov). If Ms. Irwin is unavailable, she will leave a notice or voicemail message as to the back-up facilitator staff should contact.

A goal of the TDM unit is to provide consistent service and effective management throughout the process. Therefore:

- Whenever possible, A family will maintain the same Facilitator throughout the TDM process
- In an emergency, an alternate Facilitator will be assigned to the family if the original Facilitator is unavailable. However, the original Facilitator will resume responsibility for this family when he/she becomes available.

### **Special Needs**

The Facilitator will always consider accommodations for special needs when assigning a site location for a TDM. Special needs require Department staff to provide reasonable accommodations to promote the safety, well being, and successful participation of all TDM members. Therefore, the Facilitator and the Caseworker should identify a situation or an individual requiring a special need, the type of need, and the type of assistance needed. The Facilitator records this information on the TDM-Activity Report. These special needs requests may prompt a pre-meeting case conference between the Facilitator and the Caseworker. Special needs requests may include:

- **Transportation**

The participation of primary caretakers in the TDM process is critical for this process to be effective. Therefore, the caseworker must explore transportation options with families who identify this as a barrier to participation. The caseworker may consider the availability of bus service, or family, friends, and neighbors who may transport the primary caretaker to the TDM.

- **Childcare**

Lack of childcare may either prevent a primary caretaker from participating in the TDM process or require him/her to bring the child(ren) to the TDM meeting. This presents a significant barrier to successful participation in the process. Therefore, the caseworker must explore available daycare options with the family to enhance participation. Options to consider include: the use of on site daycare services, family or friends, volunteers, etc.

- **Adaptations**

On occasion, a family member may require additional assistance in order to participate in the TDM process. It is the caseworker's responsibility to notify the Facilitator of the need for special assistance. The caseworker and the Facilitator must explore available options to improve the attendance and participation of family members in the TDM meeting. These adaptations may include a foreign-language interpreter, hearing-impaired interpreter, etc. Adaptations should be arranged before the meeting commences. If domestic violence is a factor, the Facilitator and caseworker must meet privately with the non-offending parent to determine how the meeting can be conducted to promote safety.

### **Security Needs**

Security needs require the Caseworker and Facilitator to discuss the situation prior to the TDM to promote the safety of all participants and will be determined on a case by case basis. When the caseworker identifies a family with a history of violent or threatening behavior, he/she has a duty to provide the TDM staff with this information. This will require the Facilitator to pre-arrange adequate security at the meeting site. In rare circumstances, a primary caretaker or other family member may be excluded from the TDM process if he/she poses a credible safety threat to the group. A family member may also be excluded from participation if attendance would violate a PPO, no contact bond, a

condition of probation or parole or other court order, or present an extreme level of risk to participant's safety. In domestic violence cases, if the batter is present at the meeting, arrangements must be made to insure safe guards for the non-offending parent's arrival and departure from the meeting location. If a PPO mandates that the parties must not come into contact, the possibility of a telephone conference is to be explored, if not in violation of the court order. The Caseworker and his/her Supervisor must carefully evaluate a decision to exclude a primary caregiver from the TDM process and discuss that decision with the Facilitator.

### **Legal Status**

The Caseworker will provide the Facilitator with information regarding the child(ren)'s current legal status. The Facilitator records the information on the Team Decision-Making Activity Report by marking the appropriate check box. The Facilitator also documents the date and time of the next court hearing if that information is known when the TDM is requested.

The legal status categories located on the Team Decision-Making Activity Report are as follows:

- Birth/Adoptive parent with custody
- Relative with custody
- Guardianship
- Protective custody
- Temporary court ward
- MCI/Permanent state ward

### *TDM Meeting Process*

#### **Holding the TDM/Introduction**

The facilitator is responsible for room set up and the TDM process. The facilitator ensures that all participants understand their role in the meeting. The TDM will focus on issues of safety and protection of children. The TDM meeting will commence with an introductory format as follows:

- Facilitator welcomes and thanks all participants for attending.
- Facilitator introduces him/herself.
- Facilitator explains the purpose of the TDM, focusing on reaching consensus about placement decision, and developing an action plan that provides for the safety and protection of the child(ren) and is least restrictive/least intrusive.
- Participants introduce themselves and describe their role or relationship to the family.
- Facilitator encourages participation and the desire to work together to develop the best possible plan for the family and child(ren).
- Facilitator states that all options will be heard and considered.

- Facilitator states that if the team is unable to reach a decision that all can support, DHS will make the final decision (if the decision is removal from the parental home, a recommendation will be made to the Court).

## **II. Ground Rules**

The Facilitator must identify the ground rules as a part of the meeting process. These guidelines provide a safe and respectful environment for all participants. These guidelines should be posted in plain view so all participants may view them throughout the meeting. The ground rules are as follows:

- Right to privacy/confidentiality: *Information gathered during this meeting is personal. Team members should respect the family's privacy. Therefore, further discussion about the family outside the meeting will be permissible only for case planning and the safety and protection of the child(ren). However, because information gathered at a TDM may also be used to support a petition for abuse and neglect, the Facilitator will insure that the family is aware of their right not to participate in the meeting. The Facilitator will make the family aware that if the family chooses not to participate in a TDM, the TDM may go forward without them*
- Timeframe for meeting is approximately 1.5 hours.
- All participants will be treated with dignity and respect throughout the meeting process.
- Only one participant will speak at a time.
- Every participant will have the opportunity to speak and ask questions.
- All participants will speak openly and honestly with each other.
- The goal of the meeting is to reach consensus (on the decision regarding a plan for the child(ren)'s safety that is in the child(ren)'s best interest), but the DHS ultimately owns the decision. If the decision is removal from the parental home, DHS will make a recommendation to the Court.
- Decisions will be fully supported by the agency staff.
- DHS promotes a safe environment for all employees and customers. Therefore, all participants should conduct themselves appropriately.

The Facilitator may also ask if there are any questions at this time. The Facilitator may need to acknowledge issues that cannot be addressed in the TDM (such as custodial/visitation issues) to maintain the focus of the meeting.

The TDM meeting then proceeds through a series of phases including issue identification, situation assessment, brainstorming, decision, safety plan/action steps, placement if applicable, and recap/closing.

## **III. Issue Identification and Assessment**

- All team members are given the opportunity to discuss the issues and concerns placing the child(ren) at risk.
- The parents are asked if they wish to initiate the discussion.

- The caseworker then shares his/her concerns, based on assessments and contact with the family.
- The meeting then moves to the situation assessment phase.
- Other participants are then asked to share any additional information they might have regarding the safety and wellbeing of the child(ren).
- Participants can ask questions for clarification.
- The team identifies the family's strengths and needs at this time as they relate to the identified situation.

### **Brainstorming**

- All team members offer ideas toward possible solutions that would keep the children safe in the least restrictive and/or intrusive setting -
- All ideas warrant consideration.
- All ideas are discussed during this phase and are documented.
- This phase may include discussion about available services, daycare, transportation, safety, housing, placement, etc.

### **IV. Decision/Placement/Safety Plan/Action Steps**

- After all ideas are presented and considered, the team moves toward a consensus.
- The group considers the merit of each idea, explores the consequences and “reality testing” for each option and determines if they provide safety and protection to the child(ren).
- Consensus is a goal, however DHS has the final decision, if the decision is removal from the parental home, DHS will make the recommendation to the Court.
- The decision is based on the safety and protection of the child(ren) in the least intrusive and least restrictive manner.
- The decision must follow state and federal laws, DHS policy, foster care rules, etc.
- Once a decision is reached that a petition will not be submitted to the court for removal or replacement, the safety plan/action steps must be specified. The Facilitator must clearly and specifically identify the safety plan/action steps for each member of the TDM. Some guidelines for formulating a quality safety plan include:
  - Action steps should be time limited and measurable within a thirty-day time frame.
  - Parents and caregivers must have a prominent role in the development of the safety plan.
  - There must be clear statements regarding what the caseworker or others will do to reduce safety factors and monitor the safety plan.
  - Face-to-face contact should be spelled out and should correlate with the DHS policy and SDM assessment levels that interpret the frequency of contact with the child and family.
  - Action steps should address visitation issues and who is responsible for setting up visitation as well as parent/caretaker expectations for attending visitation. Transportation issues may need to be addressed.
  - The parent/caretaker should **not** be the only identified responsible person for completing the action steps.
  - Action steps must involve specifically identified services that are logically accessible.

- Only those persons present at the team TDM should be given responsibility for action steps within the safety plan.
- If Change of Placement or reunification is the consensus, a Home Study must be completed. The responsible person and the time frame for completing the Home Study must be added to the action steps.
- Any changes in the safety plan/action steps require a separate TDM.
- In Domestic Violence cases the non-offending battered parent may only be given tasks within her control. DHS staff will recognize that she cannot control the behaviors of the offending parent.
- If the decision is to remove the child(ren) from the home, there is discussion of alternative out-of-home placement options, i.e. which include relatives, fictive kin, other parent, foster home, etc.
- Special attention is given to issues such as acting out behaviors, separation issues, mental health concerns, remaining in the community of origin, etc.
- Once a decision is made, it will be shared with the group and recorded on the Team Decision-Making Report.
- The agency will support the decision.

### **Recap/Closing**

- At the close of the meeting the safety plan/action steps are used to confirm the decision of the team.
- The decision is read back and the safety plan/action steps for each member is stated.
- The criteria for measuring success is outlined.
- The Team Decision-Making Activity Report is circulated for signatures, then copied and distributed to each team member.
- The facilitator and caseworker ensure that the emotional needs of the family are addressed.
- The members of the meeting are asked to complete a Satisfaction Survey.

## **TDM POST MEETING PROCESS**

### **Data Entry**

Following the TDM, the Facilitator is responsible for completing the TDM-Activity Report, checking it for accuracy, and recording the outcome data for self-evaluation purposes. The self-evaluation data being tracked through the TDM process includes the following:

- Type of TDM meeting held
- Number of Administrative Reviews and reason for review
- Number of times placement is required after original TDM decision is made to maintain child or children in family home with Safety plan
- Number of times replacement becomes necessary after TDM decision is made to maintain child or children in current foster care placement

- Type of participants attending the TDM meeting (i.e.: relative, father, friend, community representative, etc.) , including total number of participants.
- Response time to scheduling TDM meetings (i.e.: date and time TDM unit receives request compared to date and time TDM unit schedules meeting.)
- Outcome of TDM (i.e.: change of placements, removals, remain in current placement, etc.)
- Type of case referred to TDM (i.e.: CPS investigations, CPS open cases, or open foster care cases)

The TDM database has been established and reports can be developed based on specific requests by staff, community partners, and other interested parties involved in the F2F effort. The database is contained in WEB Intelligence.

### **Self Evaluation**

- A TDM database has been developed and the Facilitator inputs information from the TDM Activity Report according to the format of the database.
- Tracking mechanisms for the number of removals after a safety plan fails or the number of replacements after an action plan fails requires more consideration. This information may be tracked by requiring the worker to schedule a subsequent TDM when a safety plan or action plan is unsuccessful. This information is highly important because it allows us to evaluate the integrity of the TDM process.
- A TDM survey form will be handed out at the conclusion of the meeting to gather data about the TDM meeting process (See attachment B). This will assist the TDM staff with continuous self-monitoring. The survey is voluntary. It identifies issues that relate to the quality of the meeting and the satisfaction of the participants. The survey will take approximately 5 minutes to complete and may be turned in with the attendance sheet. The data from this survey may be entered onto a database for interpretation and analysis.

### **Administrative Review**

The goal of the TDM process is to reach consensus among the entire team. If consensus among the entire team cannot be reached during the meeting, then DHS staff attempts to reach consensus. If DHS staff cannot reach consensus, the DHS caseworker and supervisor makes the final decision regarding family case planning. At the conclusion of the TDM, the Facilitator asks if any agency staff intend to have the decision appealed.

#### ***If an appeal is requested:***

- An Administrative Review will be scheduled. It must be heard as soon as possible, not to exceed 72 hours of the request.
- Only agency staff including the Facilitator may request an Administrative Review.
- An Administrative Review may only be requested under circumstances in which there is a clear safety or policy violation. Safety violations include placing a child in a

more restrictive setting than is necessary to safeguard the child or children. In situations where there is consistent misapplication of policy or procedures, this information will be forwarded to supervision for review.

***Once an Administrative Review is requested;***

- The Facilitator contacts the agency Second Line Manager or County Director to schedule the date and time to hear the appeal.
- The Facilitator notifies all participants of the original TDM of the date and time of this Administrative Review.
- All participants of the original TDM will be invited to the Administrative Review. DHS staff include: the Designated Review Administrator (i.e.: Second Line Manager or County Director), the Facilitator, the Facilitator's supervisor, the DHS caseworker, the DHS caseworker's supervisor, and other DHS staff who attended the TDM.
- The Facilitator and DHS caseworker provide a summary of the TDM, the circumstances leading to the Administrative Review, and alternative safety plans suggested at the TDM.
- The Review Administrator may question DHS staff to clarify the situation.
- The Review Administrator makes the final decision to either affirm or overturn the DHS caseworker's decision. The Review Administrator may choose to devise an alternative safety plan.
- The Review Administrator completes an Administrative Review Activity Report during this process (See attachment C).

***At the conclusion of the Administrative Review;***

- The decision of the Administrative Review is final and agency staff must fully support that decision.

## **NOTICE OF CONFIDENTIALITY AND ADVICE OF RIGHTS**

### **Introduction**

- A Team Decision Making (“TDM”) meeting is designed to be strength based, by recognizing and building on the strengths of families.
- A TDM is not a fact finding expedition.
- The safety and protection of children drives the TDM process and open and honest discussion is encouraged.
- The goal of the TDM meeting is to reach a consensus decision that ensures safety and that is in the best interest of the child(ren). However if a consensus cannot be reached the Department of Human Services (DHS), including the CPS caseworker, is responsible for a decision that complies with DHS policy and law.
- TDM meetings are part of the Family to Family Initiative, which reflects the following beliefs:
  - 1) Children do best in strong families.
  - 2) Families can become strong when they have the support of their communities.
  - 3) Child welfare agencies do their job better when they partner with communities.
  - 4) Active family involvement empowers families to identify and develop their own solutions to maintain the safety of children.

### **Confidentiality**

- Confidentiality of any information shared at the TDM is not guaranteed.
- Privacy and respect are emphasized but any information from the TDM may be used for case planning, in subsequent court proceedings and in the investigation of a new allegation of abuse or neglect should such information be discovered during the TDM.

### Advice of Rights to Birth Parents and Guardians

- Any statements or admissions you make during the TDM may subsequently be used against you in court or in the investigation of a new allegation of abuse or neglect.
- You have the right not to participate in a TDM or not answer certain questions in a TDM that you believe may harm you in a later court proceeding or CPS investigation.
- If you fail to attend a TDM or participate in a TDM, the meeting may go forward without you and a decision regarding your children may be made without your input
- You have the right to have an attorney attend the TDM with you, but an attorney will not be provided for you.
- If you believe that you need the advice of an attorney, you are encouraged to talk to one immediately.
- If your case goes to court, you are entitled to a court appointed attorney if you cannot afford to hire an attorney, but you must request an attorney from the court. A court appointed attorney may not be available to attend later TDM meetings.

**I have read the above and understand that information shared in the TDM is not confidential and could be used against me in a court action or new CPS investigation. I understand that I have the right to decline to participate in the TDM. I understand that I have the right to bring an attorney to the TDM but that one will not be provided to me for the TDM.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name

## STATEMENT OF UNDERSTANDING

Lakeshore Legal Aid and Safe Horizons have come together to help place an advocate in your Team Decision Making meeting (TDM). While TDMs are voluntary, failure to cooperate in a TDM decision may have legal consequences. If for any reason, you do not feel that it is in your best interest to cooperate in the TDM, please inform your advocate immediately. She will arrange for you to speak to an attorney to assist in you in evaluating the legal consequences of your situation. Your advocate is not an attorney and she cannot represent you in a court of law or make legal assertions on your behalf. However, because she works for an attorney, everything you tell her is confidential and cannot be shared without your permission. By providing an advocate, Lakeshore Legal Aid makes no promises to represent you if your case should go to court. Lakeshore Legal Aid's involvement is limited to the help given by your advocate and to evaluating your decision whether or not to go forward with the Team Decision Making meeting. Your advocate is here to help you understand the process and help Child Protective Services understand what happens in a domestic violence relationship. Your advocate will also put you in touch with shelter services and Lakeshore Legal Aid to evaluate your civil legal needs. Please let your advocate know if you are seeking a divorce, would like to file for custody, need a personal protection order or are being evicted.

*I have read and understand the above and understand that my advocate is not an attorney and cannot provide legal advice, cannot represent me in a court of law and cannot hold herself out as an attorney or act as an attorney in any capacity”*

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*Signature of Client*

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*Date*

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*Advocate*