

Glossary of Terms

72 Hour Hearing	Also called a <i>temporary custody hearing</i> , it is required to take place within 72 hours of the removal of the child. A judge takes evidence, either from an attorney questioning witnesses or from documents, and decides who will have temporary custody. (DCF, Parent, relative or interested party)
Dual-Status Youth	Youth who are involved in both the child welfare and juvenile justice systems.
Emergency Removal	DCF's removal of a child from the home due to an emergency, to keep the child safe until a temporary custody hearing, when a court order is issued.
Temporary Custody	Court ordered custody of a child to DCF or an adult, who may be the child's parent. This is a temporary decision and the parties have the opportunity to return to court for a review of the custody order.
Foster Care Review	Administrative review of child's foster care placement that is required every 6 months; conducted by an independent DCF employee and a DCF manager who should not have responsibility for case management or service delivery to the child or his/her parents. Parents and mature children are invited to attend. Foster parents/preadoptive parents should be notified and may attend or provide a written update.
Permanency	A permanent, nurturing family for every child and youth. Permanency also includes the reunification of the family.
Permanent Custody	Court ordered custody of a child after the parent(s) have been found unfit or unavailable. Permanent custody may be awarded to one or both parents, DCF or another adult. A permanent custody order may be reviewed on a party's request at least every six months, but a parent whose rights have been terminated cannot request a review.
Committee for Public Counsel Services (CPCS)	CPCS is the Massachusetts Public Defenders Office. CPCS is made up of both staff attorneys and private panel attorneys who are appointed by the Court. Most attorneys you will meet are private panel attorney who are certified to accept appointments from the Juvenile Court. There are also attorneys who are employed directly by CPCS who are certified to accept appointments. Both private panel attorneys and staff attorneys are required to complete a certification training prior to being allowed to represent children in court. All CPCS certified attorneys are required to adhere to the CPCS Performance Standards. You can find the CPCS performance standards on the CPCS website https://www.publiccounsel.net/cafl .

Actors

As a Foster/Preadoptive parent, you will encounter many individuals in many different roles. Below is a brief description of the roles and responsibilities of the various individuals you may come across in your position as a caretaker.

Title	Role and Details
Appellate Attorney	<p>Appointed to represent a parent or child after a notice of appeal from a trial court's decision has been filed. DCF usually is represented in appeals by an attorney from their general counsel's office.</p> <ul style="list-style-type: none"> Parents, children, and DCF have a legal right to appeal from a trial court's decision. In most appeals, a party is asking a higher court to decide if the trial court followed the correct procedures and made the right legal decisions. The appellate attorney will need to meet with the child, and with you, in determining the child's position on appeal.

Court Investigator (CI)	<p><i>A professional who is required by statute to prepare a holistic report of the circumstances surrounding the family's involvement with DCF and Court. The report becomes part of the Court record.</i></p> <ul style="list-style-type: none"> • The report centers around information gathered from interviews with the various parties including you, the child, the child's parents, relatives, providers, and others. • The child's attorney may want to be present during the meeting between the Court Investigator and the child. • The report may contain biographical information about you. A home visit may also be necessary. • The information collected for the report will be shared with the Court and parties, but is otherwise confidential. • Your name and identifying information should not be included in the report.
Court Appointed Special Advocate (CASA)	<p><i>Appointed by the Court to provide support to a child in foster care and advocate for their best interests in court.</i></p> <ul style="list-style-type: none"> • As trained citizen volunteers, they meet with the child consistently (at least once a month) to build a strong relationship and understanding. They also meet with you and various other parties, including the child's school, doctors, and therapist. • CASA's may submit a report to the court or provide a verbal update. • CASAs do not exist in every jurisdiction.
Family Resource Worker	<p><i>Your primary point of contact with DCF.</i></p> <ul style="list-style-type: none"> • You will be in regular contact about logistics such as home visits, approved babysitters, and other concerns. • Contact them with any changes or updates in your home.
DCF Supervisors and Managers	<p><i>To support you, the Family Resource Worker, and the Ongoing Social Worker.</i></p> <ul style="list-style-type: none"> • If you have concerns about either the Family Resource Worker or the Ongoing Social Worker, you can call the main office number of your DCF regional office and ask to speak with a supervisor or manager. • If you have concerns about agency programs, policies or services, you can call the DCF Ombudsman at 617-748-2444.
Guardian ad Litem (GAL)	<p><i>To investigate and report on certain matters to the Court.</i></p> <ul style="list-style-type: none"> • There are multiple types of GALs; their roles depend on the type of case and the needs of the child. You will be told which type of GAL the child has been assigned and will be given more specifics about their responsibilities. • Regardless of the category of GAL, the GAL will need to communicate with the child, you, and various other parties. This communication may take the form of a home visit and/or a phone conversation. • GALs are appointed by the court on its own, or on request of an attorney/party.
Probation Officer	<p><i>To update the Court on how the child is doing in your care.</i></p> <ul style="list-style-type: none"> • The Juvenile Probation Officer is required to report to the court on the status of children in DCF custody. • Home visits and conversations with the child will likely be necessary, so the Probation Officer will be in contact with you to coordinate these. • The amount of contact you will have with a Probation Officer varies by county. • <i>Juvenile Court Probation Officers also have contact with the child's school and other service providers with which the child interacts.</i>
Ongoing Social Worker	<p><i>To manage the child's case and the services provided to them.</i></p> <ul style="list-style-type: none"> • You will be in contact about larger contextual pieces of the child's life, such as their academic experience and their medical needs. • They can be a resource for you for topics such as the child's medical history, their past academic accommodations, and the status of the court case. • Contact them with any questions specific to the child.

Information Sharing *Please consider the topics below when you think about information that will be most helpful to share with the child's attorney and information that you may be able to request from them. **Do not assume that DCF has notified the child's attorney about a planned or emergency placement change.***

Reach out if...

Placement	<ul style="list-style-type: none"> The child moves 	<ul style="list-style-type: none"> You are planning to move 	<ul style="list-style-type: none"> The child says they want more contact with their biological family or to go home
School and/or Daycare	<ul style="list-style-type: none"> You would like the child to change schools because of a transportation or logistical issue 	<ul style="list-style-type: none"> The child is struggling consistently, academically, emotionally or socially The child is doing very well in school and seems to be well adjusted 	<ul style="list-style-type: none"> The child may need an IEP The child is consistently facing disciplinary issues
Parent/Child Contact	<ul style="list-style-type: none"> The child is asking for more visits/more contact The child is reporting either positive or negative things about visits. Your willingness to assist in the scheduling or transportation to visits. 	<ul style="list-style-type: none"> There may be a change in consistency of the visits. 	<ul style="list-style-type: none"> The child is anxious before or after a visit with their parents
Medical Concerns	<ul style="list-style-type: none"> The child is facing major health problems or surgery You are interested in or coordinating to have parents attend medical appointments There have been any major updates on diet, allergies, or medications 	<ul style="list-style-type: none"> The child's doctor wants to put the child on psychotropic medication. 	<ul style="list-style-type: none"> You need to know the child's family medical history

*If a potential change has been discussed with any party (school, DCF, doctors, etc.), please try to notify the attorney **before** the change is implemented.*

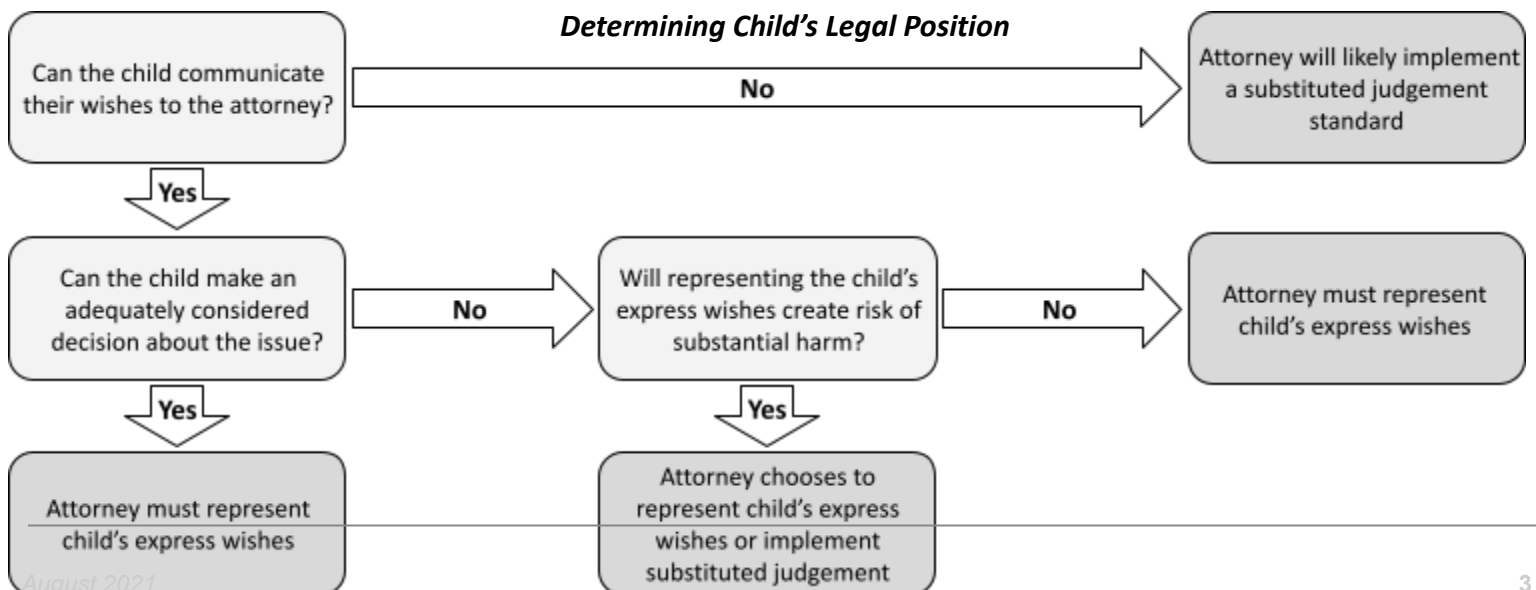
Role of the Child's Attorney

The child's attorney represents the child's legal position in all matters involving the court, DCF, and other agencies. In most cases this means the child's attorney will advocate for the child's expressed preference, as explained below. Certain conversations between an attorney and client are protected under "attorney-client privilege." This means the child's attorney is ethically obligated to keep certain information the child tells them completely private.

Child's Legal Position

A child's attorney must represent the child's legal position. This is typically based on the child's expressed preference. However in certain situations, a child's attorney will use "substituted judgement."

Expressed Preference	The child's wishes or desired outcome ascertained verbally or through a reasonable alternative.
Substituted Judgement	An attorney making a decision based on what they think the child would decide if the child were able to choose for him/herself. In addition to their legal education, attorneys receive extensive training in child development that they rely on when substituting judgment.
Best Interests	A third party determines what the third party thinks is best for the child's overall wellbeing. <u>The role of the child's attorney is NOT to advocate for the child's best interests.</u> There are other parties whose role is to do that, including DCF, a GAL or a CASA.



Frequently Asked Questions

Who is the child's attorney? Begin with asking the child's DCF social or resource worker. If neither of them knows, ask their supervisor. Sometimes you may have contact with a Juvenile Court Probation Officer, who is another resource.

How do I contact the child's attorney? If you know the attorney's name, you can search the Board of Bar Overseers website directory for their contact information at <https://www.massbbo.org/>

What if I have concerns about our DCF worker? Reach out to the child's attorney and the social worker's supervisor to communicate your concerns.

What if I have concerns about the child's attorney? If you have a serious complaint you would like to file, you can do so through the Committee for Public Counsel Services Child and Family Law Division Complaint Form, accessible online at <https://www.publiccounsel.net/cafl/client/> or by emailing caflattorney@publiccounsel.net

Can foster parents attend court sessions? Yes, pursuant to *M.G.L., Ch. 119, § 29D*, foster parents have the right to be present and/or be heard at every hearing. DCF is obligated to inform you of the dates of these hearings.

Should I have contact with the child's biological family? DCF can provide you information on the child's biological family if you are willing to have contact with them. The child's attorney can help navigate these communications. At times, communication with the biological family can assist a child with continuity. Your willingness to work with a child's biological family members, if possible, often results in the child's feeling supported and accepted. If parents and foster/preadoptive parents are able to communicate and get to know each other, the child often can let go of the feeling of being in the middle or having to choose between two families. Positive interactions between the people who care for the child result in very positive outcomes. You can do this while still maintaining boundaries, for example by using Google Voice instead of your own phone number or beginning communications through email.

What should I do if I have concerns about the child's behavior? Communicate with the child's attorney and the DCF social worker and therapist.