

## RELATIVES and NON-Parents AS A PLACEMENT OPTION

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- Court must order DSS to look for and investigate relatives, NRPs and some other potential fathers and suitable persons if child is to be or has been removed or if there is a voluntary
- “Relatives” is to include ALL grandparents - and “all suitable relatives” identified by either a respondent or a non respondent parent and any relative identified by a child over 5 years old who has played a “significant positive role” in the child’s life in both Art. 10 and voluntary placement cases (**new fed law requires notice to custodial parents of all sibs and half sibs to the child, does not say what role they can play**)
- Must tell them 3 things - the fact that **a petition has been filed, the “opportunity” to become foster parents or to seek custody, AND that the child may be adopted by foster parents if attempts at reunification fail, must provide them with the new OCA list of options – OCA From 10-7-e and anything else you want to provide**
- Basically caseworker must explain foster care, Article 6 and Article 10 custody possibilities to relatives and suitable persons, explain “release” and Article 6 custody to NRPs
- At the removal hearing on an Art. 10 or at the “L” review on a voluntary, court is to immediately inquire as to what efforts agency has made to locate grandparents and other relatives identified by either parent or child over 5 and then is to consider placing with relatives directly or to place in foster care if relatives are going to become foster parents or place with them as Temp Art. 6 custodians if they have filed an Art. 6 petition– thereafter court must actually determine if agency has made reasonable efforts to locate relatives – DSs caseworker must tell the court about all relatives, suitable persons and NRP they have located and what the response has been
- A child’s adult sibling, grandparent, aunt and uncle can seek to intervene in an Article 10 if parent consents
- Grandparents and siblings can always seek visitation rights
- The court can grant temporary Art. 6 custody under a 1017 order to either a relative, the non-respondent parent or a “suitable person” - Art. 6 petition must have been filed– court holds final decision on the Art. 6 until dispo of Art. 10 or can also be done at a perm hearing
  
- Relatives can get a special hearing under FCA 1028-a under VERY LIMITED circumstances:
  - if child is in foster care with a non-relative and
  - the child has been in foster care for less than a year
  - and a relative within the 3<sup>rd</sup> degree wants to become a foster parent for the child
  - and it is within 6 months of having been informed of child being in care
  - and the agency will not allow the relative to become the child’s foster parent for reasons NOT having to do with a failure to qualify under the reg
  - and the relative has not refused previously to be considered as a foster parent or custodian however inability is not refusal
- then court can give such a relative a hearings and shall give “due consideration” to relative’s request to be a foster parent and if court determines that it is in child’s best interests to move to relative’s home, then court can order DSS to commence an investigation to expedite

certification if the relative is qualified

AT DISPO and PERM HEARINGS:

- At the time of any dispo that includes continued placement, the court is to inquire as to what DSS has done to locate relatives and what the response has been from any relatives who were contacted regarding custody or foster parent status
- At the time of any dispo that includes continued placement, the court has the power to order DSS to place the child with a relative who wishes to become a foster parent and to order DSS to expedite the certification process or report immediately back if the relative cannot qualify
- At the time of the Dispo or a Perm Hearing, court can now grant Perm Art. 6 if a petition is pending and CANNOT order anything further under the Art. 10 – no DSS supervision or DSS ordered services

How do you make relatives foster parents?

- Do not forget the “6 month rule”
- **Certified or Approved Emergency Relative Foster Home** - may use this process with relatives and some nonrelatives
- must tell court if relatives is not going to be able to qualify
- Court cannot “order” DSS to certify but can put a lot of pressure on agency to have a good reason not to certify

Parents who are not Respondents (NRP)

- must be served petition and summons and must be provided with OCA form 10-7d re options
- court may order investigation to determine if a neglect should be filed against a non-respondent parent
- court may order DSS to do a home study on non-respondent parent
- court must order DSS to locate the NRP at the beginning of the case and DSS must record the results of the search for the NRP including all info about identification and location
- NRP can ask for “release” which will involve some oversight by DSS or Art. 6 custody – temp while Art. 10 pending, perm after resolution of Art. 10 and with Art. 6 custody, no supervision or services by DSS
- has a right to appear as a interested party intervenor
- may participate in all hearings