DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Distribution: X, Z and C-3

POLICY GUIDE 96.7

COURT ATTENDANCE AND PERFORMANCE

DATE: March 20, 1996

TO: All Child Welfare Staff

FROM: Jess McDonald, Director

EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is remind staff of the Department's court attendance policy and to provide guidance for its implementation.

II. PRIMARY USERS

The primary users of this Policy Guide are child welfare staff who are required to appear in court on behalf of children in their caseloads.

III. MEMORANDUM OF UNDERSTANDING

All employees have been sent a copy of the court attendance policy which the Department and AFSCME signed recently (copy attached). Please read and study this agreement as soon as possible.

In the Memorandum of Understanding, the Department and AFSCME agreed to work jointly to identify and resolve court attendance problems and to educate and promote the critical importance of court attendance. Employees are expected to track, prepare, attend, and participate fully in every mandated court appearance. The Memorandum of Understanding lists "legitimate reasons" which would excuse an employee from court attendance and establishes progressive discipline for non-excusable absences. Employees' responsibilities for notifying the court facilitator and their supervisor of scheduling conflicts are also detailed in the agreement. The Department is responsible for developing with the courts an appropriate system of notification, identification and tracking.

IV. PREPARATION FOR COURT

As the Department strives to improve its interaction with the court system, you are encouraged to follow three (3) important aspects of preparation for court.

1) Preparation of Case Information

You must prepare case information for a court or permanency planning hearing. This means reviewing the case record for completeness; reviewing the client service plan to ensure that it addresses comprehensively the service needs of the family as discussed with the family; reviewing your case notes about contact with or on behalf of the child or family to ensure the notes are current and factual; and providing the court before the hearing any required written information within relevant timeframes.

2) Worker Preparation

You must prepare yourself for the court proceeding. This means that you have noted in the case record and your personal calendar the date and calendar number of the proceeding. This should be done normally at the conclusion of the previous hearing. It is critical that you bring your personal calendar to court. Having your calendar with you will allow you to check for any scheduling conflicts (e.g., a court hearing on another case) and to advise the court and request an alternative date for the next hearing. Also, you should have given your supervisor the date of the next hearing so she/he can maintain a master calendar for the team of all scheduled court hearings.

Preparation also means reviewing the case facts with your supervisor before the hearing to ensure services are appropriate and to discuss what may occur during the hearing, especially lines of questioning anticipated from the attorney for the parent and the child's guardian ad litem. Preparation for such testimony is crucial as the interaction may become contentious. You must be prepared to respond in a factual, professional manner.

Further, arriving at court early and ready to testify allows you to review one last time the facts of the case and to discuss the case with court personnel prior to the hearing.

3) Preparation of the Family

You should prepare the family, child and, if applicable, the foster parent for the court proceeding. This involves explaining to them the purpose of the hearing, who will be participating and their respective roles, and, most importantly, explaining what recommendations you will be making to the court concerning future services.

Staff who prepare the case record, who prepare themselves, and who prepare families, children and foster parents for court proceedings as discussed above, will be in compliance with the Court Attendance Policy because they attend all scheduled hearings fully prepared to inform the court of our work with a family and child and to respond professionally and satisfactorily to questions about our work.

The Department has made significant progress in improving its interaction with the juvenile courts, and your cooperation is appreciated. Each of you is urged to commit yourself to working with the court system as effectively and efficiently as possible to achieve protection, well-being, and permanency for children and their families.

V. FILING INSTRUCTIONS

Place this Policy Guide after yellow procedures page Procedures 305.130 (2) in your volume of Rules and Procedures.

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