


Questions to be Considered by All Parties at Every Court Hearing

All parties, including judges, caseworkers, CASA volunteers, attorneys, and others should consider the following questions at all child welfare court hearings.



Considerations before Removal

- What concrete efforts did the agency make to keep that child at home with the child’s family? Did the agency consider the family’s background barriers created by race and poverty? Were the agency’s efforts culturally aware and respectful?
- What kind of services and efforts were/are available to this family?
 - ▶ Are they community-based? Were in-home services offered to the family? Are the services accessible to the family? National studies have shown that families involved with the agency who have received community-based efforts and services experience fewer racial disparities in removals.
 - ▶ When assisting this family, were their cultural backgrounds, customs, and traditions considered when evaluating the event and circumstances that led to the agency’s investigation? Were the following questions asked and considered during the investigation?
 - What language are you most comfortable speaking and reading? Do you understand what this investigation is about? Do you need an interpreter? What language do you prefer to speak?
 - What family members and/or other important people should be involved in this process with you now?
 - Were kin¹ considered in supporting that child to remain at home? Kin placements and support reduce racial disparities and disproportionality.
- What services were made available, considered by all parties, and offered to allow the child to remain at home? Were these services culturally appropriate? How are these services rationally related to the safety threat?




Considerations after Removal

- If placement is not kin, how is the stranger placement culturally and linguistically appropriate? From the family and child’s perspective, is the current placement culturally and linguistically appropriate? How does the stranger placement support the child’s cultural identity? How does the placement support the child’s connection to the family and community?
- Can the imminent risk be resolved with sufficient financial resources? What kind of financial assistance is the agency offering to the family? Brown and Black families are disproportionality impoverished and poverty should be assessed when assisting these families.
 - ▶ What are the financial needs of the family? Who can connect the family to

resources to strengthen the home of the child's family? Where can services and resources be located for these families? Below are examples of services that should be addressed at each hearing.

- Security deposit/Rental assistance
- Utility payments/assistance
- Phone assistance/Wi-Fi assistance/Laptops
- Medical rehab and services
- Transportation
- ▶ Is the entire child welfare system (i.e., the agency, attorneys, CASA volunteers, service providers) assisting the family with accessing or applying for benefits that may be eligible to them, including removing barriers to accessing benefits?
 - State-funded supports (social security, Temporary Assistance Needy Families, Medicaid, unemployment benefits?)
- Did the family suggest their own custody arrangement to prevent the removal?
- Are the parents receiving appropriate, specific services to eliminate the safety risk that prevents reunification? Services include visitation, mental health treatments and substance use treatment.
- Are the services language accessible?
- Are the services culturally aware/respectful?
- Are services trauma and grief informed?
- Are visits being facilitated in a culturally appropriate way?
- Do visits reflect the families' customs and culture? Is the visitation provider aware of culturally appropriate visitation techniques or services?
 - ▶ Is this program working for the family? Did the family agree they need the services?
 - ▶ If the current visitation system or program is not working for the family, is it because of the following issues:
 - Is the visit unsupervised? If not, why is the visit supervised? Is the supervisor aware of the cultural needs of the family during the visit (e.g., involve a shared meal or activity that is typical of that family)? Is the family uncomfortable with supervision? Uncomfortable with the supervisor? Does the visit feel artificial or stressful?
 - Transportation issues?
 - Appropriate facility?
 - Time of the visit?
 - ▶ Are identifiable barriers related to race or culture preventing the parents from participating in services or communicating with the Division or anyone involved in their case? Ask the family.



Considerations to increase reunifications for Black and Brown Families

- Is the current educational setting appropriate?
 - ▶ Is the current school setting appropriate? Ask the family.
 - ▶ Is the child attending school consistently? Ask the family.
 - ▶ Is the school setting aware of and attentive to the cultural needs of the child and family?
- Can this child be returned safely at this hearing? How?
- Are all services tailored to the specific needs of the family? Ask the family.
 - ▶ Are the services culturally appropriate/aware/respectful? Community based?
 - ▶ Are services trauma-informed? For both children and families?
 - ▶ Have the treatment providers received culturally appropriate/ aware/respectful services? Will these providers meet the specific needs of this family?
- Persons who could be present or invited by the parent at the initial hearing. This will be determined case-by-case and ONLY permissible per the judge’s discretion.
 - ▶ Parent partners, parent mentors if assigned/available, substance abuse coach, domestic violence advocate
 - ▶ Relatives—relatives with legal standing or other custodial adults, including adult half-siblings
 - ▶ Paternal and maternal relatives
 - ▶ Nonrelated extended family, fictive kin (someone who is known and trusted by the families; godparents)
 - ▶ Guardian ad Litem (GAL)
 - ▶ Court Appointed Special Advocate (CASA)
 - ▶ ICWA expert (if ICWA applies)
 - ▶ Tribal representative/tribal liaison
 - Treatment and/or service providers
 - All age-appropriate children
 - Cultural leaders, cultural liaisons, religious leaders
 - Education liaison/school representative

Endnotes

1. Navarro, I. “Effects of length and predictability of poverty spells on probability of subsequent substantiated allegations of child maltreatment.” *Child Welfare* 99(4), 2021, 77-104. <<https://www.jstor.org>>; Sharma, S. A list of the best community outreach strategies for you, May 16, 2023. <<https://callhub.io/community-organizing-strategies-for-community-organizers/>>

2. Kin includes grandparents, relatives, and family friends. It is not limited to biological ties.



The FJI unites professionals from around the country to ensure every child and every parent has high-quality legal representation when child welfare courts make life-changing decisions about their families. Through the FJI's work, child welfare lawyers, researchers, judges, social workers, policymakers, families impacted by abuse and neglect, and others are reenvisioning how to best protect children, strengthen families and support communities.