

Legal Issues Facing Foster Parents

A Training Workshop

Co-Sponsored By
Foster and Adoptive Family Advocacy Center
And
DC Metropolitan Foster/Adoptive Parent Association

Saturday May 13, 2006

10 a.m. - 4 p.m.

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Presenter

I. Introduction to the Legal & Regulatory Environment

1. Foster Care Oversight of D.C. Wards
2. Reporting Child Maltreatment
3. The Child Protection Registry
4. Challenging Placement on the Registry
5. Child Fatality Review Process

II. How Do Children End Up in the Court System? AKA: How and Why do Children become Foster Children?

1. What is the process used to identify children who will “become” foster children?
2. What have the (foster) children and their parents been through by the time the child arrives at the foster home?

III. Foster Care: Introduction to the Legal Environment –District of Columbia

1. Foster Care Laws: Statutes & Regulations (DCMR)
2. Adoption & Safe Families Act (ASFA) & Permanency: The Permanency Plan & the Permanency Hierarchy
3. Foster Parent’s Role in Reunification
4. Reporting Child Maltreatment
5. Child Protection Registry
6. Judicial Proceedings
7. Fair Hearings
8. Removal of Children-“License” Revocation-Denial of Renewal
9. Corporal Punishment

IV. Introduction to the Legal Environment –Maryland

1. Foster Care Laws: Statutes & Regulations (COMAR)
2. Reporting Child Maltreatment
3. Child Protection Registry
4. Judicial Proceedings
5. Fair Hearings
6. Removal of Children/License Revocation-Denial of Renewal
7. Corporal Punishment

V. Family Court

1. The basics of family court
2. Stages of the court process
 - a. Family Team Meeting
 - b. Shelter Care
 - c. Initial Hearing
 - d. Adjudication
 - e. Disposition
 - f. Permanency Hearing
 - g. Administrative Reviews
3. Courtroom Proceedings
4. Notice and Opportunity to be Heard
5. Party Status/Representation by a Lawyer/Motion
6. The “Parties”: Guardian *ad-Litem*, (GAL), Assistant Attorney General (AAG), biological parents, lawyers for the biological parents, the child.
7. When can foster parents see court reports?

VI. Special Education: Foster Parents as Surrogate Parents

1. DC Law/Regulation
2. Maryland Law/Regulations

VII. Removal of Children from Foster Homes: Notice and Challenges

1. District of Columbia Laws/Regulations/Court Rules
2. Maryland Laws/Regulations/Court Rules
3. The Fair Hearing Process in Maryland
 - a. Notice of Action
 - b. Requesting a Hearing
 - c. Hearing Procedures
 1. The Fair Hearing Process in the District of Columbia
 - b. Notice of Action
 - c. Requesting a Hearing
 - d. Hearing Procedures

VIII. District of Columbia/Maryland: Allegations of Child Maltreatment Against Foster Parents

1. Sequence of Events
2. Reporting
3. Child Protection Investigation
4. Police/Criminal Investigation
5. Response of Foster Parents/Alleged Perpetrators
6. Possible Results
 - a. Ruled Out
 - b. Founded/Substantiated
 - c. Unfounded/Unsubstantiated
7. Consequences of the Findings
 - a. Placement onto the Registry
 - b. Civil Proceedings
 - c. Criminal Proceedings
8. Expungement
 - a. D.C.
 - b. Maryland

IX. The Hearing Process

1. District of Columbia
 - a. Notice
 - b. Response to Notice-Request Hearing
 - c. Pre-Hearing Process & Mediation
 - d. "Discovery"
 - e. "Motions"
 - f. Settlement
 - g. Hearing
 - h. Appeal
2. Maryland
 - a. Notice
 - b. Response to Notice-Request Hearing
 - c. Pre-Hearing Process & Mediation
 - d. "Discovery"
 - e. Motions'
 6. Settlement
 - g. Hearing
 - h. Appeal

X. Post Foster Care Issues

1. Custody
2. Guardianship
3. Subsidized Adoption
4. Subsidized Guardianship Law Regulations
5. Grandparent Caretaker Law/Regulations

XI. Adoption

1. When do you file
2. Consolidation with the "foster care case"
3. Termination of Parental Rights
4. Adoption law
5. Paternity
6. Consent v. Relinquishment
7. Service of process
8. Post Adoption Contact /Open v. Closed Adoptions