

FOSTER

Parent
Resource
Information
Development
Education

b
o
o
k

Module Nine, Session One—

Managing the Impact of Placement on the Family

Session One Competency and Objectives

Competency

The foster parent:

- Knows how fostering can affect family relationships and how to minimize stresses that can result from fostering.

Objectives

Session One will enable participants to:

1. Get acquainted with the trainers and each other;
2. Describe the relationship between this Foster PRIDE module and the entire PRIDE training program;
3. List three primary areas in which the family is affected by fostering;
4. Describe ways that fostering affects family operations;
5. Identify five steps in managing the impact of fostering on family operations;
6. Apply the five steps in managing the impact of fostering on family operations to a real life situation;
7. Describe how family relationships are affected by changing family membership;
8. Identify ways to strengthen and maintain the marital relationship while fostering;
9. Identify ways to strengthen and maintain the parent-child relationship while fostering;
10. Identify ways to strengthen and maintain the sibling relationship while fostering;
11. Describe the impact of fostering on the family's relationships with extended family, friends, and the community; and
12. Use the ecomap as a tool to understand better the impact of fostering on the family's relationship with extended family, friends, and the community.

Resource 1-2

Session One Agenda

Part I: Welcome and Introductions (40 minutes)

- A. Welcoming remarks and participant introductions
- B. Use of the PRIDEbook
- C. Purpose of this Foster PRIDE Module
- D. Review of Session One objectives and agenda

Part II: Managing the Impact of Placement on the Family (2 hours 10 minutes, including 15-minute break)

- A. The impact of placement on family operations
- B. Strengthening and maintaining relationships within the family
- C. Connecting with the community

Part III: Closing Remarks (10 minutes)

- A. Summary
- B. Review of next session
- C. Taking PRIDE Activity
- D. End session

**MODULE NINE
SESSION ONE**

Managing the Impact of Placement on Family Operations

Families operate in ways that make sense to them given their history, values, and beliefs. Some of these ways of operating need to be maintained for the well-being of family members. But sometimes families need to change, to operate in a way that better meets the needs of all family members. These steps will help you think through the challenges a child in need of family foster care may present to your family's way of operating.

I. Slow down

Understand that how your family operates, functions, and governs itself on a day-to-day basis is very important to you. When the way your family operates is challenged, you and your family will feel threatened. It is best to recognize this, slow down, and look at what is happening.

II. Explore what family operation is being challenged, and from what beliefs and values this operation developed

Define the family operation that is being challenged, and think about how your family began to operate in the way that it does. This will help you understand the beliefs and values your family has related to this family operation.

III. Explore what assumptions, values and beliefs the child brings regarding this family operation

You may be better able to handle the challenge the child presents when you understand how the child's behavior, beliefs, and expectations came to be.

IV. Determine the best means of operating for your family

In most situations you will determine that the way your family operates needs to continue. Indeed, children need the rules, routines, and structure of family life that your family can provide. But the addition of new children presents a substantial change to the family, and it may be that your family needs to make adjustments.

V. Develop a plan that takes into consideration all family members' needs

A plan needs to be developed to ensure that the family operates in a way that best meets all members' needs. This may mean working with the child to help the child understand and value the way the family operates, or it might require that the family change its way of doing things.

Managing Family Operations: An Activity

1. What family operation is being challenged? (a rule, ritual, way of communicating, routine, way that work is assigned and done, method of problem-solving, etc.)
2. How did this way of operating develop in your family? What beliefs underlie this way of operating? What family values underlie this way of operating?
3. What assumptions, values, or beliefs does the child bring to your family that present a challenge to how your family operates?
4. Could your family benefit or better meet its members' needs by changing how it operates? If so, how would you like for your family to change? What steps would you need to take to bring about this change?
5. What ideas do you have to help the child adjust to how your family operates? What steps would you need to take to help the child make this adjustment?

Strengthening and Maintaining Family Relationships while Fostering

Strengthening and maintaining the marital relationship:

- *Plan for and follow through with making time for one another*
If you don't plan for this to happen, something will always come up. Even if you can only accomplish this for a short time once a week, you will have something to depend on.
- *Determine as a couple what responsibilities or activities you can give up in order to allow you more time together*
Many families take on the additional responsibility of fostering without deciding what responsibilities can be taken away. You may not have time to do everything. But your marriage is a priority. Make time, even if it means giving up something else.
- *Structure time to deal with parenting and family issues; make this time separate from your special time together*
Your special time together needs to focus on your relationship, ensuring that your emotional and nurturing needs are met. Schedule other time to deal with parenting issues and family problems.
- *Agree as parents on the family rules and discipline techniques, and agree not to disagree about these in front of the children*
Supporting one another's parenting role demonstrates your respect for your partner, and provides clarity for the family.
- *Support one another to have time away from the family, and develop interests other than parenting and foster parenting*
Hobbies, interests, and outside activities all serve to energize and refresh you. You do not want to define yourself, or have your spouse view you, only in terms of your parenting role. While parenting and foster parenting are important, there are many facets to who you are and what you can do.

Strengthening and maintaining the parent/child relationship:

- *Involve children in making plans and decisions about fostering issues*
Discuss potential placements, as well as planned departures from the home. Keep children involved in the ongoing issues in your family related to fostering.
- *Have realistic expectations of your child in regard to fostering*
Your child is still a child. A child's main concern is in getting his/her needs met. Only when the child is assured that this will happen can he/she be concerned with meeting the needs of others.
- *Make the point that fostering is a family job—not a parent's job*
You should not expect too much of your child, but it is important for the child to understand that fostering involves the entire family. When children feel involved in and committed to the process, they will be more willing to make the changes and sacrifices that are needed.

- *Identify key family routines and activities, and ensure that these continue*
It is almost certain that you will need to discontinue or alter some family routines and activities. But it is important to prioritize. Keep what is key and important to your children.
- *Recognize and reward your child's good behavior and accomplishments*
In not wanting to differentiate between birth children and children placed in family foster care, parents may tend to minimize the accomplishments of birth children. It is important not to treat birth children and foster children differently. But this does not require that you overlook the accomplishments of your own children.
- *Expect that each time your child experiences a change, concerns about getting his or her needs met may intensify*
When new children come into your family, or when children leave, these changes may cause your child to feel insecure and threatened.
- *Deal with the child's feelings about fostering issues*
Children too experience the losses, frustration, joy, and confusion of fostering. But they have less capacity to understand and deal with what is occurring.
- *Educate and help your children to understand the concepts of family foster care*
Children depend on you to help interpret the world for them—in this case, the world of family foster care. For example, a young child may observe several children leaving the family in succession, and become convinced that she too will be leaving soon.

Strengthening and maintaining sibling relationships:

- *Talk with siblings together about how fostering impacts their relationship*
Children may need someone to provide the structure to allow them to talk about their relationships. Prepare them for difficulties that may arise.
- *Stress the value of the sibling relationship*
After the departure of children placed with your family, siblings are left with one another. Ensure that they have at least some time together, and can maintain their relationship through all the changes in family membership.
- *Establish rules that discourage conflict and behaviors such as “ganging up” and “scapegoating”*
You want to put forth an expectation that everyone in the family is valued and expected to get along together. Having rules in effect may keep problems from developing.

Managing the Impact of Placement

- We are concerned about the well-being of all families, and we recognize the tremendous impact that fostering has on your families. For the sake of your family, and for the sake of children who need competent and stable placements, we want foster families to be prepared to manage the changes and demands that fostering entails.
- Families operate in ways that make sense to them given their history, values, and beliefs. Some of these ways of operating need to be maintained for the well-being of family members. But sometimes families need to adjust and change to operate in a way that better meets the needs of all family members—including foster children.
- Introducing new members into the family changes the relationships among all family members. The family must “make room” for new members, realign, and adjust. When family members leave, as happens routinely in family foster care, the family has a new adjustment to make.
- While the family may adapt or change in order to meet its needs, there are also times when these changes cease to be useful or helpful to the family. When parents continue long after the baby’s birth to put all focus and energy on the child, and fail to support and provide for one another’s needs, this no longer serves a good purpose for the family. It is important that you look at your family relationships and determine how well family needs are met.
- Children in family foster care will have their relationship needs best met through a family whose members are well nurtured, protected, and secure. It would not serve children well to be placed with families unable to meet their own needs. In addition, a placement is less likely to disrupt a family when all family members’ needs are met. Changing family membership puts more stress on a family—not less. For a struggling family, providing for another child can become overwhelming.
- It is important that families seek to strengthen and maintain their connections throughout the fostering experience. The marital relationship (or “dating” and friendships for single parents), the parent-child relationship, and the sibling relationship must all be nurtured and protected.

Taking PRIDE Activity

This *Taking PRIDE Activity* involves completing the attached ecomap. Instructions are included. When you have completed the ecomap please answer the following questions:

How has your family's relationship with the community changed since you completed the ecomap during Foster PRIDE/Adopt PRIDE? (If you did not complete an ecomap when you first became a foster parent, or cannot locate it, please try to remember what your connections to the community were like at that time.)

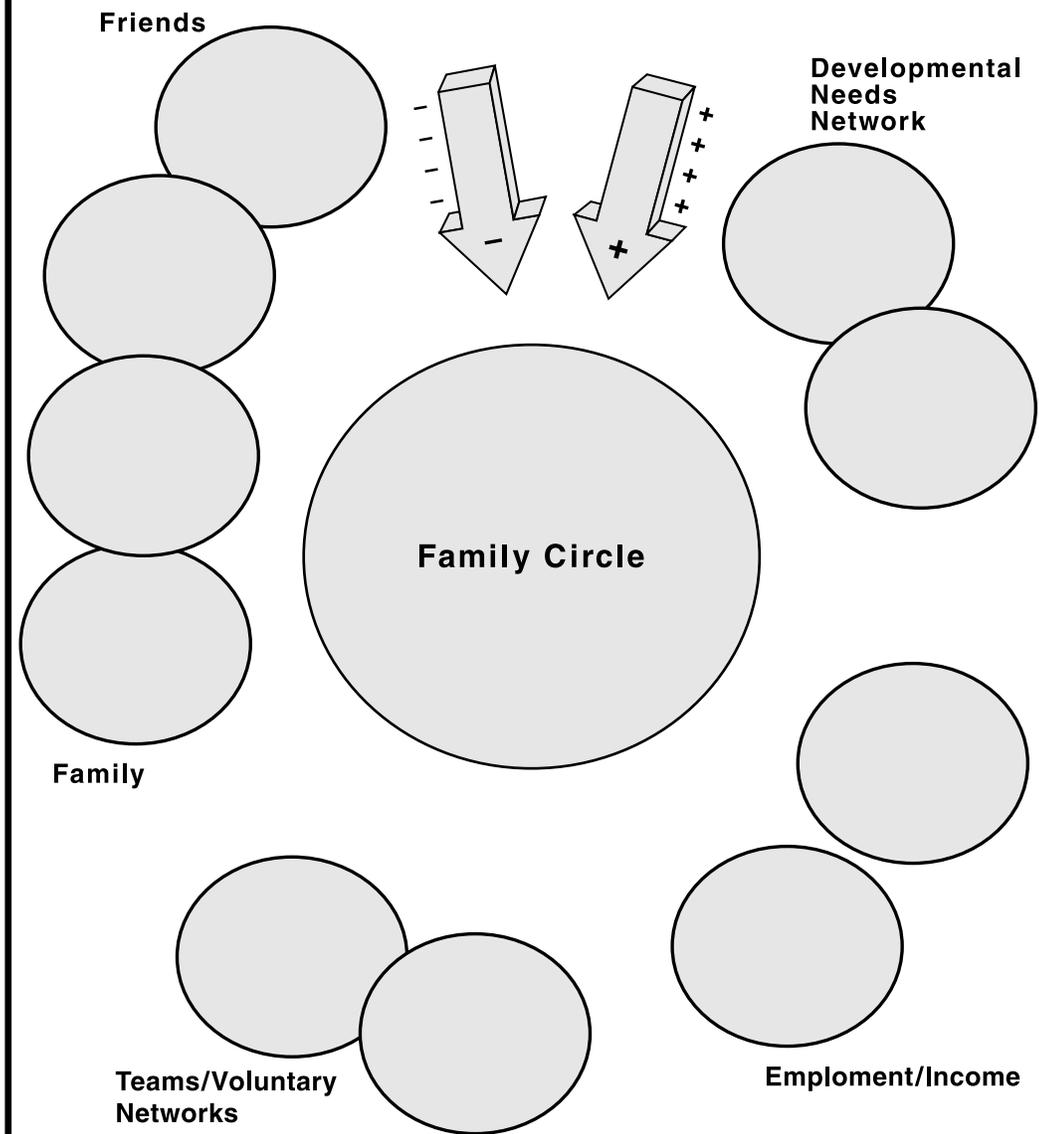
What connections would you like to add or strengthen, to better meet the needs of your family?

The Ecomap

The ecomap is a tool used to create a drawing that represents your family's connections to other individuals and to the community. You can create an ecomap for your family with the following steps:

1. The large circle in the center represents your family. In this circle put smaller circles representing the people who live in your home and write their names.
2. Fill in the circles on the top left with the names of friends and extended family. Connect these circles to the large circle that represents your family. Circles connected by straight lines indicate positive and supportive relationships. Slashed lines represent stressful relationships, and dotted lines are weak relationships.
3. The circles to the right marked "Developmental Needs Network" represent resources in the community that are essential to your family's well-being and development. You might add medical clinics, schools, daycare, or other resources. Indicate by a straight, slashed, or dotted line the nature of the relationship.
4. The next area is marked "Employment/Income." Identify here any sources of financial support or places of employment.
5. The last circles represent voluntary organizations, teams, or clubs in which you participate. This might be church, volunteer work, or organizations to which you and members of your family belong.
6. Review your completed ecomap. What new insights do you have about your family?

PRIDE CONNECTIONS ECOMAP



FOSTER

Parent
Resource
Information
Development
Education

b
o
o
k

Module Nine, Session Two—

Managing the Impact of Child Abuse/Neglect Allegations

Session Two Competency and Objectives

Competency

The foster parent:

- Understands the agency's policy regarding foster parent abuse allegations, how to prevent allegations and how to access support during investigations.

Objectives

Session Two will enable participants to:

1. Identify how child abuse and neglect allegations involving foster families impact recruitment and retention of foster families;
2. Explain how the issue of abuse/neglect allegations involving foster families has been handled historically;
3. Explain that abuse/neglect allegations involving foster families cannot be prevented;
4. Identify six steps that foster families can take to prepare for the possibility of abuse/neglect allegations;
5. Identify ten steps that foster families can take to help manage the impact and process of abuse/neglect allegations;
6. Describe the investigation procedures in child protection including: time frames, foster family input and participation, circumstances under which children are removed, how family will be notified of outcome, implications for licensing, and appeal procedures available to the family; and
1. Describe supports available to help foster families manage the investigation process and deal with the impact of abuse/neglect allegations.

Resource 2-2

Session Two Agenda

Part I: Welcome and Introductions (30 minutes)

- A. Welcome back
- B. Connecting to Session One
- C. Review of Session Two objectives and agenda

Part II: Allegations of Abuse and Neglect in Family Foster Care (50 minutes)

- A. History and overview of the issues
- B. Advance preparation
- C. When abuse/neglect has been reported

Part III: Being an Informed Foster Family (1 hour 30 minutes, including 15-minute break)

- A. Child protection procedures and process
- B. Supports available to foster families

Part IV: Closing Remarks (10 minutes)

- A. Summary of session
- B. Summary of module
- C. End session

**MODULE NINE
SESSION TWO**

Tips for Foster and Adoptive Parents to Avoid Misinterpretations

1. Be clear about rules; tell children specifically what is appropriate and inappropriate behavior.
2. Make rules understandable and logical given the child's age. Rules should include privacy, touching, clothing, bathrooms, bedrooms, language, secrets, and safety.
3. Describe child and adult roles in the family. Give specific messages like, "Grownups don't touch children's private parts." Relate the messages to the child's past if possible.
4. Discuss safety and prevention information such as, "No, Go, Tell." (Say "no," get away, and tell someone.)
5. Do not punish children physically.
6. Knock before entering bedrooms.
7. School-aged children should be responsible for washing, dressing, and using the toilet by themselves.
8. In some situations you may want to avoid having just one adult alone with a child, or two children alone without an adult.
9. Provide consistent supervision; check on activities frequently.
10. Avoid aggressive horseplay and teasing or tickling.
11. Demonstrate healthy and nonaggressive ways of showing affection and caring.
12. Communicate frequently with your social worker or therapist about situations or behaviors that may trigger feelings for your specific child.

Adapted from J. McNamara and B. H. McNamara. *Adoption and the Sexually Abused Child*. (University of Southern Maine, Human Services Development Institute, 1990).

**MODULE NINE
SESSION TWO**

Revised 02/2012

Advance Preparation for Managing Child Abuse Allegations

- Expect that you or a family member may be reported for child abuse/neglect, and that the report will be taken seriously.
- Being well-informed is a protection. Ensure that you are knowledgeable about child protection law, investigation procedures, and licensing implications.
- Know what resources and services may be available to assist foster families.
- Know the strengths and needs of your family as a foster care provider, as seen by the agency.
- Keep records of important events involving foster care in your home.
- Plan in advance for support for yourself and your family.

Adapted from Rosemarie Carbino "Dealing with the Impact of Child Abuse and Neglect Allegations." *Foster Care Journal*. March 1990.

Ten Steps for Foster Families in Dealing with Abuse/Neglect Allegations

1. Surround yourself with a supportive network. DO NOT isolate yourselves, especially from other foster families, or further stress yourself by trying to keep the allegations secret. While confidentiality of children's lives must be maintained, this does not mean that you cannot inform people that you have been reported for abuse.
2. Request information from your foster parent association.
3. Request written information from the agency regarding your rights and expectations now that an allegation of abuse/neglect has been made.
4. Begin to write a dated journal of events and communications. Keep good records.
5. Participate in a support group if there is one available.
6. Insist on having input into the investigation. If you have not been interviewed, or are concerned that your interview will not be accurately recorded, put into writing the information you want to have included in the report. Remember to keep a copy.
7. Ask the agency to help you explain to the children what is happening and why. The children's caseworker may be the most appropriate person to provide this help. If the children are being removed, ask to stay in contact with them. Depending on the circumstances, this may be important for the children's sake. If the agency refuses any type of communication, contact the children's attorney or guardian ad litem and request their assistance in making sure that the child's needs are met during this time.
8. Ask for information on your legal rights and your need for an attorney. Make this inquiry of both the agency and the foster parent association.
9. Maintain your sense of professionalism. Cooperate with the investigation. Insist on giving your input and on being treated with respect.
10. Expect that the process will require grieving time. This is particularly true if the allegations do lead to removal of children or a loss of the fostering role. Pay attention to your emotional and physical health, and make sure you obtain support and counseling if needed.

Adapted from Rosemarie Carbino "Dealing with the Impact of Child Abuse and Neglect Allegations," *Foster Care Journal*. March 1990.

Foster Parent As A Subject of an Abuse/Neglect Investigation

Having an investigator arrive at your home and inform you that a Hotline report accusing you of child abuse or neglect has been made can be a very frightening experience. Investigators must handle the investigation of a foster caregiver in the same way they would anyone else.

Although investigations of foster parents must be treated the same as anyone else, every attempt is made to expedite the investigation (DCFS Procedure 300.70(b)).

If you know you are innocent, try to remain calm and work through the investigation process. You have the following rights:

RIGHT: To know the exact allegations made against you.

The investigator must inform you of the allegations. *Tip:* Take notes while the investigator is informing you of the allegations. Read your notes back to the investigator to verify that you have them correctly noted.

RIGHT: To know the circumstances surrounding the allegation/s.

The circumstances include the “what,” “where,” and “when” information surrounding the report. For example, the circumstances of the abuse allegations are that you were seen in the backyard beating a 6 year-old child with a belt about 2 p.m. today. You will not be given the name of the person who called in the report to the Hotline—all reporters must remain confidential.

RIGHT: To offer names of people (collaterals) who will substantiate your story.

Many investigations can be dealt with quickly. Once you know what the allegations are against you, you can decide how to proceed. Maybe, it is just a misunderstanding and can be cleared up quickly by offering facts and the names of others who can verify what you tell the investigator.

Questioning of Children

The investigator must see the child or children alleged to have been abused or neglected within 24 hours of the report to the DCFS Hotline, or sooner to see that they are safe and not in immediate danger. Sometimes, the CPSW will go to the school to question the child before you are even aware of the allegations. If the child lives with you, the CPSW may question the child while in your home.

RIGHT: To call someone for advice prior to questioning.

To have an attorney or representative present during questioning.

Sometimes, the allegations and situation are not simple. After hearing the allegations, you may want or need advice on how to proceed. You have the right:

- to call someone for advice before being questioned by the investigator,
- to secure an attorney to be present during questioning, if you can do so within 24 hours, and
- to have a personal representative or witness of your choosing present with you during questioning, if they can be present within four hours and will sign an Acknowledgment of Non-Disclosure form (CANTS 23).

Remember: the CPSW is aware of your rights. Exercising your rights is not an indication of guilt, but a matter of self-protection.

Removal of Children from A Foster Home

Your Own Children: Birth or Adopted Children

Caregivers who are under investigation for abuse or neglect have the same rights as any other parents: to be notified of and to appear at the Temporary Custody Hearing within 48 hours of the removal of their children.

Children in Foster Care

The CPSW has the right to remove children in foster care from a foster home without giving advance notice if he or she believes the child is in imminent risk of harm.

What Happens As A Result of An Abuse/Neglect Investigation?

The CPSW gathers information during the investigation about the specific allegation/s of harm to the child. At the end of that process, the CPSW must decide if the report is “indicated” or “unfounded.” The standard of proof is “credible evidence,” a lower standard than that required for any court procedure. The lower standard of proof allows DCFS to serve families and protect children in many situations that could not be proven using the higher law enforcement or judicial standards. DCFS can indicate the report if the CPSW finds that there is credible evidence that the perpetrator committed the abuse or neglect. If credible evidence cannot be documented, the report will be unfounded.

“Indicated” Finding

Indicated reports showing credible evidence that abuse or neglect occurred have these possible outcomes:

- Abused or neglected child is unsafe and is removed from home.
- Abused or neglected child and other children living in the home are unsafe and are removed from home.
- Children are not removed from home because they are not currently at risk Example: Perpetrator of abuse no longer lives in the home.
- Criminal charges are recommended.
- Services are provided for the child/ren and family.

“Unfounded” Finding

These situations can lead to an unfounded finding:

- It is impossible to document credible evidence of abuse or neglect from the facts.
- No credible evidence exists that abuse or neglect occurred.

Concurrent Investigations

An allegation charging a licensed caregiver of abuse or neglect will also result in a licensing complaint investigation. Formerly the licensing investigation took place after the CPSW investigation was completed. However, to minimize the impact of two investigations on the foster family and to make the

process more effective, DCFS recently established a policy for concurrent investigations. While the licensing investigator and CPSW are not required to conduct all investigative activities together, such cooperation is encouraged. Both the CPSW and the licensing investigator will jointly plan their respective investigations and exchange investigative information weekly.

Once the CPSW and the licensing complaint investigations are completed, based on the findings, the local DCFS or private agency child welfare team will be responsible for monitoring the protective plan, developing a corrective plan (if needed) and additional follow-up casework.

Rights of Subjects of Child Abuse and/ or Neglect Investigations After the Investigation

Record Retention

The State Central Register (SCR) retains records of indicated findings for a minimum of 5 years and longer for indicated findings of serious child abuse or neglect. A complete listing of the SCR record retention policy for files of indicated cases is in DCFS Procedure 300, Appendix B.

Notification of the Finding

Anyone who has been the subject of an investigation has the right to receive written notification of the finding (indicated or unfounded) from DCFS. DCFS must mail the notification within 10 calendar days after the final determination has been entered into the State Central Register (SCR). If the report is unfounded, DCFS must also send written notification to all persons interviewed during the investigation informing them that the report was unfounded. This is only done with the consent of the adult subject of the investigation.

Request SCR Keep “Unfounded” File to Substantiate False Reporting

Anyone who feels he or she may be the victim of individuals calling in false reports to the DCFS Hotline may request DCFS keep the file in case evidence of harassment is needed at a later date. This written request must be made to DCFS within 10 days of receipt of the DCFS notification letter. All identifying information about any unfounded report involving the death of a child, the sexual abuse of a child or serious physical injury to a child shall be retained in the State Central Register for three years from the date the final finding report is entered into the SCR. DCFS automatically retains unfounded reports of physical injury called in by mandated reporters for 12 months as possible background and history for investigators if future reports are made. Other unfounded reports must be removed from the SCR after 30 days.

Copy of the Investigation File

The DCFS notification letter informs the subject how and where to request a copy of the file of the investigation. Any information that could identify the reporter will be deleted from the file.

Return of Children to the Foster Home

The caseworker has the responsibility of deciding whether or not it is in the child’s best interests to be returned to your foster home, based on the facts of the investigation, the CPSW’s indicated or unfounded finding, and any other issues, such as a pending licensing complaint. If you do not agree with the

caseworker's decision, go up the chain of command to the supervisor and administrator. You also may have the right to appeal to DCFS, depending on the facts of your case. If you need help determining your appeal rights in having the children returned, call the DCFS Advocacy Office for Children and Families at 800-232-3798.

Child Abuse/Neglect Appeal Process

The process and time frames for the child abuse/neglect appeal process are different than from the service appeal process. When a person appeals a child abuse/neglect decision, a date for a hearing will be set and a pretrial conference will be scheduled immediately.

Notification of Appeal Rights and Deadlines

At the beginning of the investigation, a brochure will be included with the DCFS letter listing the subject's rights to appeal to DCFS and stating all appeal deadlines, which are as follows, and are given in more detail in DCFS Rule 336.

Any person who has been named as a subject in a report of child abuse or neglect to DCFS has the right to file an appeal either personally, in writing or through an authorized representative within 60 days of the postmark on DCFS' notice of the investigative finding.

The following issues may be appealed through the appeal process:

- An indicated finding of child abuse or neglect
- Failure to remove an unfounded report of child abuse or neglect from the State Central Register within the timeframes given in Rule 336.60, unless the report is being retained as a false report at the subject's request
- Failure to expunge or remove information about an indicated report of child abuse or neglect that the appellant believes is maintained in a manner inconsistent with the Abused and Neglected Child Reporting Act
- Issues of whether the Department's determined retention period assigned to the indicated report is in accordance with Confidentiality of Personal Information of Persons Served by DCFS rules

The following issues may not be appealed:

- Issues in which the Department has already made a final administrative decision as a result of a previous appeal.
- Issues not regarding a child abuse or neglect report.
- Cases where the court has made a judicial decision on the issue being appealed or a judicial finding of child abuse or neglect has been made on the issue and the appellant is requesting that the record of the report be expunged, amended or removed.
- Instances when the request for the appeal was not received within 60 calendar days of the postmarked date of the notice that the report was indicated.
- Instances when the appeal has been withdrawn in writing.
- Instances when the appeal has been abandoned as defined in Rule 336.200.
- Instances when the issue is not within the jurisdiction of the Administrative Hearing Unit as set in Rule 336.60.

Written appeal letters must be sent to the address given in the notice from the State Central Register.

Timeframes for the Appeal

In an appeal to a child abuse or neglect decision, the Chief Administrative Law Judge will:

- 1) Schedule a pre-hearing conference at least 15 days before the first hearing date
- 2) Schedule a hearing at a date within 70 calendar days after the date of receipt of the appellant's request for an administrative hearing at a time and place reasonably convenient for all parties
- 3) Provide a written notice to the parties within 10 calendar days after the receipt of a sufficient request for an administrative hearing, with information on the scheduled hearings, the nature of the appeal, the appeal process and the appellant's rights

Pre-hearing Conference

The pre-hearing conference is typically conducted by telephone, unless the judge and other parties agree to an in-person conference. The Administrative Law Judge addresses the following issues during the pre-hearing conference:

- 1) Whether parties have exchanged lists of the persons who will provide testimony during the administrative hearing.
- 2) Whether children under 14 years of age may testify or be involved in the hearing, and if so, any restrictions or conditions regarding their testimony.
- 3) Whether witnesses should be scheduled to testify at specific times.
- 4) Whether the parties have or will have exchanged records or documents prior to the administrative hearing.
- 5) Whether the parties can agree upon any facts as true.
- 6) Motions filed by any party.
- 7) The need for an interpreter for a party whose primary language is not English or who requires communication assistance.

The Administrative Hearing—Rights and Responsibilities

The Administrative Law Judge is responsible for insuring that all outlined rights are upheld and responsibilities are met during the appeal process.

- a) In an administrative hearing concerning child abuse or neglect reports, the Department carries the burden of proof of justifying the refusal to amend, expunge or remove the record. The Department must prove that a preponderance of the evidence supports the indicated finding, or that the record of the report is being maintained according to law.
- b) During the administrative hearing, the appellant (foster caregiver) and the Department have the right to:
 - 1) present and question witnesses;
 - 2) present any information relevant to the issues;
 - 3) question or disprove any information, including an opportunity to question opposing witnesses;
 - 4) dispose of any disputed issue by mutually agreeing to a resolution any time prior to the conclusion of the administrative hearing.

- c) The Department has an obligation to present evidence which creates a full and complete record, subject to Department rules and statutes on confidentiality.
- d) Before and during the administrative hearing the appellant may withdraw the appeal; and the Department may expunge the indicated finding or amend the indicated finding to delete any information which identifies the appellant as a perpetrator.
- e) At any time prior to the commencement of the administrative hearing and with written notice, the Department representative may add or amend the allegations which support the indicated finding against the appellant.
- f) The person making the appeal may bring an Authorized Representative to the hearing. Expenses of a representative or of an appellant's witnesses shall be paid by the person making the appeal.
- g) The appellant can request an interpreter, at no cost to the appellant, if English is not the primary language, or a sign interpreter or other assistance for communication if the appellant is hearing impaired
- h) Hearings shall be recorded on audiotapes. However, any party wishing to have the proceedings recorded by a certified court reporter may do so at the party's own expense.

Note to caregivers: Please see the cautions stated on pages 28-29 regarding whether you may wish to hire an attorney to represent you at this formal hearing.

Making the Final Administrative Decision

The Administrative Law Judge's recommendation is due within 90 days after receipt of a timely and sufficient request for an appeal, unless extended by action of the appellant. Within the same 90-day time period, the Director shall receive and accept, reject, amend or return the Administrative Law Judge's recommendation to the Administrative Hearings Unit for further proceedings. The 90-day time period may be extended by the actions of the appellant. The Director's decision is the final administrative decision of the Department. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for insuring compliance with the decision.

Information Regarding Supports when Abuse/Neglect Allegations Have Been Filed

For information on supports available for caregivers, please see your Foster Family Handbook.

Managing the Impact of Abuse and Neglect Allegations on the Foster Family

- You probably cannot totally prepare yourself to deal with the effects of abuse/neglect allegations. But the more you know and the more prepared you are, the better you will be able to manage.
- You are expected to nurture and protect children. But we understand that even if you fulfill this expectation, you may not be able to avoid abuse/neglect allegations.
- While allegations cannot always be prevented, we do believe that families have a responsibility to themselves and to the children in their care to be prepared, informed, and active in managing the impact of abuse allegations on the family.
- Prepare as if it is going to happen. Expect that your family may experience abuse/neglect allegations, and that no matter what your relationship with the agency, the report will have to be taken seriously. Remember that the agency's mandate is to protect children.
- Do not be misled by agency staff or friends who try to minimize the seriousness of allegations. Regardless of your standing with the agency or your skills at foster parenting, reports of child abuse are screened and investigated according to agency procedures.
- You need to expect that you and your family will have a range of responses to learning that allegations have been filed. Expect that you will feel overwhelmed with a variety of emotions—anger, sadness, fear, and confusion.
- Allegations can have a serious impact on you and your family. Children may be removed from your family. Your home may be excluded from new placements. Your license may be revoked or not renewed. Criminal charges can be filed. It is important that you know and understand the seriousness of allegations.
- Despite the publicity and sensitivity to this topic, you will most likely not experience allegations involving your family and home. But the trauma that can result from these allegations to both foster families and children is significant. The agency has a responsibility to prepare you and help you determine ways to best deal with the impact. You have a responsibility to look out for the well-being of your family, and to be as prepared as possible to deal with potential allegations.