



Reducing Reliance on Non-Family Placements

A Judicial Toolkit

A Benchcard for Judges and Legal Partners

Children do best in families and judges should review each case with this in mind. Judges must rely on the information presented to them when making a decision. However, judges can also establish processes to improve the information that they receive. This occurs both on and off the bench.^{1,2}

I. Key Questions Judge Should Ask in Each Case Where a Non-Family Setting is Recommended

- ◇ Were initial child and family assessments conducted, and if so, did they indicate there were no alternative family placements or community services that could safely meet the youth's needs other than a non-family setting?
- ◇ What are the reasons for moving this child to a residential program as opposed to a less restrictive placement?
- ◇ What is the name of the residential program and where is it? How far is it from the child's home/community?
- ◇ Does the child object to or have concerns with this placement?
- ◇ What services will be provided so that the child can leave the residential program at the earliest possible time?
- ◇ Does the agency have a discharge plan that identifies the anticipated duration of the intervention, the family whom the youth will return to, and if there is no identified family who will be responsible for immediately initiating a family search and engage process, and the urgent steps that will be taken to find and engage family?
- ◇ Have trauma assessments been conducted with the youth and family, and will they be shared with the residential program that is recommended?
- ◇ What impact, if any, will the placement have on school enrollment and credits?
- ◇ Has the child welfare agency director or supervisor reviewed and approved this plan?

II. Questions for the Judge to Ask When a Child is Placed in a Non-Family Setting

Notice

- ◇ Have the appropriate parties been notified of the placement change (*i.e.*, the parents or guardians, siblings, the youth/child's attorney, involved relatives, involved non-related extended family members)?
- ◇ Has the residential program been informed of the next court date and whether the child needs to appear in court?
- ◇ Has the residential program been informed of relevant conditions of probation, if necessary?

¹ For more information see [Every Kid Deserves a Family: A Judicial Guide to Better Placements and Best Practices for Residential Interventions for Youth and their Families: A Resource Guide for Judges and Legal Partners with Involvement in the Children's Dependency Court System](#)

² See also Annie E. Casey Foundation's *Every Kid Needs a Family* Policy Report, available at <http://www.aecf.org/resources/every-kid-needs-a-family>.

Continuity of Treatment and Services

- ◇ What is the plan to maintain any other services/treatments that the child is receiving (this includes therapeutic, educational, or health related services)? If a new provider is necessary, have they been connected with the previous provider? Does the child object to any changes being proposed?
- ◇ Is the youth currently on any medications, including psychotropic medications, and if so which one(s), what dosage, and who will be administering the medication? Has a supply of the medication traveled with the child so there is no interruption of the medication regimen?
- ◇ Was the child's personal property moved to the residential program? If not, why not?
- ◇ Has the residential program been fully informed of the child's school status?
- ◇ Will placement change necessitate a school change? If so, why? What was done to eliminate the need for a school change?
- ◇ Who is part of the child's treatment team?

Permanency & Family Involvement

- ◇ Is the child's family or other support individuals currently engaged in the child's care, actively participating in treatment planning and spending time with the child in their home, and if not, what steps will be utilized to engage families and support families and child spending time together at least weekly in their home/community? What is the plan to facilitate family visitation?
- ◇ Has a child and family team been created to help guide the course of treatment during the residential intervention and will a comprehensive plan be developed within the first 7 days?
- ◇ If the plan is for the child to age out of the residential program, what specific services will be provided in that regard and has a positive adult connection been made for the child? Does the child have a place to live?

Child Engagement

- ◇ How has the placement engaged the child to have an active role in establishing their treatment and goals, educational plans, and continuing to engage in activities that match their individual strengths and talents?

This bench card was produced through a collaboration between the National Council of Juvenile and Family Court Judges and the National Center for State Courts, in partnership with the Annie E. Casey Foundation.