

A Dictionary of Common Child Welfare Terms

Abuse*

Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm.

Adjudication

The initial phase of the court proceeding, wherein the court must find, by clear and convincing evidence, that the child is an abused, neglected, or dependent child. Only if the court so finds does it have the power to change custody or to order the parents to participate in services.

Adoption*

The creation of parental rights and responsibilities by a probate court after the termination of all rights and responsibilities of the birth parents or any other person holding legal rights to the child. Children become available for adoption in the United States through one of two routes: parental rights are terminated by the court due to abuse, neglect, or dependency adjudication, and permanent custody is given to an agency who is then responsible to find a permanent family for the child; or the individual holding parental rights of a child signs a permanent surrender to an agency without adversarial proceedings.

Adoptive Search

A process by which adoptees, adoptive parents, or birth parents secure information about each other and the circumstances surrounding the adoptive process. While some adoptees search for information about birth parents, searches for siblings are even more common.

Appeal

The legal process by which a party who has lost her or his case at trial level petitions a higher court for a review of the case, claiming that a lower court erred in its judgment. Following a decision by the court to terminate parental rights, the parent has thirty days to file an appeal with the District Court of Appeals, requesting a reversal of the lower court's decision. Children placed with an adoptive family during the appeal process are said to be in a legal-risk placement. This implies that the child could be returned to the birth family based on the court's decision.

CASA (Court Appointed Special Advocate)

A volunteer child advocate appointed by the court to act as guardian ad litem for a child who is the subject of a dependency, neglect, or abuse complaint. The CASA is responsible for conducting an independent investigation of the case, and for presenting the court with reports and recommendations concerning the course of action they believe to be in the best interest of the child.

Case Plan

A written document that is designed collaboratively by all parties, including the caseworker, the supervisor, the parent, the child, the CASA or guardian ad litem and the kinship or foster caregiver. The case plan is filed with the court as evidence of the agreement between all parties. Evidence that the following items are addressed must be in the plan: assessments, services, time frames, visitation arrangements, contact with the caseworker and the foster parent or kinship care provider, permanency goals, and level of financial support (as applicable).

Culture

A system of values, beliefs, attitudes, traditions, and standards of behavior that govern the organization of people into social groups and regulate both group and individual behavior. Culture is created by groups of individuals to assure the survival and well-being of group members. Culture is learned and is more complex than either ethnicity or race.

Dependency

A legal term which refers to the status of a child who is homeless, destitute, or without proper care of support, through no fault of the parents, guardians, or custodians; who lacks proper care or support due to the mental or physical condition of the parents, guardians, or custodians; or whose condition or environment is such as to warrant the state assuming custody.

Disposition

The second phase of the court proceeding, which follows the adjudication, and which focuses on the issue of custody and the best interest of the child.

Emergency Detention Hearing*

May be the first court hearing held in an abuse, neglect, or dependency case. The county agency files a complaint in court asking for emergency custody of a child who is alleged to be in imminent danger of physical or emotional harm if not removed from his or her home environment.

Ex Parte Communications

Literally means “one side only.” This term refers to discussions held between a party (or interested individual) in a court proceeding and the judge or referee, when the other party is not present. Such communications are often considered unfair, and for this reason judges and referees avoid discussing a pending case with any of the interested parties except in a court proceeding where all interested parties are present. However, ex parte placement orders are considered appropriate in the most extreme circumstances, such as abandonment, severe medical conditions of a parent, or other incapacitation of the parent.

Failure to Thrive Syndrome

A general term used to describe children who demonstrate slow physical growth. This is a serious medical condition usually seen in infants and young children. They fall away from the normal growth curve as measured by the rate of weight gain and linear growth.

Finalization or Legalization

Court hearing at which the probate court terminates custody by the agency and awards full custody, including all parental rights and responsibilities, to the adoptive family. Finalization can take place after the child has resided with the prospective adoptive family for six months.

Guardian Ad Litem or GAL

A special guardian appointed by the court to represent the best interest of the child. In some counties a GAL may be either an attorney or a Court Appointed Special Advocate (CASA). A GAL must be appointed to every case alleging abuse, neglect, or sexual abuse.

Home Study*

1. Process: Also called “family assessment.” A process through which potential foster or adoptive parents educate themselves about the rewards and challenges of foster or adoptive parenting, and through which they make a decision about the types of children they feel they can parent. The process through which individuals, with the help of an assessor or social worker, look at their skills, life experiences, strengths, and limitations to determine if foster care and adoption are right for them. It is also the assessor’s responsibility to determine if basic child safety will be assured in the home—through collection of police checks, references, physical examination reports, and home safety audits.

2. Document: The written document on which all information gathered throughout the homestudy process is recorded. This document will also indicate the status of the application to foster or adopt (pending, approved, denied). The completed homestudy document is often used for matching approved or licensed families with children in need of placement. Court personnel sometimes see this document.

Independent Living

An arrangement in which a child of 16 years or older resides independently and is partially or fully responsible for his individual living environment. An “independent living arrangement” is any living environment provided by an agency which includes service programs and activities to assist youth 16 years of age or older to make the transition from substitute care to independent living.

Legal Risk Placement

This is usually the placement of a child into a dually approved (foster or adoptive) home. The child enters the home officially as a foster child. However, certain clinical factors at the time of placement lead the agency to believe that reunification of the child and birth parent is unlikely and that the child will at some future point be in need of an alternative permanent placement (adoption). The placement into a “legal risk” family indicates the agency’s and family’s intent to have that foster family adopt the child in question should parental rights be terminated. (Sometimes parental rights have been terminated, but the case is under legal appeal.)

Lifebook

A scrapbook, diary, or log kept for or by the child, which recreates the child’s personal history, including birth, placements, important persons in his or her life, personal achievements, and information about the child’s experiences in foster care and adoption.

Minimum Community Standards

Developed by the court and the county agency with input from other community sources. These state the minimum level of acceptable child care practices in that particular community. The standards should take into account cultural norms and practices, as well as accurate information about child development. The standards are used to make decisions about what constitutes sufficient risk to warrant CPS (Child Protective Services) agency involvement. Standards may also affect placement decisions. This is not the same standard as “the best interest of the child.”

Neglect*

A legal term which refers to a child who is abandoned; or who lacks proper parental care and support because of parental faults or habits; or whose parents neglect or refuse to provide him or her with proper education, or medical care; or whose parents neglect or refuse to provide the child with the special care required because of a psychological condition.

Next Friend Report

A written report prepared by a social worker for the Probate Court which recommends the finalization of the adoptive placement.

Objection (To the Decision of a Referee or Magistrate)

A legal action by a party who has lost a case in court which was heard by a referee or magistrate. This party may then file an Objection with the court judge, arguing that the judge should overrule the recommendation made by the magistrate or referee who decided the case.

Open Adoption

The practice of providing information to a child's birth parents, adoptive parents, or the child as he or she matures. Most adoptions in the United States have some degree of openness, from very little written information to full disclosure and face-to face-contact before, during, and after the adoption. Open adoption is a "voluntary agreement" that cannot be enforced under the law after the adoption is finalized.

Parties

Those persons who are deemed necessary by law to be participants in a court action. In a dependency, neglect, or abuse case, the parties include the child, legal parents or guardians, and any other individual who appears to the Court to be proper or necessary to the court proceedings. All parties are entitled to legal representation at all stages of the proceedings, and if indigent, are entitled to a court-appointed attorney.

Permanent Custody

A legal status created by the court, granted to a county child protection agency following the termination of all parental rights, privileges, and obligations from the birth or custodial family or guardian. This gives the agency full authority and responsibility to provide a permanent, safe, and nurturing family for the child.

Post Legal Services

Services offered to an adoptive family following legalization of the adoptive placement. Many adoptive families of children with special needs require continued support and services from the agency. Examples of these services are information and referral, education, group counseling, respite care, residential treatment, parent support groups, and advocacy.

Pre-Placement Visits*

In either foster care or adoption, a series of visits are made by the child to the prospective home, in order to prepare the child for the eventual move and lessen the trauma to the child. In foster care, one visit, at a minimum, must occur prior to the final move into the home. In all adoptive placements and, where possible in foster care, there should be a series of visits designed to familiarize the child with the home, family, and surrounding community. The younger the child, the more frequent the visits and the quicker the move; the older the child, the slower and longer the pace of the visits. However, the pace and frequency vary from case to case and must take into consideration the child's needs and developmental level.

Pre-Trial

An informal hearing which is scheduled as soon as possible after an emergency detention hearing. All the parties involved in the court action discuss the case in an effort to agree on issues of adjudication (whether the case is dependency, neglect, or abuse) and the disposition (custody, case plan contents, visitation, criminal prosecution, etc.). In some instances, the case is settled at this point and court involvement may end.

Primary Family

The persons with whom the child welfare system is working to reunify a child. This may include birth parents, extended family members, or others with whom the child has strong prior attachments. The child's family should help determine who is included in their "family," and the child welfare system should respect this determination.

Protective Custody

A process defined by family law which is used when authorities believe a child's health or welfare is in danger. A child may be placed into an emergency shelter, a licensed foster home, or with a suitable relative if a social worker or police officer believes immediate action is needed to protect a child from abuse or neglect.

Referee or Magistrate

The referee (also called a magistrate) is an attorney assigned by a judge to hear cases on the judge's behalf. A decision by a referee is finalized when the judge signs the recommendation.

Referee's Recommendation

The decision of a referee following a court hearing. The decision becomes final only when the judge signs the order, signifying his or her approval of the decision. A hearing is held by the judge only if one of the parties files an objection to the recommendation of the referee.

Service of Process

Service of process is the delivery of legal documents to a person who is a party to a legal action. Service must furnish reasonable notice to the person of the pending legal action, and afford the person the opportunity to prepare a case and to appear and be heard before the court. Every party to a dependency, neglect, or abuse case must be served with a copy of the complaint, which is filed by the county agency with the court.

Sexual Abuse

Sexual activity where the victim is a minor. The perpetrator may be an adult or a minor. Sexual abuse may include fondling, intercourse, oral sex, child pornography, forcing the child to watch others engage in sexual activity, watching the child masturbate, or inappropriate kissing.

Special Needs

In child welfare, a child with special needs has at least one of the following needs or circumstances that present barriers to his placement in a family: is part of a sibling group who should be placed together; is a member of a minority or ethnic group; is six-years-old or older; has waited for a permanent placement for more than one year; has a medical condition, physical impairment, mental retardation, or developmental disability; has an emotional disturbance or behavioral problem; has a social or medical history or background which places the child at risk of acquiring a medical condition, or a physical, mental, or developmental disability or disorder; or has experienced multiple placements.

Supplemental Planning (Sometimes Called Concurrent Case Planning)

The process of developing a contingency, back-up plan for permanency for a child in the event efforts for reunification with the birth family fail. Many agencies develop supplemental plans for cases in which the likelihood of the child's return home is poor. Birth parents are notified, either through the case plan or through a supplemental plan notification form, of the agency's intent to secure permanency for the child if reunification is not possible.

Temporary Custody

A legal status created by court order which grants a county child protection agency the right and responsibility to provide physical care and control of a child; to determine where and with whom the child shall live; to protect, train, and discipline the child; and to provide food, clothing, shelter, education, and medical care. This status may be terminated at any time by the court.

Voluntary Agreement for Care (VAC)

A voluntary agreement between the county service agency and the parents, under which the county accepts temporary custody of a child without court involvement, for a relatively brief and specified period of time. Parents entering into a VAC agreement are generally cooperative and willing to work with the agency to complete the case plan. Some families may need to use a VAC during a period of serious illness of the only parent in the family, or by a young parent who is contemplating making an adoption plan for her child.

Voluntary Surrender

A voluntary surrender is a legal document signed by parents to transfer custody of a child to an agency for purposes of adoption.

*The “Six Terms” discussed in this course.