

Section 1 Overview

The role of the Children's Division (CD) is to assure the protection of children by assisting their caregivers in providing a safe and nurturing environment in which children can develop. To accomplish this task, CD partners with families and the community to assure child safety and well-being. This section will explore the role and responsibilities of CD staff, families, and community partners as we work together to protect children from abuse and/or neglect, promote child well being, and achieve permanency.

Chapter 2 Overview:

This chapter will discuss the rights and responsibilities of the birth parent(s) and their child(ren).

Table of Contents

- 2.1 Introduction to the Rights and Responsibilities of the Birth Parent(s) and their Child(ren)
- 2.2 Rights of Birth Parent(s)
- 2.3 Responsibilities of Birth Parent(s)
- 2.4 Rights of Child(ren)
- 2.5 Responsibilities of Child(ren)
- 2.6 The Know Your Rights Brochure (CS-132)
- 2.7 Handling of Communications for Children in Out-of-Home Care
 - 2.7.1 Censorship/Restriction Criteria—MAIL
 - 2.7.2 Protocol for Handling Mail of Children in Out-of-Home Care
 - 2.7.3 Censorship/Restriction Criteria—TELEPHONE
 - 2.7.4 Protocol for Handling Private Telephone Conversations for Children in Out-of-Home Care
- 2.8 Client's Right to Insert a Statement into His/Her Case Record

Memorandum History:

[CD05-77](#), [CD06-12](#), [CD06-24](#), [CD06-27](#)

2.1 Introduction to the Rights and Responsibilities of the Birth Parent(s) and Their Children

Parents and children shall be made aware of their rights and responsibilities during the initial contact and thereafter as necessary. Other Family Support Team members are aware of their rights and responsibilities through the training and orientation process, which occurs prior to involvement with a family.

The Children's Service Worker shall present the parent with a Parent's Handbook, which describes in detail the out-of-home care process, as well as, the parent's rights and responsibilities. The Children's Service Worker shall discuss the contents of the handbook with the parent at the time of placement.

Chapter Memorandum History: (prior to 01/31/07)

[CD05-77](#), [CD06-12](#), [CD06-24](#), [CD06-27](#)

Memorandum History:

2.2 Rights of Birth Parent(s)

Birth parents are the key to long-range planning for their child(ren). The child(ren) began with them, has his/her identity with them, and often longs to return to them. The child(ren)'s return home depends on the birth parent(s)'s ability to improve their situation. Otherwise, they face the possibility of long-range plans being made which may include termination of parental rights.

With the exception of birth parent(s) of children whose rights have been permanently terminated, birth parent(s) retain rights which must be recognized. **These rights may be modified by restrictions imposed by the court.**

Birth parent(s) have the right:

- To services from the agency directed toward preservation of the family as a unit and avoidance of foster care if at all possible;
- To be informed of the reasons for their child's removal when foster care is necessary;
- To an explanation of the legal process and all team members involved in this process;
- To legal representation in any court proceedings affecting their child;
- To be understood without criticism or judgment;
- To be acknowledged as the child's parent(s), entitled to share in the child's life;
- To participate in the selection of the placement for their child and to visit regularly;
- To know what parental privileges are retained while their child is in substitute care;
- To know what conditions must be met by them in order to have their child returned;
- To receive every possible assistance and service from the agency for resolution or correction of conditions necessary for return of their child;
- To have full cooperation from all substitute care team members toward achievement of case goals;
- To petition to have their child returned;
- To have their child returned to their home when the necessary changes or conditions required by the court or agency have been made;
- To assist in developing the case plan for their child.

Title: Child Welfare Manual
Section 1: Roles and Responsibilities of Team Members
Chapter 2: Roles and Responsibilities of Parents and Their Children
Effective Date: March 8, 2006
Page: 2

- To consent or refuse participation of their child(ren) in public performances or media involvement.

Related Subject: Section 8, Chapter 4, Child Public Performance and Media Involvement

Chapter Memorandum History: (prior to 01/31/07)

[CD05-77](#), [CD06-12](#), [CD06-24](#), [CD06-27](#)

Memorandum History:

2.3 Birth Parent(s) Responsibilities Include:

- To cooperate as a team member in forming and following the case plan;
- To maintain contact and communication with their child, including keeping appointments for visitation and placing and returning calls;
- To work toward their child's timely return home by making necessary changes or correcting conditions which resulted in the child's placement;
- To provide emotional support for their child;
- To participate in staffings;
- To be involved, whenever possible, in specific activities affecting the child such as medical care, religious, and social events;
- To provide financial support for the child according to their ability;
- To provide information about their child;
- To interact positively with their child during visits;
- To share with CD their ideas and recommendations to improve the delivery of support services to their child(ren) and family.

Chapter Memorandum History: (prior to 01/31/07)

[CD05-77](#), [CD06-12](#), [CD06-24](#), [CD06-27](#)

Memorandum History:

2.4 Rights of Children

Children have certain inherent rights based on their special status as children and their inability to take care of themselves. Among these inherent rights are the right to live with their birth family, to receive love, protection, nurturance, mutual respect and support until they reach majority; the right to be free from harm, neglect, abuse; to receive an education; to have physical care and medical attention; to have the chance to enjoy all facets of family life; to be disciplined and to receive religious and moral training; and to grow into self-sufficient, independent young adults.

When a child's rights are in conflict with parent's rights, the child's rights generally take precedence. When a child's right to live with his own family is in jeopardy, the child has a right to be represented by legal counsel of his own and to have his legal rights protected in any judicial procedure which addresses custody or guardianship. Children who have been removed from the custody of their birth parents have the following rights:

- To be placed in a foster home or other substitute care facility that can best serve his/her needs and is the least restrictive alternative;
- To the extent possible, remain with the same child care provider, in efforts to support the established relationship between the child and the child care provider and minimize disruption to the child's routine;
- To receive a repeated explanation of placement in language and manner appropriate to his/her age and ability to understand;
- To be placed in the close, practical proximity to his/her birth parents;
- To be placed in the same setting as his/her sibling(s), whenever possible, if the sibling(s) is also being placed outside the home;
- To be free from physical or psychological abuse and from repeated changes in placement before his/her permanent placement or return home;
- To have his/her cultural identity and religious heritage taken into consideration in the selection of an appropriate foster care placement;
- To receive the basic rights of food, clothing and shelter and to possess and take with them their personal belongings;
- To receive a nurturing family life experience, including guidance, stimulation, affection and appropriate discipline (which shall not include any form of corporal punishment or exploitation);

Related Subject: Section 8, Chapter 4, Child Public Performance and Media Involvement

- To be understood without criticism or judgment;

- To have regular visits with his/her birth parent, siblings, and others with whom he/she has a significant relationship **(unless restricted by the court)**;
- To confidentiality on all information in his/her record;
- To have contact with and representation by a Guardian ad Litem;
- To know what services are available to him/her;
- To have regular contact with a worker assigned to his/her case, and to receive honest information regarding all decisions affecting him/her in a language and manner appropriate to his/her age and ability to understand;
- To have a permanent plan, as required by law or regulation, that reflects his/her best interests and is designed to facilitate their permanent placement or return home in a timely manner that is appropriate to their needs;
- To participate in his/her case planning, conferences, and staffings, etc., when appropriate to the child's age and ability;
- To return home at the earliest possible time or to be legally freed to form new family ties with relatives or adoptive parents.

Chapter Memorandum History: (prior to 01/31/07)

[CD05-77](#), [CD06-12](#), [CD06-24](#), [CD06-27](#)

Memorandum History:

2.5 Responsibilities of Child(ren)

To participate with the assigned worker and care provider in developing rules and guidelines and to follow them:

- To talk with a responsible adult about any kind of abuse or neglect by birth parents, care providers or other persons;
- To attend school according to the provisions of the law;
- To participate in the development of the visitation plan and to behave responsibly during visits;
- To take part in developing a permanent plan and to commit to that plan;
- To participate in permanency planning reviews;
- To cooperate in keeping scheduled appointments and to follow any prescribed treatment;
- To act in a responsible and appropriate manner while participating in school, religious, cultural and neighborhood activities;
- To talk with the assigned worker and care providers regarding confidential information contained in the file;
- To openly discuss current problems with the worker;
- To be honest with the worker and care provider regarding any complaint about services received;
- To respect the privacy of others in the care setting.

Chapter Memorandum History: (prior to 01/31/07)

[CD05-77](#), [CD06-12](#), [CD06-24](#), [CD06-27](#)

Memorandum History:

2.6 The *Know Your Rights Brochure* (CS-132)

The *Know Your Rights Brochure*, CS-132, is a simple explanation of consumer rights and the Service Delivery Grievance Process.

This brochure is to be given to all consumers in order that they may understand their rights with regard to our agency as well as the Service Delivery Grievance Process. Consumers are to be given the *Know Your Rights Brochure*, CS-132, and the Service Delivery Grievance form, CS-131, in person by the Children Service Worker during their first contact with a family when providing Family-Centered Services, Family-Centered Out-of-Home Services, Intensive In-Home Services, Family Reunion Services, Older Youth Program Services, or Adoption and Guardianship Services or when initiating a Child Abuse/Neglect Investigation or a Family Assessment. **Additionally, the CS-132 and the CS-131 should be placed in the reception area of all county and regional offices.**

Chapter Memorandum History: (prior to 01/31/07)

[CD05-77](#), [CD06-12](#), [CD06-24](#), [CD06-27](#)

Memorandum History:

CD09-05

2.7 Handling of Communications for Children in Out-of Home Care

Children in out-of-home care often send/receive correspondence or communicate with friends, parents, grandparents, and other family members. **The Division's rule regarding communication is that in the absence of a court order to the contrary, outgoing and incoming mail and private phone calls of persons who are served in any form of out-of-home care are not to be censored, intercepted or restricted.** Incoming correspondence should be given to the addressee ASAP. However, there may be occasion when the Children's Service Worker, the child's counselor, parent, and/or other individuals involved in the child's Family Support Team (FST) believe that sending/receiving mail or allowing private telephone calls from certain parties would not be in the best interest of the child. This may occur when the general content, content of a specific piece, or the psychological impact of the communication from a particular person is harmful to a child in some manner.

2.7.1 Censorship/Restriction Criteria - Mail

The Council on Accreditation standards specifically states, "The organization does not censor or open the outgoing and incoming mail of persons served in out-of-home care unless it is:

1. Suspected to contain unauthorized, dangerous, or illegal material or substances, in which case mail may be opened in the presence of designated personnel; or
2. Receiving or sending unopened mail is contraindicated in the service plan." (COA Standard G1.4.02)

For purposes of this policy, unauthorized, injurious, and illegal materials or substances are defined as follows:

1. Unauthorized material is any material sent from an individual(s), agency, or organization that has been previously restricted by the court from contacting the child.
2. Injurious material is any material received that causes emotional and/or psychological harm to the child. This includes, but is not limited to, threatening and/or insulting mail from biological parents, parent's paramour, relatives, acquaintances, and/or neighbors.
3. Illegal material is any mail suspected of containing illegal drugs, drug paraphernalia, pornography, and/or other material considered statutorily illegal in the state of Missouri.
4. Any communication for the purpose of committing any criminal act in violation of the Constitution or laws of the United States or any State. (Federal Privacy Law, Title 18, Part 1, Chapter 119, SS2511.)

If the communication in question meets any of the above criteria, it may be appropriate to censor the child's mail. Outgoing mail will meet censoring criteria if the Division has reason to believe the child has previously sent unauthorized, injurious, or illegal material through the mail.

2.7.2 Protocol for Handling Mail of Children in Out-of-Home Care:

1. Mail may not be censored without sufficient reason to suspect the mail contains unauthorized, injurious, illegal material or substances, or is for the purpose of committing any criminal act.
2. Unless it is determined that incoming mail should be censored according to the above criteria, all incoming mail sent to a child's placement provider must be given immediately, unopened and uncensored, directly to the addressee. The placement provider should inform the Children's Service Worker of any mail received by the child. The Children's Service Worker must document this information (date received and from whom the mail was received) in the narrative section of the record.
3. Unless it is determined that incoming mail should be censored according to the above criteria, all incoming mail sent to the Children's Division office must be forwarded immediately, unopened and uncensored, to the Children's Service Worker for the child to whom the correspondence is addressed. The worker must forward the mail, unopened and uncensored, directly to the addressee ASAP. The Children's Service Worker must document this information (date received, date sent to child, and from whom the mail was received) in the narrative section of the record.
4. Unless it is determined that outgoing mail should be censored according to the above criteria all outgoing mail from a foster child is to be directly sent, unopened and uncensored, by the placement provider or Children's Service Worker to the addressee.
5. The placement provider and Children's Service Worker have the responsibility to intercept any correspondence believed to be unauthorized. All intercepted unauthorized mail is to be forwarded to the Children's Service Worker for copies to be included in the case record in the correspondence section. The Children's Service Worker should forward intercepted unauthorized mail to the appropriate authorities (i.e. juvenile office or the court). The issue of the child being sent unauthorized mail should be discussed during the next scheduled FST meeting.
6. As it is the placement provider who is often the person present when a child opens their mail, it is their responsibility to determine if the child is receiving any injurious material through the mail. The placement provider will make this determination by talking to the child and monitoring the child's behavior

after mail is received. The placement provider is not to force the child to disclose the contents of incoming/outgoing mail. The placement provider should immediately report any concerns regarding possibly injurious material received by a child to their Children's Service Worker.

7. If an addressee receives any package or correspondence suspected to contain illegal material, the package must be opened by the addressee in the presence of designated personnel (i.e. Children's Service Worker, their supervisor, or the Circuit Manager). It is the placement provider's responsibility to notify the Children's Service Worker if the child receives any illegal material in the mail. The Children's Service Worker should notify the juvenile office and/or law enforcement should the mail contain illegal substances or material. If the mail is believed to contain hazardous materials, the mail should remain unopened and law enforcement should be immediately notified.
8. Any child in out-of-home care may request that mail be returned to the sender. In this instance, the placement provider should send the mail to the Children's Service Worker who will return the mail to the sender. A child may request the placement provider to open the mail on their behalf (i.e., the child cannot read or as age appropriate, or would like someone to read it first). The caregiver may open and view/read the contents of the mail, at the child's request. The viewing of the incoming mail by anyone other than the child is at the child's discretion.
9. A court order may be requested if unauthorized, injurious, or illegal material from a specific addresser(s) continues to be received and meets censoring criteria.
10. No placement provider or Children's Division staff may deprive a child of incoming or outgoing mail, or family contact (i.e., telephone, visits) as a form of discipline.

2.7.3 Censorship/Restriction Criteria - Telephone

The Council on Accreditation standards state "persons in out-of-home care have the right to private telephone conversations, and when the organization limits this right in any way, the restriction is:

1. based on contraindications in the service plan and/or applicable court order;
2. documented in the case record;
3. approved in advance and reviewed monthly by the program director or an appropriate designee; and

4. reviewed weekly by the immediate supervisor of the direct service provider." (COA Standard G1.4.03)

Restricting a person's private telephone conversations should only be approved if the conversations cause the child emotional distress or inhibits the case plan and/or goal.

Any censorship/restrictions should be discussed with members of the FST and justification for the censorship/restrictions must be clearly documented in the narrative section of the case file.

2.7.4 Protocol for Handling Private Telephone Conversations for Children in Out-of-Home Care:

1. Private telephone conversations are not to be restricted by Children's Division staff or the placement provider without specific reasons such as, but not limited to, the caller has made threatening comments, attempts to influence the person to change his/her story, the conversation is sexually inappropriate, or inhibits the case plan or goal. Placement providers should notify the Children's Service Worker as soon as possible of any phone conversations they have been informed of by the child which causes the child emotional distress.
2. All restrictions must be documented in the Children's Division case record and/or a court order must be in the file which identifies any and/or all restrictions.
3. Restrictions must be pre-approved by the Circuit Manager/designee or FST. Restrictions should be reviewed weekly by the immediate supervisor of the direct service provider, and reviewed at each FST meeting.
4. Children's Division staff should inform the caller of the reason(s) the conversation is being restricted in hopes of alleviating further issues so the conversations may resume.

Related Subjects: Section 8, Chapter 1, Grievance and Appeals

Chapter Memorandum History: (prior to 01/31/07)

[CD05-77](#), [CD06-12](#), [CD06-24](#), [CD06-27](#)

Memorandum History:

2.8 Client's Right to Insert a Statement into His/Her Case Record

Persons served, who have a right to access his/her case record also have a right to insert a statement into his/her case record. Persons served include:

- Any subject for whom a record exists. This will usually be the parent/caretaker in whose name a record has been established;
- The parent of the children in the treatment case, provided he/she receives only the child's record.

Division staff shall:

- Document the date the statement is entered into the record;
- Staff may provide a response to the inserted statement, but must inform the subject of the record/author of the statement of the Division's response and give the subject opportunity to review it.

Chapter Memorandum History: (prior to 01/31/07)

[CD05-77](#), [CD06-12](#), [CD06-24](#), [CD06-27](#)

Memorandum History: