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# Prevention and Protection Services Family Handbook





# Introduction

## A Message for You

Over the past few years, child well-being services in Kansas have placed added value on the **voice and involvement of families** and have become more family centered. This Family Handbook is a result of this change.

**This Handbook has been written to:**



Provide you with information so you may be prepared in advance.



Help you understand what is happening and what may happen.



Inform you of important steps to take and resources available to you and your family.



Give you hope.

As family partners, we have been in your shoes and some of us still are. We know the feelings and the fear of the unknown you may be having. It is our hope that this Handbook will help you through this time. And no matter the challenges you may face, please remember that you are the most important person in the life of your child.

Brought to you by,

A Parent Empowerment Peer (PEP) Support Specialist at:



In partnership with



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# About This Handbook

The Family Handbook gives an overview of the Kansas child well-being system beginning with “**out of home placement**” (this will be used instead of foster care) and continues through reunification (return home). A brief description of the court process is also included.

The symbols below and the information they represent are located at different places in the Handbook to give additional information.



**Key points** to pay attention to or do



**Practical tips** from family partners



**Time related** information and a reminder that there is a limit on how long a child can be in out of home placement

In the back of the Handbook are **References** and additional resources for you to explore. Included in the **Resource** section are common definitions and acronyms (initials of words) used in child well-being along with pages for you to record **Contact** information and **Notes**.

# Table of Contents

<b>Prevention and Protection Services Family Handbook .....</b>	<b>1</b>
<b>Introduction .....</b>	<b>3</b>
A Message for You .....	3
<b>About This Handbook.....</b>	<b>3</b>
<b>Table of Contents .....</b>	<b>5</b>
<b>Getting Organized .....</b>	<b>7</b>
Important Information about Your Child .....	8
<b>What is the Child Well-being System? .....</b>	<b>10</b>
The Kansas Practice Model is Family-Centered .....	10
<b>DCF &amp; Child Welfare Case Management Providers (CWCMP) .....</b>	<b>11</b>
<b>DCF Assessment Process for Allegations of Child Abuse and Neglect .....</b>	<b>12</b>
Are you a registered tribal member? .....	13
Team Decision Making .....	13
People Involved.....	14
Parent Next Steps .....	15
It is important to: .....	16
<b>How to Address Concerns .....</b>	<b>17</b>
<b>What is a Case Plan? .....</b>	<b>18</b>
<b>Case planning is a continuous and ongoing process.....</b>	<b>18</b>
Important Items in a Case Plan: .....	19
<b>Case Planning Conferences.....</b>	<b>20</b>
What are my rights related to case planning? .....	21
The goals of case planning are: .....	21
<b>Concurrent Case Planning .....</b>	<b>22</b>
<b>Kinship Care (Relative or Non-Related Kin) .....</b>	<b>22</b>
<b>Types of Foster Care Placement .....</b>	<b>24</b>
Relative/Kinship: .....	24
Non-Related Kinship: .....	24
Traditional Foster Care: .....	24
Specialized, Therapeutic Or Medical Foster Care: .....	24

Emergency Foster Care: .....	25
Respite Care: .....	25
<b>Where is My Child and When Can I See Them? .....</b>	<b>26</b>
<b>Initial Family Meeting .....</b>	<b>26</b>
<b>Foster Parents .....</b>	<b>26</b>
<b>Interactions/Visitation Tips .....</b>	<b>28</b>
<b>Sibling Visits .....</b>	<b>29</b>
<b>Reunification .....</b>	<b>29</b>
<b>Aftercare .....</b>	<b>29</b>
<b>What is the Court Process?.....</b>	<b>30</b>
Parent’s Attorney .....	30
Types of Hearings.....	30
<b>People Involved .....</b>	<b>34</b>
Appeals .....	34
Support Obligations .....	34
<b>References .....</b>	<b>35</b>
Additional Information.....	35
<b>Resources .....</b>	<b>36</b>
Definitions Used in Child Well-being .....	39
DCF Assessment Process for Allegations of Child Abuse and Neglect .....	44
<b>Definitions of Abuse, Neglect and Sexual Abuse .....</b>	<b>45</b>
<b>Indian Child Welfare Act.....</b>	<b>46</b>
Placement Preferences under ICWA:.....	47
<b>Regulations for Native American Child Well-being in Kansas .....</b>	<b>48</b>
How to Find Information and Support.....	48
<b>Kansas Department for Children and Families Customer Service Contact Information .....</b>	<b>49</b>
Family Mobile Crisis Helpline .....	49
<b>Help is only a call, text, or chat away. ....</b>	<b>49</b>
<b>Contact Information.....</b>	<b>50</b>
Notes.....	52

# Getting Organized

Throughout the process, you will be given a lot of information such as contacts, appointments, hearing dates and other documents. You will also need to provide information about your child and family. Keeping this information in order will be helpful to you.

**Below is a list of some of the information you will need:**

**Agency contact information** (take note of emergency after hours numbers)

**Foster family information** for your child

**Contact List:** Who does what and how do you contact them (you may want to use a business card holder)

**Calendar:** What appointments you have. Include date, time and place and contact person..

**Log:** This is a written record of each meeting, call or contact. Include who attended, your experiences and thoughts about what happened.

**Records:** Case plan, legal documents such as court orders, forms, correspondence, etc.

**Attorney Information**

**Children's Personal Belongings**

**Items to Share:** Pictures, special cards, etc. to share with your child.

**Your child's:** full name, age, gender, school grade, date of birth and social security card; immunization record; birth certificate. (keep in a safe place)



It may be helpful to get a 3-ring notebook with dividers to organize the information you will be receiving

## Important Information about Your Child

Answering the following questions about your child will help others to understand his/her uniqueness, special circumstances or needs:

Does your child have any fears?	Does your child have a special comfort toy or blanket?
What helps to calm your child?	What is your child's regular routine each day?
Who can have contact with your child?	Does your child have any special physical needs? Allergies to food?
Where does your child go to school? Grade?	Does your child have any cultural needs? (Hair care/body products)
What types of foods does your child like?	What types of food will your child not eat?
Does your child go to church? What type of church? Is there a special contact there for your child? Are there religious food restrictions?	How does your child act when he or she is upset, happy, angry or sad?
Does your child have any diagnoses from a doctor, therapist or counselor or is your child receiving treatment for any reason by a healthcare provider or mental health provider?	Is your child on any medications? If so, what is the medication, the amount given, and the time it is given.

### **Documents you may be asked to provide for your child:**

- Birth Certificate
- Social Security Card
- Adoption Papers/Legal Guardian Papers
- Divorce/Custody Papers
- Medical Information (medical and mental health doctors-name, address, phone, insurance card, medical card)
- Individualized Education Program (IEP) and 504 Plan

### **You may also be asked or can offer to provide personal information such as:**

- Names and addresses of relatives and family friends who might be able to take care of your child (kinship care)
- Identifying information for both parents (including names, addresses, social security numbers, birth dates, family medical history, phone numbers, driver's licenses, places of employment, etc.)
- Your lawyer's contact information (if applicable)
- Your wage and income



Attend and participate in your child's education and school activities especially parent/teacher conferences or special education meetings. Does your child have an Individual Education Plan (IEP) or 504 Plan? Check with the child's school if you are not sure and get a copy.

# What is the Child Well-being System?

There are no perfect families, and all families struggle from time to time. The Child and Family Well-Being System was created to make sure that every parent, child, caregiver, relative and non-relative support person has the tools, skills, and abilities to ensure the safety and well-being of all its members, especially children. In Kansas, the system is managed by federal laws (which are often called regulations), state laws (usually called statutes), and state regulations (which are treated the same as laws but are created by the state agencies), as well as DCF and Child Welfare Case Management Provider policies.

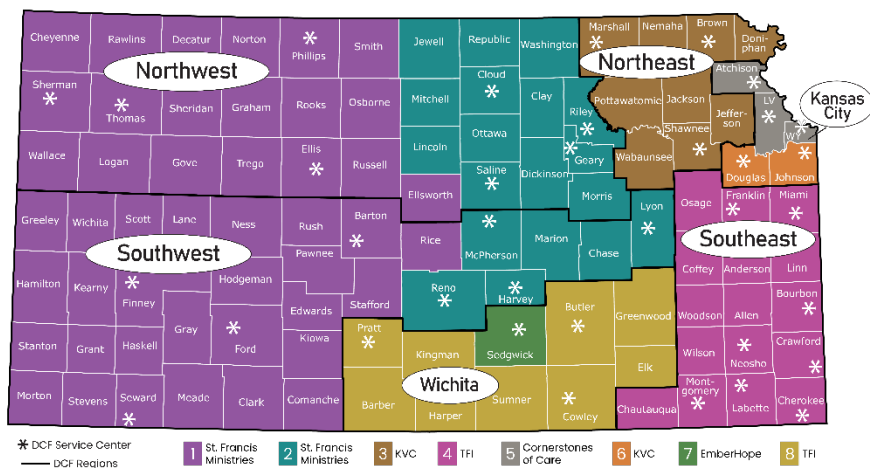
## The Kansas Practice Model is Family-Centered

The services and supports that you and your child receive will be designed by building on your strengths and the strengths of your family. Family-centered simply means the services and supports provided keep you and your family in the center at all times. Supportive services address your specific personal, cultural and family needs.



- The family (as a whole) is the focus.
- Strengthening the capacity of families to function effectively is emphasized.
- Families are engaged in designing all aspects of policies, services and program evaluations.
- Families are linked with more comprehensive, diverse and community-based networks of supports and services.
- Services received by families are given in the least-restrictive and most family-like setting possible.
- Immediate and extended family members are crucial partners in case planning and are expected to be actively involved in the process, unless certain family members can be significantly detrimental to the child or youth.
- Families are treated with respect.
- Families have the right to privacy.

## DCF Regions & Catchment Areas



Map also available online: [dcf.ks.gov/services/Pages/MapFosterCare.aspx](https://dcf.ks.gov/services/Pages/MapFosterCare.aspx)

## DCF & Child Welfare Case Management Providers (CWCMP)

In Kansas, the Department for Children and Families (DCF) is the state agency responsible for providing services to children and their families. Children are placed in the custody of the Secretary of DCF through a court action, according to state laws under the Kansas Code for the Care of Children.

DCF/Prevention and Protection Services (PPS) contracts with licensed child placing agencies, referred to as Child Welfare Case Management Providers (CWCMPs), to provide in-home and out-of-home child well-being services. When the court orders out-of-home placement, these providers, in partnership with DCF and other community partners, are responsible for delivering appropriate services and supports to help your child return home as quickly as possible.

*(See Resources for a map of the provider regions).*



Progress toward reintegration must be made within **9 continuous months or 15 of the last 22 months**, from the date your child entered out-of-home placement or the court will look seriously at moving toward termination of parental rights or another permanency plan. It is important to remember that the length of time in a child's life may feel like it moves faster and this must be taken into consideration when determining their stay in out of home placement.

# DCF Assessment Process for Allegations of Child Abuse and Neglect

## District Court

The court may release the child to the parents, or if there is evidence that the child should not be in the home, the court can order temporary custody pending the hearing.

## Or

The court can find child to be in need of care and grant custody to DCF or another person, or the court can order the family to accept family services, or the court can dismiss the case.

**Allegation of Suspected Child Abuse or Neglect** is received from a reporter.

**Initial Assessment and Response Determination** are done by the Kansas Protection Report Center. Reports are assessed to eliminate those that do not appear to allege abuse or neglect or are too vague to investigate. The response determination specifies how quickly reports should be assessed.

**Family Assessment and Finding** to assess health and safety of children, and to determine whether abuse or neglect occurred. Depending on the assessment, the case is referred to DCF child protection services.

**Protective Custody** if the information shows that the child is in imminent danger or harm, law enforcement may take the child into protective custody for as long as 72 hours, pending court involvement.

**Family Services** may include a referral for a DCF approved, in-home service provider is made to help prevent removal of a child from their home.

**Other Alternatives** may include referrals to community mental health centers or other community services.

**Evaluation and Placement** For children placed in DCF custody by the court, DCF's placement options include foster care with services to unite the family, or adoption if indicated. While children are in DCF custody, services are provided to the child and family, and progress is reported to the court. The court may return custody to the parents, grant custody to a relative, or sever parental rights to allow for adoption.

## Are you a registered tribal member?



The Indian Child Welfare Act (ICWA) is a Federal law that recognizes the sovereignty of Native American Tribes and Nations including their jurisdiction over Native American children. ICWA applies to Child In Need of Care (CINC) cases.

If you or your child are registered members of a tribe or your child is eligible for registration as a tribal member, please let your caseworker know right away. There are many protections in the ICWA federal law that may apply to your family. The state is required to reach out to your tribe to determine which of those protections may be applied in your family's case. The final decision on this matter is left up to your tribe and must be honored by the State of Kansas and the Court.

For more information on ICWA and Kansas specific practices, please view page 46 of this handbook.

## Team Decision Making

The Team Decision Making (TDM) model is an approach to quickly bringing together the important people in a child's life when a safety threat suggests a child may need to be separated from their parents.



### TDMs are held in hopes of:

- Reducing the possibility of needing to separate child from their parents
- Increasing the chance of reunification within one year for children of all races if separation is determined to be the best option.
- Increasing placement stability for children in out-of-home care.
- Keeping children with relative or known and trusted friend from the start of entering out-of-home care.



Under Kansas law, grandparents are to be given substantial consideration for placement of a child placed in out of home care. The Child Welfare Case Management Provider (CWCMP) shall assess the grandparents and consider all relevant factors.

## People Involved

You will come into contact with a variety of people such as those listed below. Please note that titles may vary but the person's responsibilities are usually similar.

**Provider:** A Child Welfare Case Management agency that DCF contracts with to provide services to your family. Each agency will have some, if not all, of the workers listed below although they may have a different title.

**Case Manager:** Professionals, Social Workers, therapists and/or counselors, responsible for working with the family to write and implement a case plan; assist in meeting goals; collaborate with the DCF, courts and community providers; ensure your family's needs are being adequately met; and monitor the care of your child.

**Family Support Worker:** Paraprofessional staff providing direct services to children and families; arranging family time, answering questions; and accessing community resources for parenting classes, budgeting, adult independent living services and transportation.

**Supervisor:** Professional who provides guidance and assistance to case managers and other staff when questions arise. You may contact this person when you have concerns that are not being addressed by your case manager or family support worker.

**Program Manager:** Professional who directs the supervisors from various offices. You may contact this person if your concerns are not addressed by the case manager or supervisor.

**Foster Home Worker:** Worker responsible for providing licensing assessments, guidance and support to the foster (resource) parents who will be providing direct care of your child; acting as part of the external team; and having knowledge about daily care and needs of your child.

**Volunteers:** Unpaid individuals who help with transporting, filing and other duties needed.

**Practicum Students:** People studying to become a professional may "shadow" your case manager to learn skills or may work with your family directly.

**Kinship Worker:** Provides resources and support to family members and close friends of the children in care and for any caregiver who fits the definition of "kin."

**Parent Advocates:** Provides support, education, advocacy, training and resources to help family members and kinship caregivers.

## Parent's Rights

1. To be treated as an individual with dignity and worth.
2. To be listened to and consulted with regarding your child's care.
3. To have the opportunity to demonstrate your capacity to provide a suitable home for your child and to regain custody of them as quickly as possible, when regaining custody is consistent with the health, well-being and needs of your child.
4. To participate in planning for your child, to receive a copy of the case plan and to receive notice of any formal review of your child's case plan.
5. To receive services, in accordance with the case plan and court orders, to assist you in overcoming the conditions which led to the removal of your child and if returning your child to your care is not feasible, to help you cope with an alternative plan for your child.
6. To visit and communicate with your child within reasonable guidelines as set by the case plan and/or by the court.
7. To have your child's cultural, religious, ethnic or racial heritage respected and planned for as much as possible.
8. To receive an explicit description of the expectations you must meet in order to have your child returned to your home and of the services that the agency will provide to help you meet those expectations.
9. To have your information that is maintained by the agency kept confidential.
10. To have access to your information that is maintained by the agency within a framework of agency guidelines which take into consideration others' rights to privacy and to correct errors contained in these records.



When a child is placed in the custody of the secretary for out-of-home placement, you are not relieved of your financial responsibility to support the child. DCF is responsible for completing an assessment of the ability of both parents to provide financial support for the child while in out-of-home placement. The court may order child support.

## Parent Next Steps

You are encouraged to do the following:

- Participate in creating you family's and child's case plan
- Share important information about your child
- Participate in the services that are offered
- Attend all court hearings (as advised by your attorney)
- Keep appointments you have agreed to
- Make the appropriate changes needed to reintegrate with your children
- Be an active participant in helping your child return home
- Visit and communicate with your child as agreed upon
- Participate in your child's care and education planning
- Stay in contact with the case manager and/or family support worker
- Provide information about your progress and changes in your life
- Communicate any concerns that you have to the case manager or your lawyer
- Do not be afraid to be a voice for yourself and your family or reach out to your Parent Empowerment Peer (PEP).
- Pay towards the cost of your child's care
- Ensure you have all documents that may be needed.

### It is important to:



**Create a support system** around yourself to help you get through the tough times. This can include friends, relatives, community partners, and/or disability advocates.

**Take care of yourself** so you can be there for your child.

**Stay involved** with your child during this difficult time. Show interest and support in his/her well-being.

**Remember** that you are still your child's parent and your child will be helped most by your love and understanding.

# How to Address Concerns

When your child is placed in out of home placement, DCF and the Child Welfare Case Management provider (CWCMP) are responsible for and very interested in his or her care. Should you find yourself disagreeing with the decisions regarding the best placement and care for your child you may:

## 1. **Speak with the Provider staff**

Each CWCMP has a process to address concerns. This information may be located in the material you were given about the agency. If not, ask your case manager for information regarding the chain of command. The process usually begins with having you speaking with the case manager and/or their supervisor.

## 2. **Contact the DCF Customer Service**

Office of Client Services can be reached at 1-833-765-2003 or at [DCF.CustomerService@ks.gov](mailto:DCF.CustomerService@ks.gov).

## 3. **Ask for a Court Hearing**

Discuss your options with your Parent Attorney. If the disagreement is about your child's return home or the provider is not allowing interactions/ family time, then you may go to court to settle it. Your attorney can assist you and it is best to work with your attorney if you are represented. The judge may hear testimony from you, the Guardian Ad Litem (GAL) and the CWCMP and will make a decision based on what is thought to be in the best interest of your child. Both you and the provider must follow the judges' order.

## 4. **Ask for a DCF Fair Hearing**

You are allowed a fair hearing to appeal a decision by any agent or employee of DCF. Contact your local DCF office for information about the process.

# What is a Case Plan?

A case plan, also known as a permanency plan, is a written plan with tasks, goals and target dates for completion of the tasks. The case plan is created together by the family and the case team to address the needs identified by the Court which led to the child being placed in the State's custody. **Your voice as the parent is important and valued.**

The Child Welfare Case Management provider will ensure that your family receives services to discuss and address the concerns which caused your child to be placed in out-of-home placement. Identifying these services will take place during all case planning conferences. The provider and DCF will continually monitor the effectiveness of these services.

Your family **as a whole** are the main focus of the case plan. The case plan shows that your family and the CWCMP are able to work together effectively by meeting goals in a timely manner.

Your immediate and extended family members who are found to be safe for your child are very important partners in the development, services and evaluation of the planning process. You will be asked to provide names and contact information of relatives and non-related kin (close family friend) support systems. All family members and friends will be required to fill out a background check in order to be involved with the children while they are in the custody of the secretary.

**The protection and safety of your child will be assessed and evaluated throughout the time that your family is working with the CWCMP.**



All efforts will be made to help you enhance your child's safety and protection and the case team will be making continuous assessments to help determine which services and supports would be the best fit for your family. Community services provided to your family are the most effective forms of intervention.

**Case planning is a continuous and ongoing process.**



The plan will use information provided by you, your child, relative/kin and other support persons. Additional information is provided by social workers, foster families, parent advocates, therapists, school personnel, guardians, Court Appointed Special Advocate (CASA) and others who have knowledge of your family and child. The case plan may also include information contained in psychological and other assessments, medical reports and therapist reports.

## Important Items in a Case Plan:

**Contain specific services** to be provided to meet the needs of each family member.

**Identify specific steps** to be taken by your family, the case manager, family support worker and any other service providers involved.

**Document everyone's participation** for purposes of meeting your family's plan and the goals for your family. Time frames are provided to meet the permanency goals.

**Be relevant** to the critical circumstances regarding your family situation.

**Be realistic** in terms of emotional, physical and mental capabilities of family members.

**Be written in clear language** that your family understands.

**Be specific** about what changes need to happen in your family; in order to return the children home.

**Describe how success** will be determined giving specific timelines and review dates.

**Includes court orders and actions** likely to be taken by DCF if the plan is not carried out.

**Be completed and signed** by all participants.

**Be reviewed at least every 170 days** or when requested by any of the team;

**Be held within 30 calendar days** of a permanency goal change.

**Let the team know about services that have already been started for you and your child, as well as services that you may still need.**



If you need mental health or substance abuse treatment, the decision to participate in treatment is yours. But be aware that if you choose not to go, it will affect whether your child can return home because you have not completed a case plan goal.

Sometimes there are waiting lists for services that you may need (for example mental health services, public housing, substance abuse treatment). Check to see if there are agreements that allow families whose children are in foster care to move up on these waiting lists. Talk to your case manager if there are problems.

# Case Planning Conferences

The initial case plan is developed cooperatively with you and your family, the case manager, family support worker, service providers and other supports as identified by you. You have the right to invite any community and personal supports to the case plan. This group will become the Child and Family Team. The case plan is to be held within 30-45 calendar days and will be reviewed at least every 170 days or when requested by any member of the team.

You, your personal supports and the other team members will be advised of the purpose of the case planning conference by the case manager.

The case planning conference can be held in a location and at a time, that is convenient for you and your family in order to provide a safe and favorable setting to meet and develop the plan. If transportation is an issue, let your case manager know.

The case planning conference is a time for everyone involved to have a respectful, positive and open discussion on services the family may need in order to bring their child home. The discussion will also include your rights and responsibilities as the birth or legal parent, the services to be provided and other permanency options. A discussion will also take place regarding the alternative outcomes of not following through with the case plan goals, tasks, objectives and other offered services. The plan will be directed toward the permanency, safety and well-being of the family.



All participants shall have equal rights opportunity to actively share at the conference. If any of the members are non-English speaking, deaf or hard of hearing, or have other special needs, let your case manager know so that arrangements or accommodations can be made.



Your participation in the case planning conferences, completion of tasks and court orders determine permanency decisions regarding your family.

Birth parents and legal guardians should always have input in case planning. Case planning tasks should be individualized for your family.

## What are my rights related to case planning?



The Child Welfare Case Management provider will connect, refer or link you to, a variety of services to help you resume care and responsibility for your child at home in the shortest time possible, with consideration of the child's safety and well-being.

### The goals of case planning are:



Supporting the safety and well-being of children and families.



Promoting earlier permanency decisions for the child.



Decreasing child's length of stay in out-of-home placement.



Reducing the number of moves and disruptions for the child.



Engaged families in early case planning, review and decision-making.



Maintaining continuity in child's relationships.



Increasing the likelihood of children having lifetime family connections.



Setting clear time frames for all parties to successfully achieve the preferred reintegration permanency goal before recommending a goal change.

## Concurrent Case Planning

In Kansas, a concurrent plan may be developed for a child in out-of-home placement. When indicated, concurrent case planning means that the Provider works with you on two different plans at the same time. One plan is to get you and your child back together. However, *at the same time* (concurrently), there is a back-up plan for the child to live in another permanent home in case he/she cannot return to your home.

You are part of a team formed to help you, your child and your family. The team's primary purpose is to help build on your family's strengths to carry out your responsibilities and assist you to:



Remedy problem situations;

Safeguard your child from dangerous living situations;

Adequately nurture your child;

Protect your child's right to grow up with a sense of well-being, belonging and permanence;

Manage the tasks of daily living.

## Kinship Care (Relative or Non-Related Kin)

Kinship care has been a tradition in many cultures and has increased dramatically in recent years. It is viewed as the best alternative to out-of-home placement for your child. Kinship care is **when relatives and non-related kin** are identified to care for your child while you are receiving the needed supports and services to be able to provide a safe and secure home for your child. Kinship is about belonging, consider family members (grandparents, aunts/uncles, cousins); great-relatives (great aunts/uncles, extended cousins); "chosen" family (your good friends, people whom your kids call "auntie" or "uncle"); community connections (pastors, coaches, teachers, godparents); work connections (your coworkers, boss) and history connection (people from your childhood who know your family well).

Kinship caregivers are usually asked to care for children unexpectedly. This arrangement can be made on an informal or formal basis. You and your child can voice your opinion of who could provide a safety net for your child.



In Kansas, relative/non-related kin shall be considered first when seeking placement. Kinship caregivers can formally request in court to receive “Interested Party Status”. Interested party status will enable caregivers to receive formal notification of all case plans changes and court dates.

The more information you provide about kinship supports, the more likely it can be determined if they could be for placement for your child.

Kinship care is in the best interest of your child and will allow them to remain in their community and/or cultural setting. It provides many benefits for your child, including:

- Maintains connections with your family, culture, language and heritage;
- Provides stability;
- Decreases the likelihood of numerous placements moves;
- Reduce trauma;
- Minimizes the effects of separation from you and other family members;
- Increases the placements of the siblings together and/or sibling connections.

Kinship caregivers may be eligible to receive support for financial expenses (such as TANF), food, clothing, medical, dental, childcare, academic and other, including but not limited to: respite, transportation, counseling etc. Check with your local Child Welfare Case Management Provider, the child’s case manager or kinship worker for information concerning these various supports. Need to add about kinship caregiver’s ability to become licensed.

***Please note: Not all cases will qualify for Kinship Care.***

# Types of Foster Care Placement

## Relative/Kinship:

The preferred placement option

- **Informal** - No DCF involvement: Often occurs during an illness or deployment. Custody of the child remains with the parents.
- **Voluntary** - DCF is involved, but the child is still in legal custody of their parents. Court places children with family while parents receive in-home services as an attempt to correct the issue(s) so child may be returned home.
- **Formal** - DCF is involved, court places children with family members, and legal custody is granted to the state.

## Non-Related Kinship:

The second option, before traditional foster care, in hopes of maintaining some type of normalcy in the child's life.

- May include a family friend, teacher, neighbor, coach, or someone else in the community.
- Need to have or be willing to obtain a foster care license. Temporary licenses are available.

## Traditional Foster Care:

Needs to have a foster care license and provide a safe and stable environment.

- Must be willing to work in collaboration with all parties involved in the case.
- Needs to continually complete all training requirements.
- Provides care until a permanent plan is implemented.

## Specialized, Therapeutic Or Medical Foster Care:

- Must be willing to provide a safe, stable environment while working in  
Needs to obtain specialized training to care for children who have special needs for medical, intellectual or otherwise developmental delays.
- Must use trauma informed care training to help children heal from trauma.



## Emergency Foster Care:

- Must have a foster care license and be skilled in addressing immediate trauma responses.
- This is a short-term option; placement is usually less than 72 business hours.
- Must be pre-prepared for various age groups.
- This option may include group homes or residential facilities.



## Respite Care:

- Must have a foster care license.
- This is not a long-term placement; usually a few days up to two weeks.
- Occurs when a family needs a break or an emergency and the family is prevented from taking their foster child out of the state.

# Where is My Child and When Can I See Them?

When children enter out-of-home placement (foster care), the least restrictive (most home-like) placement that best meets their needs will be selected. Your child's connection to family members is important, so placement with related or non-related kin (kinship care) is the most preferred option. When this is not possible, most children are placed with a foster family (see description below).

## Initial Family Meeting

An initial family meeting between DCF, the Child Welfare Case Management provider, you and your child will be held within 2 business days of an out-of-home placement referral to the provider. You are encouraged to invite your support person/people to this meeting as well.

## Foster Parents

A foster family provides your child with a family life experience for a temporary period of time. Foster parents believe that children should be with their parents but understand that there may be a time when that is not possible. Foster parents help children return home, work in partnership with parents and may serve as a mentor or role model. Foster parents may also commit to being the permanent placement resource for the child when reintegration is not possible.

All foster parents are required to complete a 30 hour program to help them understand the needs of children in foster care and their families. They must go through background checks and their family must have an assessment by the provider. Their home must also meet Kansas Department for Children and Families regulations.

## Family Time

You and your child have the right to reasonable contact, regardless of the case plan goal, unless restricted by the court.

If the case plan goal is reintegration, you and your child will have at least one face-to-face interaction per week, with telephone contact and unlimited mail – unless it is determined not to be in the best interest of your child. These visits can occur face to face in your home, in the office, community setting or foster home. Visits may be done virtually, such as through Zoom or Microsoft Teams, if needed for health reasons.

If the case plan goal is other than reintegration, the frequency of face-to-face interactions will be determined by the child/family team at a case planning conference.

The location of the parent/child interactions shall be determined based on the best interests of the child and the activity in which the parent and child shall be engaged. When possible, parent/child interactions shall occur in the parents' home and be unsupervised.

Visits are usually one hour supervised at the local offices. Individual visits can progress from supervised to monitored and then unsupervised. This is determined by how well visits and interactions progress. This is generally determined at the discretion of the case teams.



These interactions are also a means to assess your readiness to resume care of your child. Face-to-face interactions may be supervised as required by the court or limited (or even prohibited) for therapeutic reasons as recommended by a physician or mental health professional.



# Interactions/Visitation Tips

Work closely with your case team to develop your case plan to include family time if possible. If your children are in different homes, your plan should include sibling family time.

Visit as regularly as you can and stay involved with your child. This will be very important to your child. Doing this shows the agency that your child can depend on you.

Ask your case team what you are supposed to do and whom you call if you can't make a scheduled visit.

If you need help with transportation to the visits, talk with your case team.

Try to form a connection and relationship with the foster family or the staff where your child lives.

It may be helpful to meet the foster family on neutral ground, especially at first while you are getting to know each other. Ask for an Icebreaker meeting if you have not had one.

It might feel strange to be "visiting" with your own child. You might want to talk with someone who can help you cope with these feelings.

Use visits to maintain a connection to your child, use the time to enjoy each other and not to discuss case info.

When you visit and talk with your child, try to understand how difficult it is for him/her to have more than one caregiver right now.

If your child brings up the subject that he/she feel they have to choose between you and the foster parent, you should reassure your child that they are loved and that they don't need to choose between caregivers. Parents can also encourage their child to talk to the case team or therapist.

## Sibling Visits

Siblings will be placed together with the same kinship caregiver or foster family whenever possible. However, if there is no one who can take them all, then they will be placed in different placements.

Siblings living in different homes will have at least twice-a-month family time. At least one of these will occur during one of your interactions with all siblings present. If siblings are not placed together when they enter out-of-home placement, a plan will be made to move them into the same placement as soon as possible.

## Reunification

You can help your child return home by doing the following:

- Participate in the services described in the case plan and court orders;
- Participate in visits with your child on a regular basis;
- Stay in contact with the case team and ensure they have your current phone number, address and contact info;
- Provide information about your progress and changes in your life;
- Attend all court hearings.

The decision about your child's permanent placement will occur at the permanency hearing or before. **The court's decision will be based on your progress in reaching the goals listed in the case plan.** The court determines whether your child can safely return to your home (reunification approved).

## Aftercare

The Child Welfare Case Management provider will provide services and supports during the 6-month period following your child's return home after care. These services are provided to ensure stability and to assist you and your family. The case team and your family together will develop a plan that details the services and expectations for this period. During this time, the plan will be reviewed and revised as needed and submitted to DCF and the court.

When you, the provider and the court agree that your child is safe with you and that you are able to care for him/her now and in the future, you will regain full custody of your child and your case will be completely closed.

# What is the Court Process?

When children and families become involved with the child well-being system, they usually become involved with the court system also. Certain legal decisions about children must be made by the court. These decisions are based on federal and state laws and are binding. Whether a child enters out-of-home care is determined by the court.

The Adoption and Safe Families Act (ASFA) of 1997 is one of these laws and was designed to establish the goals of safety, permanency and well-being for children in the child wellbeing system. The Revised Kansas Code for the Care of Children (K.S.A. 38-2201 etc.) was amended to comply with federal ASFA law and requires the court of jurisdiction to hold a permanency hearing within 12 months of the child entering state custody.

## Parent's Attorney

You have the right to have an attorney and may hire your own to represent you in court. If you cannot afford an attorney, you may ask the court to appoint one for you. One will not automatically be appointed for you if you are able to afford an attorney. The judge determines whether you are eligible for a court-appointed attorney.

As a parent you have the right to present your side of the story. You have the right to call and cross examine witnesses. You may also submit a report to the court at the time of each hearing. The case team will provide you the name and address of the judge as well as the date and time of the court hearings. If you have an attorney, you and your attorney should discuss what you want to say at each hearing and whether you want to speak for yourself or have your attorney represent your point of view.

## Types of Hearings






The court process for Child In Need of Care (CINC) involves several types of hearings that are held in the district court for your county. Each has a different purpose and is held within different time frames. Following is a brief description of these hearings.

**Temporary Custody Hearing:** A temporary custody hearing is held within 72 hours (exclusive of weekends and legal holidays) of child's removal from home or may be where the decision to remove is made. The judge reviews the petition and reports, as well as the evidence presented and decides whether the child stays at home or is to temporarily live out of the home. If the judge orders the child to be removed from the home, custody may be given to a relative, kin or other appropriate person or to the Secretary of DCF. The judge may also place additional conditions on the child and family through court orders.






**Adjudication Hearing:** An adjudication hearing is to be held within 60 days of the Temporary Custody Hearing. The judge considers the evidence presented to see if there is enough information to determine whether the child is a Child In Need of Care (CINC). If the judge does not find the child to be a CINC, then the case is dismissed and the child is returned to the parents. If the judge finds the child is a CINC, a Dispositional Hearing is scheduled.

**Dispositional Hearing:** A dispositional hearing may be held at the same time or no later than 30 days after the adjudication hearing. The judge determines if the child will return to the parents, be placed in DCF custody or placed with relatives or kin. This is different from the temporary custody hearing as the custody decision will be implemented until identified problems are corrected.

At this hearing the judge will consider a variety of issues, including:

 <p>The child's physical, mental and emotional condition</p>	 <p>The child's need for assistance</p>
 <p>Results of court-ordered evaluations such as drug and alcohol, parenting or psychological</p>	 <p>The parents' past and present actions and behavior</p>
 <p>Any additional relevant information</p>	

The judge may also order:

 <p>An agency to move the child</p>	 <p>The child and parents to participate in counseling</p>
 <p>Evaluations of child and family members, drug testing or family time schedule</p>	 <p>The parents to have no unsupervised contact with the child</p>
 <p>The parents to pay child support.</p>	

**Review Hearings:** Review hearings are held as needed. During these hearings, the judge reviews the progress reports of the permanency plan filed by DCF or the provider, the foster parents and others.

**Permanency Hearing:** A permanency hearing is held at least every 12 months from the date the child was removed from the home. The judge reviews progress made toward meeting the permanency goal and makes a written finding as to whether reasonable efforts have been made to accomplish the permanency goal and if continued out-of-home placement is necessary for the child's safety. The judge will determine when the child should be returned to the family or if another goal should be considered for the child. If reintegration is no longer an option, a petition will probably be filed to terminate the parental rights.

**Termination of Parental Rights Hearing:** A termination of parental rights hearing may occur anytime during the CINC process. The prosecutor must show by clear and convincing evidence that the parent/child relationship should end:

- Parent is unfit by reason of conduct or condition;
- Parent is unable to care properly for a child;
- Parent conduct or condition is unlikely to change in the foreseeable future.

The judge may terminate the parents' rights or order the family to continue to work on the permanency plan and set another hearing date; or order a new plan and set a review hearing date.

**Parents may also voluntarily relinquish custody/rights.**



It is important for you to attend and be on time for each court hearing. Failure to attend a hearing could be seen as an indication that you do not care about your child.



The way you dress and act in court shows your respect for the court:



Dress clothes are appropriate



Stand when the judge enters and leaves the courtroom



Remain seated unless asked to stand



Be quiet, polite and attentive



Speak only when asked



Food or drink is not allowed in the courtroom



Turn off your cell phone before entering the courtroom



Arrive 15-20 minutes early for the hearing



Be prepared for delays

## People Involved

**Judge** – Makes legal decisions and court orders in your case.

**District or County Attorney** (usually the Assistant) – Attorney representing the state.

**Guardian Ad Litem (GAL)** – Attorney appointed to protect the interest of the child.

**Your Attorney** – Individual you hire or request to be appointed (if you are not able to pay for one).

**Court Services Officer (CSO)** – Monitors the case/court orders for the court.

**Parent Advocates** – Volunteers or staff who are there to support caregivers throughout their CINC case.

**Court Appointed Special Advocate (CASA) Volunteer** – Trained volunteer appointed by the judge to advocate for the best interests of the child. Some but not all of the 31 District Courts have CASA programs.

**Citizen Review Board** - Three to seven trained community volunteers appointed by the judge to review the status of CINC case. Some but not all of the 31 District Courts have Citizen Review Boards.

**Parent Ally** – Parents may pick up to two people to be present with them at court hearings for support. These support persons, often family or friends, must participate in the Parent Ally program orientation. *(See Resource Section)*

## Appeals

A parent may appeal any adjudication, disposition, finding of unfitness, termination of parental rights or order of temporary custody. There are time limits to file an appeal and the appealing party may be required to pay fees and expenses. Even if an order has been appealed, the order will generally remain in effect until the appeal is decided.

## Support Obligations

The judge may order the person responsible for the child to pay child support (expenses relating to the child) at the dispositional hearing or schedule a separate child support hearing. The judge uses the Kansas Child Support Guidelines to determine the amount each parent must pay.

## References

Information contained in this handbook was adapted from the following sources. We encourage you to visit these websites for more information.

1. **Policy and Procedure Manual**, Kansas Department for Children and Families, Prevention and Protection Services, <https://www.dcf.ks.gov/services/PPS/Pages/PPSpolicies.aspx>
2. ***A Family's Guide to the Child Welfare System*** is a comprehensive resource that answer many challenges families face when they become involved with the child well-being system. The *Guide* is a collaborative effort among five organizations - National Technical Assistance Center for Children's Mental Health at Georgetown University Center for Child and Human Development; Technical Assistance Partnership for Child and Family Mental Health at American Institutes for Research; Federation of Families for Children's Mental Health; Child Welfare League of America; and National Indian Child Welfare Association. Authors include Jan McCarthy, Anita Marshall, Julie Collins, Girlyn Arganza, Kathy Deserly and Juanita Milon. The *Guide* was supported with funding from the federal Department of Health and Human Services. You may view or download the Guide at no cost. [4585501cwig\\_inst.pdf](https://www.dcf.ks.gov/services/PPS/Pages/PPSpolicies.aspx)
3. **Parent Ally Program Orientation**, Kansas Judicial Branch [www.kscourts.org/programs](http://www.kscourts.org/programs)
4. **Kansas Child in Need of Care (CINC) Statute** [www.kslegislature.org](http://www.kslegislature.org) (Find a Statute: Enter Statute 38-2201)

## Additional Information

1. **American Bar Association Free Legal Answers -Kansas** <https://kansas.freelegalanswers.org/>
2. **Kansas Legal Services** – (785) 233-2068 <https://www.kansaslegalservices.org/>
3. **Kansas Judicial Branch - Self Help** <https://self-help.kscourts.gov/>
4. **Child Welfare Information Gateway** provides access to information and resources to help protect children and strengthen families. The Gateway is a service of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services. [www.childwelfare.gov](http://www.childwelfare.gov)
5. **Kansas Family Advisory Network (KFAN)** is to be a statewide network of family advocates who partner and engage with families across state systems. Our purpose is to initiate positive change in the lives of families, community partners and stakeholders through efforts based upon understanding, compassion and love. <http://www.kfan.org/kfan-information/>

# Resources

**Reintegration:** Child Welfare Information Gateway. (2025) [Reunifying Families | Child Welfare Information Gateway](#) U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

KVC Health Systems, Inc. (2024) [How Does KVC Kansas Help Families Reunify After Foster Care?](#) U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

**Understanding the Child Welfare System:** Kansas Office of the Child Advocate. (2025) [How the Child Welfare System Works | KS Office of the Child Advocate](#) U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

Child Welfare Information Gateway. (2020) [How the Child Welfare System Works | Child Welfare Information Gateway](#) U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

Child Welfare League of America (2005) [AReport 05](#) U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

**Service Providers that may be involved:** Child Welfare Information Gateway. (2016). [Understanding Child Welfare and the Courts | Child Welfare Information Gateway](#) Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

Health Care Toolbox. (2021) [Who's Who in the Child Welfare System | Patient Centered Care and Trauma Informed Care for Pediatric Patients - HEALTHCARE TOOLBOX](#) U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

**Different placements:** Joy Meadows. (2025) [Understanding the Different Types of Foster Care Placements • Joy Meadows](#) U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

KVC Health Systems, Inc. (2018) [The 6 Common Types of Foster Care](#) U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

**The role fathers play in this:** U.S. Government Publishing Office (2024) [Navigating the Child Welfare System as a Father](#) U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

National Responsible Fatherhood Clearinghouse (2011) [Homepage | Fatherhood.gov](#) American Bar Association and American Humane Association.

## Acronyms Used In Child Well-being

### A

*ADA*- Americans with Disabilities Act

*ADD*- Attention Deficit Disorder

*ADHD*- Attention Deficit with Hyperactivity Disorder

*APPLA*- Another Planned Permanent Living Arrangement

### C

*CASA*- Court Appointed Special Advocate

*CCP* - Concurrent Case Planning

*CINC*- Child in Need of Care

*CPS*- Child Protective Specialist

*CRB*- Citizen's Review Board

*CSE*- Child Support Enforcement

### D

*DCF*- Kansas Department for Children and Families

*DD*- Developmental Disability

*DRC* - Disability Rights Center

### E

*ED* – Emotional Disability

*EPSDT*- Early and Periodic Screening, Diagnosis and Treatment; called KanBeHealthy in Kansas

### F

*FBA* - Family Based Assessment

*FCP* - Family Centered Practice

*FINA*- Family in Need of Assessment

### G

*GAL*- Guardian ad litem

### H

*HCBS*- Home and Community Based Services

*HIPPA*- Federal Health Insurance Portability and Privacy Act

### I

*ICPC*- Interstate Compact on the Placement of Children

*ICWA*- Indian Child Welfare Act

*ID* - Intellectual Disability

*IDEA*- Individuals with Disabilities Education Act

*IEP*- Individualized Education Plan

*IL*- Independent Living

### J

*JJA*- Kansas Juvenile Justice Authority

*JO*- Juvenile Offender; a legal term defined by the Kansas Juvenile Offender's code

**K**

*KCSL* - Kansas Children 's Service League

*KDADS* - Kansas Department for Aging and Disability Services

*KLS* - Kansas Legal Services

*KSA* - Kansas Statutes Annotated (Laws)

**O**

*ODD* - Oppositional Defiance Disorder

*OPC* - Order of Protective Custody

*OPPLA* - Other Planned Permanency Living Arrangement

**P**

*PFA* - Protection From Abuse

*PPS* - Prevention and Protection Services- division of DCF

*PPC* - Police Protective Custody

**R**

*RADAC*- Regional Alcohol and Drug Assessment Center

**S**

*SASSI*- Substance Abuse Subtle Screening Inventory

*SSI*- Supplemental Security Income (disability Social Security)

*SSN*- Social Security Number

**T**

*TANF*- Federal Temporary Aid to Needy Families

*TIPS-MAPP* - Trauma Informed Partnering For Safety and Permanence - Model Approach To Partnerships In Parenting

**V**

*VR*- Vocational Rehabilitation Services



For more, visit the DCF Acronyms web page:

[dcf.ks.gov/Agency/Pages/Acronyms/Acronyms.aspx](https://dcf.ks.gov/Agency/Pages/Acronyms/Acronyms.aspx)

## Definitions Used in Child Well-being

**Adoption** If reintegration (return home) is not possible, this is the next preferred permanency option for children. When a child has been in out-of-home placement for 12 continuous months, this option will be considered.

**Assessments** Culturally respectful process and written documentation that addresses individual strengths, needs and core concerns of the child and family.

**Central Registry** The Child Abuse and Neglect Central Registry is a computerized name-based list of persons who have been confirmed validated or substantiated for child abuse or neglect.

**Child Welfare Case Management Provider (CWCMP) or Case Management Provider (CMP)** A private agency DCF contracts with to provide family preservation, reintegration/foster care/adoption services. The state is divided into five contract regions for the family preservation and reintegration/foster care/adoption contracts.

**Child in Need of Care (CINC)** According to Kansas law (K.S.A. 38-2201), the state oversees what happens when a child less than 18 years of age that:

- Is being abused;
- Is being abandoned;
- Has been neglected;
- Lives in the same home as another child being abused;
- Is under 10 years of age who committed a crime that if had been done by an adult would qualify as a felony or misdemeanor;
- Has run away from home;
- Has been without care and is not due solely because of financial reasons;
- Is not attending school;
- Who commits an offense that would not be in violation if done by an adult;
  - For example: Truancy (skipping school), violating curfew, or being in possession or consumption of alcohol or tobacco.
- Has been placed for care or adoption in violation of the law;
- Parent is no longer willing or able to take care of the child.

**Citizen Review Board** A group of citizen volunteers appointed by a court to review child in need of care cases and make recommendations to the court.

**Concurrent Case Planning** When you and the case manager work on two different plans at the same time. One plan is to get you and your child back together; the other is a back-up plan for the child to live in another permanent home in case they are not able to return to your home.

**Court Appointed Special Advocate (CASA)** A responsible adult other than an attorney or guardian ad litem appointed by the court to represent the best interests of a child.

**Crossover Youth** A young person, age 10 and older, with any level of concurrent involvement with the child well-being and juvenile justice systems.

- "Involvement" in the Juvenile Justice system includes, but is not limited to, court-ordered community supervision, Immediate Intervention Programs (IIP), and youth placed in detention and correctional facilities.
- "Involvement" in child well-being system includes, but is not limited to, out-of-home placement, or participation in preventative services.

**Evidence** Proof submitted to the court to influence its decision. Evidence can be written, verbal or physical.

**Ex Parte Order** An order issued by a judge without a hearing.

**Family Centered Practice** Engages families and their communities to prevent and respond to child abuse and neglect, thereby strengthening families and enhancing the safety of children in their communities.

The six guiding principles of systems of care are:

- Youth and family involvement;
- Individualized strengths-based care;
- Cultural competence;
- Interagency collaboration;
- Community-based services;
- Accountability

**Family: in Need of Assessment** Assignments that are specific family conditions, which do not meet criteria to assign for abuse/neglect, but are assigned to assess and determine whether services to the child and family are indicated.

The following are FINA sub-types:

- **Caregiver Substance Use:** Parent/caregiver is using substances and there is an indication the use is impacting parenting capacity or skills.
- **Caregiver Unable/Unavailable to Provide Care:** Parent/caregiver is not able to care for the child due to the death, incarceration, deployment, etc. of a parent/caregiver and/or there is no other resource available. May include, a parent/caregiver lacking sufficient ability, power, and authority, and without

services, deterioration of the children's health/well-being is likely; and the children are at risk of removal.

- **Child Substance Use:** Child using substances which will negatively impact the family/child functioning.
- **Children with Behavior Problems:** Children's actions/behaviors negatively impacting the family/child functioning (i.e. suicidal, danger to self and/or self-harming behaviors, out of control, sexually acting out, aggressive behaviors, criminal activities, and gang involvement. Excludes behaviors which meet definitions for Child Substance Use, Less than 10 Committing an Offense, Runaway or Truancy).
- **Infant Positive for Substances:** An infant (birth to age 1) or the mother of an infant with a positive drug screen, or a medical professional has determined the infant is substance affected or having withdrawal symptoms resulting from prenatal exposure to a legal or illegal substance.
- **Less than 10 Committing an Offense:** while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2015 Supp. 21-5102, and amendments thereto.
- **Runaway:** Child is willfully and voluntarily absent from the home or placement without the consent of the child's parent or other custodian.
- **Truancy:** Child is not attending school, as required by K.S.A. 72-977, 72-1111, or 72- 1113 and amendments thereto. Excludes home schools registered with the Kansas Department of Education.

**Foster Family Home** A private home in which care is given for 24 hours a day for a small number of children away from their parent or guardian (K.A.R. 28-4-311 (d)).

**Guardian ad Litem (GAL)** An attorney appointed by the court in child in need of care proceedings to represent the best interests of the child.

**Icebreaker** A facilitated conversation that provides an opportunity for parents/caregivers and foster parents to meet face-to-face, talk about the needs of the child and share information about themselves and their family routines and traditions. The focus is on the care and well-being of the child.

**Independent Living** Services and supports to help youth in out-of-home placement to move towards self-sufficiency.

**Juvenile Justice Authority (JJA)** The agency created by law that oversees some aspects of the Juvenile Offenders Code (K.S.A. 38-1600 et seq.) JJA provides intake and assessment services for alleged juvenile offenders and for alleged children in need of care (CINC) who come to the attention of law enforcement.

**Juvenile Offender** A child or youth at least 10 years old who commits an act that would be a felony or misdemeanor if committed by a person over 18 and who has been adjudicated as a juvenile offender by a juvenile court.

**K.A.R.** Kansas Administrative Regulations are enacted by state agencies after a process of public hearings and regulation. KAR's have the force of law.

**K.S.A.** Kansas Statutes Annotated are laws enacted by the Kansas legislature and signed into law by the governor.

**Kin** Any adult, related by blood or not, who plays a significant role in the life of a child or family and who may be considered for placement if a child has to be removed from the child's home.

**Kinship Care** The placement of a child in the home of the child's relative or in the home of another adult with whom the child or the child's parent already has a close emotional attachment. Kinship Care involves relatives and non-relative members (extended, blended and other significant support persons) caring for the child when the birth parent(s) cannot.

#### **Kinship Definitions:**

- **Relative** is defined as a person related by blood, marriage or adoption.
- **Non-Related Kin** is defined as someone with an emotional bond to the child.
- **Informal** The relative or non-related kin raising children placed in their care without legal intervention.
- **Formal** The relative is non-related kin raising children placed in their care through legal intervention.

**Notice** Written information to parties about the date, time and place of court hearing. A copy of the petition is included with the notice.

**Other Planned Permanency Living Arrangement (OPPLA)** This permanency option is only considered when there are strong reasons why the others are not acceptable for a child and family.

**Parent** A birth parent and any adult who is the primary caregiver of a child.

**Parties** People actively involved in the case: child, parents, grandparents and/or other individuals approved by the judge.

**Permanency** The child is released from DCF custody and has a stable, permanent home through reintegration, custodianship, adoption or OPPLA.

**Permanent Custodianship** A permanency option that allows the current caregiver for a child in out-of-home placement to have all the rights and responsibilities of a parent.

**Petition** Document written by the County or District Attorney (prosecutors) that describes why the court should find the child to be a Child In Need of Care (CINC).

#### **Protective Custody**

- **Police Protective Custody** A law enforcement officer may remove a child from any location if he or she believes the child is not safe
- **Order of Protective Custody** A judge may order law enforcement to take the child into custody if he or she believes the child is not safe.

**Reasonable Efforts** Services and supports provided a child and family to keep the child at home or help the child return home safely or achieve another permanency goal.

**Relative** A person related by blood, marriage or adoption but when referring to a relative of a child's parent, does not include the child's other parent.

**Resource Family** A family willing to provide short term care or service as the adoptive or legal guardian for the child. The resource family is a valued member of the team and will participate in the case planning process and court hearings, serve as a mentor to birth families and will encourage parent/child interactions in a natural setting.

**Reunification** The process of safely returning a child from out-of-home placement to their birth parents or primary caregivers.

**Safety** A child is protected from abuse and neglect.

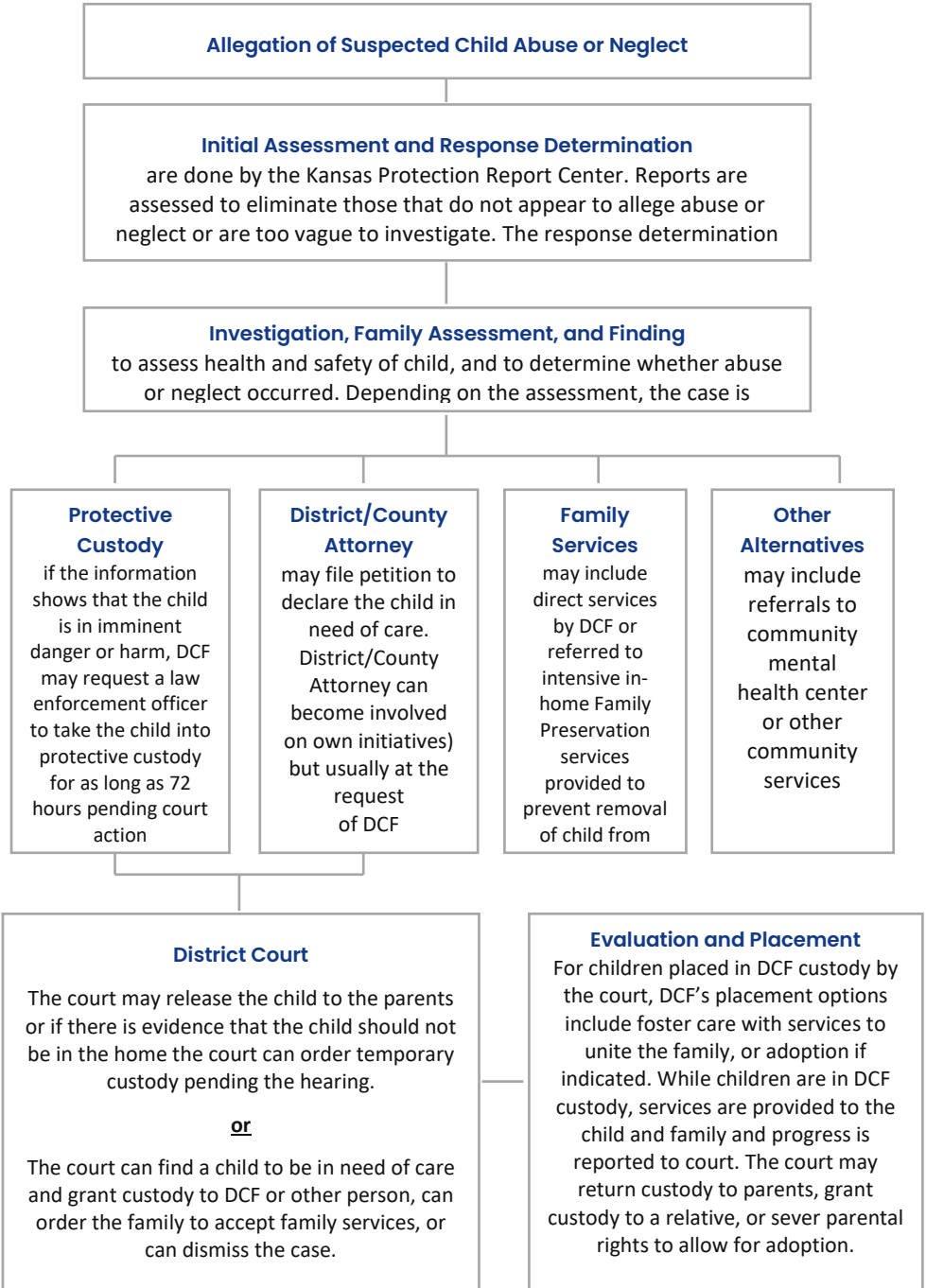
**Safety Network** A safety network may include family, friends and other natural supports who know about and understand the worries and strengths of the family, and who are actively engaged in the support a family may need to keep the child safe, even after child well-being involvement ends.

**Temporary Custody** Awarded by a court based upon evidence in a hearing prior to disposition.

**Truant** A child not attending school as required by law.

**Well-Being** A child's physical health, mental health, development and educational needs are provided for.

# DCF Assessment Process for Allegations of Child Abuse and Neglect



# Definitions of Abuse and Neglect

Abuse means any act or failure to act which results in death, physical harm, emotional harm or which presents a likelihood of harm to a person under age 18." **KAR 30-46-10**

Physical Abuse means the infliction of physical harm on a child or the causation of a child's deterioration. This term shall include any non-accidental or intentional action or inaction that results in bodily injury or that presents the imminent risk of serious injury. **KAR 3-46-10**

Sexual Abuse means any act committed with a child, including the following: 1) Any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person; and (2) allowing, permitting or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in obscene or pornographic material. **KAR 30-46-10**

Mental or Emotional Abuse means the infliction of mental or emotional injury on a child or the causation of a child's deterioration. This term may include the following:

- 1) Any act or omission that impairs a child's social, emotional or intellectual functioning;
  - 2) terrorizing a child, by creating a climate of fear or engaging in violent or threatening behavior toward the child or toward others in the child's presence that demonstrates a flagrant disregard for the child;
  - 3) emotionally abandoning a child, by being psychologically unavailable to the child, demonstrating no attachment to the child or failing to provide adequate nurturance of the child;
  - 4) corrupting a child, by teaching or rewarding the child for unlawful, antisocial or sexually mature behaviors; or
  - 5) engaging in any behavior having substantially the same effect on the child as that of any of the actions specified in paragraphs (e)(1) through (e)(3).
- KAR 30-46-10**

Physical Neglect means any act or omission resulting in harm to a child or presenting a likelihood of harm if the act or omission is not due solely to the lack of financial means of a child's parent or other custodian. This term may include the following: failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child. **KAR 30-46-10**

Medical Neglect means any act or omission resulting in harm to a child or presenting a likelihood of harm if the act is not due solely to the lack of financial means of a child's parent or other custodian. This term may include the following: failure to use resources available to treat a diagnosed medical condition if the treatment would make the child substantially more comfortable, reduce pain and suffering, correct or substantially diminish a crippling condition, lengthen the life span or prevent the condition from worsening. **KAR 30-46-10**

# Indian Child Welfare Act

Kansas follows the guidelines under the Indian Child Welfare Act (ICWA) which passed Congress in 1978. This rule makes sure both state and tribal proceedings are followed; no matter who is involved, while still considering the unique circumstances of each child.

**Qualifications for ICWA** ICWA applies to any State child-custody proceeding involving an "Indian child," based on the child's political affiliation with the Tribe. A child is an "Indian child" only if:

1. The child is himself or herself a member of a federally recognized Tribe; or
2. The child's parent is a member of a federally recognized Tribe, and the child is eligible for membership.

**Why have ICWA?** ICWA passed Congress to address the agency policies and practices that resulted in the separation of Indian children from their families and tribal backgrounds.

- State and private agencies were removing as many as 25 - 35% of Indian children from their families and placing many of these children in non-Indian foster and adoptive homes.
- Congress determined that cultural ignorance and biases within the child well-being system were significant causes of this problem.
- Congress recognized that it is in the best interest of the child to maintain Tribal connections and that children are vital to Tribes' continued existence, and enacted ICWA to "protect the best interests of Indian children and to promote the stability and security of Indian Tribes and families."

**What does ICWA do?** ICWA governs State child-custody proceedings in multiple ways, including:

1. by recognizing Tribal jurisdiction over decisions for their Indian children;
2. by establishing minimum Federal standards for the removal of Indian children from their families or tribal connections.
3. by establishing preferences for placement of Indian children with extended family or other Tribal families; and
4. by instituting protections to ensure that birth parents' voluntary relinquishments of their children are truly voluntary.

## Placement Preferences under ICWA:

### Adoptions:

- A member of the child's extended family.
- Other members of the Indian child's tribe.
- Other Indian families.

### Foster Care/Out-of-Home Placement and Pre-Adoptive Placement:

- A member of the child's extended family
- A foster home licensed, approved, or specified by the child's tribe,
- An Indian foster home licensed or approved by an authorized non-Indian licensing authority,
- An institution for children approved by an Indian Tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

### Good Cause or Exceptions for not following ICWA:

- Request of the parents if they have reviewed the placement options
- Request of the child/sufficient age
- Extraordinary physical, mental, or emotional needs of the child/specialized treatment services not available in the community
- Unavailability of placement after a diligent search

### Reference:

Office of Indian Services, Bureau of Indian Affairs, **ICWA Rule Public QA**

Office of the Law Revision Counsel United States Code, U.S. House of Representatives **25 USC 1915: Placement of Indian children**

# Regulations for Native American Child Well-being in Kansas

Kansas follows the guidelines under the **Indian Child Welfare Act (ICWA)** which passed Congress in 1978. This rule makes sure both state and tribal proceedings are followed; no matter who is involved, while still considering the unique circumstances of each child.

Kansas follows ICWA by having tribal-specific foster care through the Kansas Department for Children and Families (DCF).

**There are 4 federally recognized tribes in the state of Kansas that DCF works with:**

- Prairie Band Potawatomi Nation
- Kickapoo Tribe in Kansas
- Iowa Tribe of Kansas and Nebraska
- Sac and Fox Nation of Missouri in Kansas and Nebraska

**Programs:** Each tribe has their own child well-being program and is responsible for child protective services for their members.

**State-tribal Partnerships:** DCF partners with tribes to ensure compliance with the Indian Child Welfare Act and to provide support to tribal families.

## How to Find Information and Support

**For tribal members:** Contact your tribal child well-being program directly for information on foster care services, placement, and support.

**For those not in tribal custody:** If your child is not in tribal custody but is an American Indian or Alaska Native child, state agencies are required to follow ICWA guidelines.

**For additional information:** Contact the [Kansas Native American Affairs Office](#) for resources and information related to tribal child well-being.



Although there are only 4 federally recognized tribes in Kansas, parents can be from any tribe globally and may still qualify for ICWA.

# Kansas Department for Children and Families Customer Service Contact Information

DCF believes in excellent customer service, the importance of listening to customer's needs and helping customers gain access to a wide variety of agency and community services. If you have an issue you need to discuss, please contact customer service in your Region or the Office of Customer Service in DCF Central Office.

**Statewide Customer Service Number:** 1-888-369-4777

**Office of Client Services:** 1-833-765-2003

[DCF.CustomerService@ks.gov](mailto:DCF.CustomerService@ks.gov)

When calling or emailing, please have pertinent information available:

- Full name
- Date of birth
- Case number
- City and state
- Cell phone number
- Home phone number
- Email address
- Your issue or concern

## Family Mobile Crisis Helpline

**Help is only a call, text, or chat away.**

Contact the Family Mobile Crisis Helpline now for help with a mental health crisis for any Kansan 20 years of age and younger. A licensed clinician is available by phone no matter the time, day or night. Local support from statewide mobile crisis providers is ready to respond in person.



### Call or Text

1-833-441-2240



### Chat

Scan the QR code or visit

[providers.ks.carelonbehavioralhealth.com/crisis-services](https://providers.ks.carelonbehavioralhealth.com/crisis-services)



# Contact Information

Court Case Number \_\_\_\_\_

Agency's Name \_\_\_\_\_



**My Case Manager** \_\_\_\_\_

Office Phone \_\_\_\_\_ Alternative Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_



**Supervisor's Name** \_\_\_\_\_

Office Phone \_\_\_\_\_ Alternative Phone \_\_\_\_\_



**Resource Parent** \_\_\_\_\_

Office Phone \_\_\_\_\_ Alternative Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_



**Guardian Ad Litem** \_\_\_\_\_

Office Phone \_\_\_\_\_ Alternative Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_



**My Attorney** \_\_\_\_\_

Office Phone \_\_\_\_\_ Alternative Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_



**Other** \_\_\_\_\_ Agency \_\_\_\_\_

Office Phone \_\_\_\_\_ Alternative Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_

# Visitation Schedule

This Includes: In person and Virtual Appointments (Unsupervised or Supervised)

Scheduled Date & Time	Arrival Time	Departure Time	No Show? Person(s)	Notes: Reason for no show or activity done
<b>Example:</b> 1/1/26 12:00pm	11:55am	12:15pm	Case Manager and child	Car trouble

