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**Legal Procedures and Responsibilities**

**California Common Core**  
April 30, 2019



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**Overview of the Day**

- Welcome
- Agenda
- Learning Objectives
- Post-test

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## Group Agreements



- Be collaborative
- Ask lots of questions – let us know what you think
- Be open to trying new things
- Be willing to make mistakes
- Maintain confidentiality
- Be responsible for your own learning

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## Learning Objectives

- Review the Learning Objectives
- Circle one that resonate most with them in their work in child welfare
- Group report out of learning objectives

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## California Child Welfare Core Practice Model

### Foundational:

- ✓ Be Transparent
- ✓ Include Tribal Leadership
- ✓ Model Accountability
- ✓ Take Responsibility

### Teaming:

- ✓ From the first contact
- ✓ Facilitate early and frequent sharing of information
- ✓ Ensure all team members understand the legal, regulatory and policy constraints.

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## Review

eLearning = knowledge

Classroom is eLearning knowledge +  
skill practice = success




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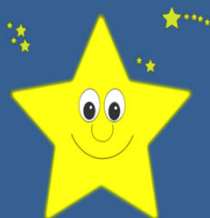
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## Star Performance

- Small Group Activity:
- Find the chart paper with a hearing on it closest to your table.
- Bring your eLearning Guides with you to the chart paper.
- Your group has 5 minutes to write out the purpose, time frame and burden of proof for that hearing.
- Rotate counter clockwise, your group has 3 minutes to review that hearing. If everything is correct give them a star, if not make corrections in a different color ink.
- Rotate one last time and repeat.
- As a table group report out on your original hearing.




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## Confidentiality

- In pairs, brainstorm the definition of confidentiality
- As a table group use the brainstorming ideas to help develop a table definition of confidentiality




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## Adoption Assistance and Child Welfare Act (Public Law 96-272)

*Restricts disclosure of information concerning individuals and families receiving services under the act. States receiving funds under this Act are required to protect the confidentiality of persons receiving assistance, services, or money under the act.*

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## CA Confidentiality

### WIC 827

- Court Personnel
- District Attorney
- Child or youth subject to the hearing
- Parents or guardians of child or youth subject to hearing
- Attorneys for the parties
- Law enforcement or probation officer who are actively participating in criminal or juvenile proceedings
- Member of the child's multi-disciplinary team
- Family Law Judge or commissioner
- Court-appointed investigators
- State CDSS (for specific purposes)

### WIC 362.5 Non-Minor Dependents/Wards

- Non-Minor dependent
- Court personnel
- District attorney if nonminor is a delinquent ward
- Attorney for the non-minor
- Judge
- Social services or probation
- County counsel
- State CDSS (for specific purposes)

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## Additional Considerations

- Mandated Reporters PC 11167
- Caregivers ACIN I:05-14 Sharing Information with Caregivers




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## ICWA & Legal Responsibilities




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## Tribal Sovereignty

- Sovereignty is the right, responsibility, and authority to self govern
- Relationship between Indian Tribes and the United States is a political relationship
- Tribal government have the authority to make and enforce laws, raise revenue, and determine membership

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## Reasonable/Active Efforts

### Reasonable Efforts

- Adoption Assistance and Child Welfare Act of 1980
- Reasonable efforts to provide services that will help families: Prevent and Remedy
- Services are accessible, available, and culturally appropriate services that are designed to improve the capacity of families

### Active Efforts

- ICWA 1978
- Included reasonable efforts and is more than reasonable efforts
- Aimed at remedying the underlying problems that threaten the stability of the Indian family
- Utilizing available resources of the child's Tribe, extended family, Tribal, and other Indian social services agencies

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## Active Efforts Commitment

- Active efforts review
- Consider which active efforts pertain to the program you will be working in, and circle each one
- Develop a commitment that you are willing to make to help you increase your knowledge and/or ability to ensure you are providing active efforts when working with Native American Families

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## Participants in the Court Room




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## The Defense Is Wrong!

- My Cousin Vinny Court Scene: "The Defense is Wrong"
- <https://www.youtube.com/watch?v=CFdJza0AbeA>

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### Getting Ready for Court: Tips for New Social Workers Part 1

<https://www.youtube.com/watch?v=kCkVAr5g5g>

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### Getting Ready for Court: Tips for New Social Workers Part 2

• <https://www.youtube.com/watch?v=nV6Wjr-goFI>

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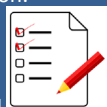
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### Activity

- As a table write all of the reasons that you believe families should not be offered reunification services.
- Report out.
- Pass out Handout 2.
- Journal the differences between why you originally believed families should not be offered reunification services, and what is legally allowed.
- Specifically identify strategies you can use to ensure you are making legally sound recommendations that are free of bias.




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## Minute Orders

<http://www.courts.ca.gov/documents/iv410.pdf>

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## Minute Order Activity

- What is the county of residence?
- What allegations was found true?
- Who did the court offer services to?
- Does ICWA apply?
- Are there any other orders?
- When is the next hearing?
- What type of hearing is next?

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## Understanding the Purpose of Hearings and Preparing for Hearings

- Trainee's Guide, Segment 7A & B
- Handouts 3 – 7
- Individually read the status review report
- As a table, answer the questions in Segment 7B of the Trainee's Guide
- As a large group, report out the answers

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### Engaging Families in the Court Process

- Role Play
- Trainee's Guide, Segment 8
- Three roles, social worker, parent/caregiver and observer
- Three rounds, each trainee will play each role once
- Report out

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### Juvenile Dependency Court Orientation

<http://www.courts.ca.gov/cfcc-dependency.htm>

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### Wrap Up

- Review of Learning Objectives selected in am
- Questions
- Post-Test
- Participant Satisfaction Survey




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