

Proposed 2/11/14

2634. DEPARTMENT FOR CHILDREN AND FAMILIES POLICY

- (1) The Department for Children and Families shall adopt a policy defining its role with respect to families who establish a guardianship under this article.
- (2) When the Family Services Division is conducting an investigation or assessment related to child safety and the child may be a child in need of care and supervision as defined in 33 V.S.A. § 5102(3), division staff shall not recommend that a family pursue a minor guardianship.
- (3) In response to a request from the Probate judge, the Family Services Division social worker shall attend a minor guardianship hearing and provide information relevant to the proceeding.
- (4) If a minor guardianship is established during the time that the Family Services Division has an open case involving the minor, the social worker shall inform the guardian and the parents about services and supports available to them in the community.

Current Language in H.581 on Minor Guardianship

§ 2634. DEPARTMENT FOR CHILDREN AND FAMILIES POLICY

The Department for Children and Families shall adopt a policy defining its role with respect to families who establish a guardianship under this article.

The policy shall be consistent with the following principles:

- (1) When the Family Services Division (FSD) is conducting an investigation or assessment related to child safety and the child cannot remain safely at home, it is appropriate to work with the family on an alternative living arrangement for the child with a relative only if the situation is anticipated to resolve within 30 days. If the situation is not expected to resolve within that period, a child in need of supervision (CHINS) petition should be sought.
- (2) When it is necessary for a child to be in the care of an alternative caretaker for an extended period in order to address identified dangers, it is not appropriate for the social worker to encourage or recommend that the family address those dangers by establishing a minor guardianship in the Probate Division. However, there are times when the family may independently decide to file a petition for minor guardianship. The social worker shall make it clear that whether to file the petition is the family's choice.
- (3) In response to a request from the Probate judge, the FSD social worker shall attend a Court hearing and provide information relevant to the proceeding.
- (4) FSD has neither the statutory responsibility nor the staff capacity to provide assessment, case planning, or case monitoring services for minor guardianship cases.
- (5) If a minor guardianship is established during the time that FSD has an open case involving the minor, the social worker shall review the case with his or her supervisor, focusing on any unresolved dangers. If safety has been achieved for the minor, the worker should plan for timely closure of the case. Before the case is closed, the worker should offer information to the guardian and the parents about services and supports available to them in the community. Absent a new report concerning the minor, the case shall be closed within three months.