


# Practical Help for Juvenile Delinquency Cases

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## Placement Advocacy: Ensuring Kids Are Placed At the Best Level to Meet Their Needs

Practical Considerations and  
Practice Tips

Relevant Legal Standards

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## Detention vs. QRTP/Residential vs. Community

- ◊ What are this child's needs?
- ◊ What are the barriers to meeting those needs?
  - ◊ What steps have been taken to overcome these barriers in the community?
- ◊ Where can those needs be best met?

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## What Can I Do to Prepare for the Placement Decision?

- ◊ Identify Options
  - ◊ Review/Demand Relative Affidavit
  - ◊ Review any Relevant DHS Documentation
  - ◊ Ask Around / Consult Colleagues / Google
  - ◊ Talk to the Child
  - ◊ Consider Relevant Legal Standards

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**PART II: AFFIDAVIT**

By law, this form must be filed with the Court within seven (7) days after the Temporary Custody/Shelter Hearing or at the next scheduled hearing, whichever occurs first.

Please fill out blanks below. Each Respondent shall complete a separate Affidavit.

I, \_\_\_\_\_, a parent in this action, being duly sworn and upon oath, respond as follows to the requested information.

**1. Family Member (The Child's Grandmother)** ☐ Maternal ☐ Paternal

Full Name: \_\_\_\_\_ Relationship to Child: \_\_\_\_\_  
 Home Address: \_\_\_\_\_  
 Home Telephone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_  
 Email/Facebook/Twitter: \_\_\_\_\_

I want this person to be considered for placement of my child ☐ Yes ☐ No

I want this person to be involved in Family Team Meetings ☐ Yes ☐ No

I want this person to be involved in supporting my family, including Family Team Meetings ☐ Yes ☐ No

Comments regarding the appropriateness of the child's potential placement with this relative: \_\_\_\_\_

**2. Family Member (The Child's Grandfather)** ☐ Maternal ☐ Paternal

Full Name: \_\_\_\_\_ Relationship to Child: \_\_\_\_\_  
 Home Address: \_\_\_\_\_  
 Home Telephone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_  
 Email/Facebook/Twitter: \_\_\_\_\_

I want this person to be considered for placement of my child ☐ Yes ☐ No

I want this person to be involved in Family Team Meetings ☐ Yes ☐ No

Comments regarding the appropriateness of the child's potential placement with this relative: \_\_\_\_\_

**3. Family Member (The Child's Aunt/Uncle)** ☐ Maternal ☐ Paternal

Full Name: \_\_\_\_\_ Relationship to Child: \_\_\_\_\_  
 Home Address: \_\_\_\_\_  
 Home Telephone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_  
 Email/Facebook/Twitter: \_\_\_\_\_

I want this person to be considered for placement of my child ☐ Yes ☐ No

I want this person to be involved in Family Team Meetings ☐ Yes ☐ No

Comments regarding the appropriateness of the child's potential placement with this relative: \_\_\_\_\_

## Relative Affidavit

- Versions created by [State Judicial](#), CYDC, and likely others
- May not be fully completed
- In some circumstances, may be worthwhile to follow up with folks who the parent indicates they do not wish you to contact
- Starting point for contact info, first step to a home visit / in person contact

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Denver Area Youth Services	<ul style="list-style-type: none"> <li>Received Response 8/23/2019 - No teen openings</li> </ul>	Emailed 8/15/2019 12:45pm Left message 8/21/2019 Emailed 8/23/2019 Contacted 11/22/2020 - left voicemail
Denver Children's Home	<ul style="list-style-type: none"> <li>Have 1 opening and if wanting to place here we fill out forms on their website - 11/8/2019</li> </ul>	Contacted 11/8/19 by phone Contacted 01/22/2020 by phone and left voicemail
Dungarvin	<ul style="list-style-type: none"> <li>Received Response 8/19/2019 - No teen homes available</li> </ul>	Emailed 8/15/2019 Contacted 01/22/2020 - left voicemail
Fire Mountain	<ul style="list-style-type: none"> <li>NO RESPONSE YET</li> </ul>	11/8/19 at by phone and left voicemail Emailed 11/8/19 01/22/2020 by phone
Griffith Center (Chins Up)	<ul style="list-style-type: none"> <li>Received Response 8/15/2019 - No options in foster home, but forwarded information to residential program</li> </ul>	Emailed 8/15/2019 Contacted 01/22/2020 by phone - left a voicemail
Hope & Home	<ul style="list-style-type: none"> <li>Received Response 8/20/2019 - No teen openings</li> </ul>	Emailed 8/15/2019 Contacted 01/22/2020 - left a voicemail
Kairos	<ul style="list-style-type: none"> <li>Received Response 8/23/2019 - No openings</li> </ul>	Emailed 8/15/2019 Emailed 8/23/2019 Contacted on 01/22/2020 - Could not get through to the agency phone
Kids Crossing	<ul style="list-style-type: none"> <li>Received Response DENVER 8/16/2019 - No teen male openings.</li> <li>Received Response PUEBLO 8/20/2019 - No openings for youth. NO RESPONSE YET COLORADO SPRINGS</li> </ul>	Emailed 8/15/2019 Left message COLORADO SPRINGS 8/21/2019 Emailed 8/23/2019 Contacted 01/22/2020
Mt. Saint Vincent Homes	<ul style="list-style-type: none"> <li>Not a match due to being an adoption agency</li> </ul>	Not a match
Nightlight Adoption Agency	<ul style="list-style-type: none"> <li>Not a match due to adoption agency</li> </ul>	Not a match
New Horizons Ministries, Inc	<ul style="list-style-type: none"> <li>Not a match due to only having openings for infants and toddlers</li> </ul>	Not a match
Roundup	<ul style="list-style-type: none"> <li>Not a match due to only serving developmentally disabled youth</li> </ul>	Not a match
Savio House	<ul style="list-style-type: none"> <li>Received Response 8/20/2019 - No teen openings</li> </ul>	Emailed 8/15/2019 Contacted 01/22/2020 by phone - left voicemail
SAFY	<ul style="list-style-type: none"> <li>Received Response 8/15/2019 - No homes that could meet youth's needs</li> <li>No openings til March 2020</li> </ul>	Emailed 8/15/2019 Contacted 01/22/2020
Special Kids Special Families	<ul style="list-style-type: none"> <li>Not a match due to only serving developmentally disabled youth</li> </ul>	Not a match
Shilo House	<ul style="list-style-type: none"> <li>No waitlist for the Longmont residential home - will need to just send a referral once the team is ready - 11/04/19</li> <li>Only work with Douglas County and Arapahoe County DHS</li> </ul>	Contacted 11/04/19 by phone Contacted 01/22/2020

## Relevant DHS Documentation

- May look VERY different than this
- May have to seek court order to obtain
- Can be helpful to assess:
  - Extent to which DHS is making reasonable efforts
  - What barriers may exist
  - Where your action can be helpful
  - Who / What agencies haven't been contacted

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## Ask Around / Consult Colleagues / Google

- ◆ Call potential placements and talk to them yourselves
- ◆ Ask your colleagues or the listserv for feedback
- ◆ Most placements are going to have some decent information on their websites – can be a good starting place as well
- ◆ Other than drawing from my own experience, this is the second most fruitful avenue to investigate to find options and prepare other than...

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## Talk to the Child

- ◆ What possibilities do THEY identify as being best for THEMSELVES?
  - ◆ While some of these options will not be viable, you WILL find good options through this conversation sometimes
- ◆ Can use other research or documents to guide this conversation (asking about folks identified in relative affidavit, etc.)

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## Relevant Legal Standards re: Detention

- ◆ Detention:
  - ◆ Cannot be used:
    - ◆ Due to lack of supervision or supervision alternatives
    - ◆ Due to inability to provide treatment or services
    - ◆ Due to risk of self harm
    - ◆ To allow parent to avoid legal responsibility
    - ◆ To punish, treat, or rehabilitate
  - § 192.5-304(3)
  - ◆ Can only be used in limited circumstances (felony or weapons charge) for a child 10–12 years old
  - § 192.5-304(2)

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## Relevant Legal Standards re: Detention, cont.

- ◆ Can only be used where child poses either:
  - ◆ A substantial risk of serious harm to others; OR
  - ◆ A substantial risk of flight from prosecution and community-based alternatives to detention are insufficient to reasonably mitigate that risk
- § 192.5-305(3)
- ◆ Different judicial officers will apply these provisions differently
- ◆ Be aware of your jurisdiction's detention bed limit

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## Relevant Legal Standards re: QRTP

- ◆ Two considerations:
  - ◆ Independent Assessor's (IA's) Clinical Assessment
    - ◆ Largely a clinical assessment of whether the child's needs can be met outside of a QRTP setting, considering things like:
      - ◆ Extent of child's mental, emotional, behavioral, and academic challenges
      - ◆ Extent to which child has accessed/engaged in community-based resources/treatment designed to address those challenges
  - ◆ Possibility of Court Ordering QRTP Regardless of IA's Conclusion
    - ◆ Court can still order placement even if IA does not support, but only where it can make findings that QRTP will nevertheless provide:
      - ◆ the "most effective and appropriate level of care;"
      - ◆ that this care would be delivered in the least restrictive environment; and
      - ◆ this level of care is consistent with the permanency plan
- ◆ See [QRTP Benchcard Training for GALs](#) for more info

§ 19-1-115

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## Keep in Mind Permanency Goal

- ◆ Out of home placement often delays achievement of the permanency goal
- ◆ Out of home placement can also add additional barriers to achieving permanency goal
- ◆ In more unusual circumstances, you may have to be willing to try more unconventional strategies
- ◆ Unlike in D&N case, you may be the only person actively thinking about the end game (past the point of adjudication and sentencing)

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## When a Child is in Placement

Identify Points of Contact  
 Attend Staffings/MDT Meetings  
 Know Rules/Expectations  
 Verify Full Suite of Appropriate Services in Place  
 Ensure Child Can Contact Outside World Appropriately

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## Identify Points of Contact

- ◆ There may be more than one. Typically, these will be:
  - ◆ A case manager/client manager/primary therapist – one of these folks will typically be the person who contacts you (and who you contact) most and about the broadest array of subject matter
  - ◆ An educator –primary point of contact for any educational issues
    - ◆ Upon change of placement, a student who has an IEP should have a review to ensure their IEP is appropriately implemented in the new setting and, if needed, modified for the new setting
- ◆ I prefer to reach out to these folks, provide them my order of appointment and any other documentation, and engage them right away
- ◆ Some placements, DHS caseworkers, etc. will leave you in the dark if you don't reach out
- ◆ May have to just call any phone numbers you have, contact any other staff members you know, etc. until someone directs you to the correct persons

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## Attend Staffings and Multi-Disciplinary Team Meetings

- ◆ There should be a meeting within the first 10 days following a change of placement to both discuss how the child has done so far as well as planning for the child's stay and ultimate transition to whatever is next
- ◆ Each month thereafter, there should be a monthly staffing to assess progress and further refine the transition plan

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## Know Rules and Expectations

- ◆ Serves a dual purpose
  - ◆ Can help you continue to assess whether the rules and expectations are consistent with continued placement being in the child's best interest; and
  - ◆ Can help you create a narrative to empower and support the child to achieve his or her goals in delinquency court
- ◆ Residential placements will often have level systems through which youth can earn privileges
- ◆ These level systems provide an easy barometer by which less involved parties, e.g. the court or the prosecutor, can assess progress or compliance

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## Verify Full Suite of Appropriate Services in Place

- ◆ The 10 day staffing and the first monthly staffing will provide great opportunities to ensure basic needs are met, like seeing a doctor, dentist, psychiatrist, etc.
- ◆ But for higher order needs, placements can and often do arrange for outside providers to provide a service for a particular child
- ◆ Keep in mind if your child is being placed at a high level of care, it frequently will be in everyone's interest to fully support the current placement, current therapeutic relationships, etc. rather than allowing a child to be discharged from a placement due to behaviors that weren't fully addressed
  - ◆ i.e. it may be easier than you think to get DHS to put in place some additional support/service

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## Special Case: Detention and Medication

- ◆ BE AWARE that the Division of Youth Services (DYS), which operates all the youth detention centers, has very restrictive rules on medications
- ◆ DYS facilities often only have a psychiatrist available a few times per month
- ◆ After visiting with DYS psychiatrist, medication may be abruptly changed
- ◆ Some medications may not be provided at all
- ◆ If detention is short term, ask whether it should be used at all
- ◆ If detention is longer term, be prepared to engage with medical staff, parents, and potentially higher ups and the court if need be

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## Ensure Child Remains in Contact with Outside World

- ◆ Who can the child contact
  - ◆ Ensure defense counsel and members of defense team are included – critically important but not always as active or informed initially
- ◆ When and how can they contact them
- ◆ Biggest concern here is ensuring child keeps contact with support system and doesn't feel isolated, hopefully making the transition back home easier
- ◆ GAL visits – clarify how to set up and with whom
  - ◆ If I've never been to a particular placement before, I will visit it at least once to see what it is like
  - ◆ OCR has approved all these visits, even when they are out of range and involve a lot of travel time

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## Competency

The Basics

Why This is Important

Role of GAL in Competency Process

Current Issue to be Aware of

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# The Basics

## ◆ Definitions:

- ◆ Competent to proceed: a juvenile has sufficient present ability to consult with the juvenile's attorney with a reasonable degree of rational understanding in order to assist in the defense and that the juvenile has a rational as well as a factual understanding of the proceedings

VS.

- ◆ Incompetent to proceed: based on an intellectual or developmental disability, mental health disorder, or lack of mental capacity, a juvenile does not have sufficient present ability to consult with the juvenile's attorney with a reasonable degree of rational understanding in order to assist in the defense or that the juvenile does not have a rational as well as a factual understanding of the proceedings taking place

§ 19-2.5-102(8) & (25)

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# The Basics, cont.

- ◆ People will tell you and attempt to convince you that the juvenile standard is the same as the adult standard – IT IS NOT

Compare § 19-2.5-102(25) with § 16-8.5-101(12)

- ◆ Juvenile statute, in addition to having different language, also refers to 'lack of capacity'
- ◆ Mental capacity is defined to include the ability to:
  - ◆ Appreciate the charges or allegations;
  - ◆ Appreciate the nature of the adversarial process, which includes having a factual and rational understanding of the participants in the proceeding and their roles, including the judge, defense counsel, prosecutor, guardian ad litem, and the jury
  - ◆ to communicate to counsel information known to the juvenile regarding the allegations against the juvenile as well as information relevant to the proceeding at issue; and
  - ◆ Understand and appreciate the right to testify and to voluntarily exercise that right

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## Why This is Important

- ◆ Many if not most of the children you encounter will have had no prior experience with the legal system
- ◆ Many if not most of the children you encounter will have a host of disadvantages in their lives
- ◆ Many if not most of the children you encounter will have special education needs or will otherwise be behind academically
- ◆ By virtue of their age, they lack the life experience, exposure to media, and general maturity and capacity to understand as well as an adult

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## Why this is Important, cont.

- ◆ In short:
  - ◆ If competent → can be prosecuted, adjudicated, sentenced, committed, etc.
  - ◆ If not competent → cannot be prosecuted, adjudicated, sentenced, committed, etc.
    - ◆ Different jurisdictions handle these cases differently – some dismiss immediately or fairly shortly after this finding is made, others will keep open for as long as permitted by statute (generally two years)
    - ◆ With or without management plan
- ◆ Child and family can get whatever support they or their family need without a prosecution, adjudication, or sentence
- ◆ CJD 04-06(V)(E)(3)(e) charges the GAL with assessing whether there is reason to believe the child is incompetent to proceed
- ◆ GAL is often going to be in the best position to make this assessment and/or assist others in making this assessment
  - ◆ Usually has most contact with youth
  - ◆ Usually has most contact with therapists, school officials, and other service providers
  - ◆ Most likely to have useful records

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## Role of GAL in Competency Process

- ◆ Make request for evaluation
  - ◆ GAL is often (but not always) making this request
  - ◆ GAL is typically the first person to have meaningful contact with child
  - ◆ This process can be lengthy – initiate at first opportunity when you have a good faith reason to believe the child may be incompetent – only need a “reason to believe”
    - § 19-2.5-702(3)
  - ◆ By statute, evaluations are supposed to be completed within 35 days (in custody) or 49 days (out of custody), but these timelines are virtually never met

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## Role of GAL in Competency Process, cont.

- ◆ Ensure the Evaluation Takes Place
  - ◆ With high functioning families, this may not be needed
  - ◆ But for folks who may struggle with communication, it is helpful to try and serve as a go-between to make sure the evaluation is completed in a timely fashion
  - ◆ You can reach out to OBH directly to initiate this contact, to provide updated contact information for the parent or child, and so on.
    - ◆ The current individual responsible for managing juvenile competency evaluations is Jennifer Lott  
[jennifer.lott@state.co.us](mailto:jennifer.lott@state.co.us)
  - ◆ A side benefit to being involved with this process is that you can learn who the competency evaluator will be

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## Role of GAL in Competency Process, cont.

- ◆ To the extent it is consistent with the child's best interest, provide information necessary to produce the most fully informed competency evaluation
  - ◆ Mental health/treatment records can help establish that the child indeed suffers from "intellectual or developmental disability, mental health disorder, or lack of mental capacity"
  - ◆ Academic/special education records can help determine whether there is a reasonable likelihood that an incompetent child can be 'restored' to competency within a reasonable amount of time if compelled to participate in the restoration education program
  - ◆ Narrative of GAL's own observations and concerns will often be requested by evaluator as well

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## Role of GAL in Competency Process, cont.

- ◆ To the extent it is consistent with the child's best interest, provide information necessary to produce the most fully informed competency evaluation
  - ◆ BE AWARE evaluators are supposed to contact you, as GAL, but oftentimes they will not and you will need to reach out to them
  - ◆ BE AWARE it is not uncommon for an evaluator to contact you for the first time one or two days before they submit their report to the Court
  - ◆ If I am requesting an evaluation, I genuinely believe the child is not competent and the records I've gathered, in my view, generally support that conclusion, so I'm providing all relevant records to the evaluator
  - ◆ I can imagine circumstances, however, where it may not make sense to share records with an evaluator, especially if I were concerned the records were unhelpful and risked an unjustified finding that the child was competent

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## Current Issue to Be Aware Of

- ◆ In *People in the Interest of B.B.A.M.*, 453 P.3d 1161, the Colorado Supreme Court held that a juvenile accused could not be compelled to undergo a second competency evaluation in lieu of holding a restoration review or a restoration hearing
- ◆ Procedurally: competency raised → child found not competent but restorable → child ordered to participate in restoration education → ???
- ◆ Before *B.B.A.M.*, many judicial officers were ordering a new competency evaluation every 90 days or so until either the Court lost jurisdiction or one of these evaluations found the juvenile to be competent
  - ◆ If the child were ultimately found competent, there was some level of confidence in that conclusion on the court/prosecution's part, as there was a new evaluation
  - ◆ If the child were ultimately found competent, the defense side would ultimately need to hire their own expert to complete a defense work product evaluation and ultimately have a contested hearing at which the court would side with one of the dueling experts

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## Current Issue to Be Aware Of, cont.

- ◆ Post *B.B.A.M.*, the former preferred procedure appears to be unlawful and thus no second (or subsequent) evaluations are being ordered
- ◆ Instead, the procedure provided by statute allows for either:
  - ◆ The parties to agree that a child is now competent; or
  - ◆ The court to hold a restoration to competency hearing, at which the party asserting the child to be competent has the burden of proving that the child is now competent

§ 19-2.5-705

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Date of Session (Mo/Day/Year)	Did Client Attend?	Reason For Missed Session	Lesson # Discussed	Comments:
10/4/21	Yes	Choose an item.	Module 3	Click here to enter text.
10/11/2021	Yes	Choose an item.	Module 4	Click here to enter text.
10/18/2021	No	Other	Click here to enter text.	Client reported the need to cancel due to a car accident
Click here to enter a date.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter a date.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter a date.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter a date.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter a date.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter a date.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter a date.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter a date.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Legal Knowledge		Client Understands Content	Evidence of understanding notations (N/A if not discussed)	
Criminal Charge		Yes	Able to explain charge verbally	
Statement of Alleged Facts of Case		Yes	Able to recount facts in a story when a rubric is presented	
Defense Strategy Explanation		No	Client reports he has not discussed with council	
Legal Rights		No	Client cannot articulate without prompts	
Working with Attorney		Yes	Verbally explains his role, but has a harder time saying what attorney's job is	
Range of Sentences		Choose an item.	Begun discussion but not yet fully understood	
Four Pleas and Consequences		Choose an item.	Begun discussion but not yet fully understood	
Grasps Concept of Plea Bargain		Yes	Explains the concept	
Roles of Court Room Participants		Choose an item.	Able to repeat back roles in the courtroom, complex responsibilities of different parties are less clear	
Trial Process (What will Happen)		Yes	Client can state with prompting and support	
Other notes, challenges, successes towards competency				
Next appointment scheduled for 11/8/21				

## Restoration Summaries

The individuals who conduct restoration education classes are not competency evaluators and lack sufficient education, training, and experience to render an opinion regarding competency

You can request that they provide education summaries to the Court on a monthly basis

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## Current Issue to Be Aware Of, cont.

- ❖ It seems challenging to prove a child is competent when the only witnesses might be a competency evaluator who found a child incompetent and a restoration provider who is not capable of rendering a conclusion re: competency
- ❖ In general, my personal view is that there is rarely a need for a prosecution, adjudication, and sentencing in order to provide a child or family the support they need
- ❖ So if there is no easy way for a child to be 'restored' to competency (and thus no prosecution, adjudication, and sentencing will occur), that can be a good thing
- ❖ It can, however, still be exhausting for a child and family to be involved in up to two years of court proceedings to exhaust the restoration process and the Court's jurisdiction
- ❖ So there may be scenarios where it makes sense to occupy either position as GAL

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## Parent Engagement

Maintaining Open  
Communication with Parents

Ensuring Parents are a Part of the  
Process

Avoid Siphoning Experience from  
Parents

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## Maintaining Open Communication with Parents

- ◆ No matter how involved you are, the parents are virtually always going to know their children better than you, the caseworker, etc.
- ◆ The cases where parents just don't participate are often the most difficult and have the least likelihood of lasting success
- ◆ Even where the parent has their own deficits or a different perception of what is going on, there can still be a lot of valuable information in what they share
- ◆ No reason to avoid regular communication with the parent unless they are threatening/abusive or they have said they don't want to the GAL to contact them

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## Ensuring Parents are a Part of the Process


- ◆ Many folks involved in this process will often keep the parents at arms length by excluding them from correspondence or having 'professionals only' meetings, etc.
- ◆ Many times the GAL or the caseworker will be asked to do something just because it is easier for the Court, a treatment provider, a placement provider, etc. to get a hold of them than the parents

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## Avoid Siphoning Experience from Parents

- ◆ Many times, it will be easier for the GAL, the caseworker, etc. to do something themselves than have the parent do it
- ◆ GAL involvement is temporary – Parenting is not
- ◆ Worthwhile investment to support parents in doing what needs to be done rather than by doing it for them
- ◆ Can potentially help avoid further legal involvement

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## Advocating for DHS Involvement

Requesting an Order to Investigate

Requesting DHS Involvement

Generally

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## Requesting an Order to Investigate

- ◆ The delinquency court judge can order the DHS to investigate as to whether a D&N petition should be filed

§ 19-3-501

- ◆ Here, JD magistrate issues order → DHS investigates and writes a letter summarizing findings → return date in one of the D&N divisions at which the Court decides whether to order the filing of a D&N
- ◆ Primarily employed when:
  - ◆ Concerns of physical/emotional/sexual abuse
  - ◆ Concerns re: basic safety, habitability of home, food security, etc.
  - ◆ Concerns re: parents and family as a whole
  - ◆ Concerns re: permanency that I do not believe the JD court will be able to resolve

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## Requesting an Order to Investigate, cont.

- ◆ Benefits
  - ◆ If a D&N is filed and there is substance to alleged parental shortcomings, can potentially recast the child in a different light in JD case
  - ◆ D&N process more likely to hold parents and parties other than the child accountable, address their needs as well (debatable)
- ◆ Drawbacks
  - ◆ More people involved, more abnormal life for the child (arguably a positive in some circumstances)
  - ◆ Can obviously lead to some severe consequences for families
  - ◆ Can potentially make parents less cooperative as they are now sucked even more into an adversarial process and have their own counsel as well

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## Requesting DHS Involvement Generally

- ◆ Can also ask the Court to order DHS to assess and support a family without an OTI
- ◆ DHS can provide:
  - ◆ Funding for services
  - ◆ Referrals / support setting up services
  - ◆ Potential financial support or direction to family resources
  - ◆ Out of home placement
  - ◆ A second set of eyes in complicated situations

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## Requesting DHS Involvement Generally, cont.

- ◆ Consider how some families view DHS and how this could push some people away
- ◆ Consider what resources are already available through Medicaid, CYMHTA, private insurers, or other resources
- ◆ Consider that DHS caseworkers, like everyone, have their own philosophies and predispositions, and that getting the right caseworker could be great for your child and, similarly, getting the wrong caseworker could be a bad thing
- ◆ Consider that you may know what the DHS caseworker is required to do better than the caseworker themselves – don't be afraid to [refer to their own regulations](#)

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## Questions?

[matt@matthewneallaw.com](mailto:matt@matthewneallaw.com)

970 373 5155

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