

CHILD PROTECTION SERVICES
STANDARDS FOR EFFECTIVE PRACTICE
STANDARDS FOR ADOPTION SERVICES

7.9 **LEGAL RISK PLACEMENTS**

Council on Accreditation Standards

The Council on Accreditation Standards S14 (Adoptive Services) and S14.2 (Administrative Practices) link to and support Standard 7.9 *Legal Risk Placements*.

Administrative Code

There are no Administrative Code Rules that directly address Standard 7.9 *Legal Risk Placements*.

I. Philosophy

CFSA's believe that when it has been determined that the best interest of children will be served through an adoptive placement; that a determination to terminate parental custody is likely and obtainable; and an adoptive placement has been identified, a legal risk placement is made. Legal Risk placements are carefully considered to ensure, as best as possible, that once children are placed, they will not have to experience subsequent moves. Purposeful permanency placement planning supports the needs of children to have secure attachments, stability, and continuity of care. The CFSA aspires to one placement per child.

Legal Risk Placements are considered when:

- exhaustive kinship search has been conducted, documented and no appropriate kinship placements have been identified;
- children under the temporary custody of the CFSA have been placed in a home that has been certified as a foster family home and approved as an adoptive home; and
- where the CFSA anticipates permanent custody of the children will be granted or where permanent custody of the children has been granted, but the permanent custody decision is under appeal and it is anticipated the children will be adopted by the family following the finalization of permanent custody.

II. Outcome

Children experience one out-of-home placement that can provide permanency when termination of parental rights is sought and secured.

III. Evaluation

FACIS events, CPOE and the Federal Health and Human Services outcomes may be considered when evaluating this standard. In addition, the CFSA may consider the following:

- number of families that are dually licensed to foster and adopt and willing to foster in a legal risk situation;
- number of foster families that foster in a legal risk situation;
- number of children adopted by foster families per year versus by other families;
- number of children in permanent custody per year;
- median length of stay in a legal risk situation prior to adoption finalization.

IV. Standards for Implementation

- 1) When a foster family contacts the CFSA wanting to adopt and is willing to foster in a legal risk situation, the family's file should note this willingness as part of the certification and approval process (see Standard 7.1, *Combined Certification and Approval for Foster Care and Adoptive Families*).
- 2) When a child enters out-of-home care and it is anticipated that permanent custody will be sought by the CFSA, staff should meet to plan for, and identify, a placement that is a potential permanent placement resource.
- 3) Upon identification of the permanent placement resource, staff should contact the foster caregiver(s) to discuss the placement of the child in the home as a legal risk placement.
- 4) Staff assigned to the child's case should follow Standard 7.5, *Preparing Children for Adoption*.
- 5) When the foster caregiver(s) agrees to the legal risk placement, the foster caregiver(s) and the CFSA should enter into a letter of understanding which outlines the roles and responsibilities of each in regards to legal risk placement. In addition to outlining the roles and responsibilities of the CFSA and legal risk foster home, the letter of agreement should contain statements regarding the following:
 - a. tentativeness of the permanent custody with acknowledgment that the final decision rests with the court;
 - b. intention of the CFSA to make the placement in the home permanent;
 - c. understanding that, until all rights of the birth parents are terminated and all appeals exhausted, the foster parents understand that the child's placement in the home is a "legal risk" placement;
 - d. rights and responsibilities for making the decision rest solely with the agency or court;
 - e. letter of agreement should include signature lines for the agency representative, foster caregiver(s) and witness; and
 - f. identification of the child's current legal status.
- 6) Caregivers should receive additional support from the CFSA before, during, and following any removal from the home and processing the family's grief and loss.

V. Financial Implications

No additional costs are estimated for the implementation of Standard 7.9, *Legal Risk Placements*.