



Feds Re-Affirm Parents' Rights

The recent *Walsh vs. Erie County Department of Job and Family Services* ruling has brought to the forefront the issue of parents' rights. In that case, it was found that the agency had overstepped its authority during an investigation, and that caseworkers had not been trained in parent's Fourth Amendment rights. Furthermore, the *Child Abuse Prevention and Treatment Act (CAPTA)* of June 2003 re-affirms parents' rights. What are these rights, and how do these rights impact child welfare work in Ohio? The following excerpts from a guidance paper written by Howard Davidson, Director of the American Bar Association Center on Children and the Law, speak to these issues.

"The federal *Child Abuse Prevention and Treatment Act (CAPTA)* requires, as of June 2003, that—

County CPS caseworkers must *advise every adult* subject in an abuse or neglect investigation of the allegations that have been made against them, at the initial time of contact when the family's child has been reported for child abuse and/or neglect, in a way that is consistent with federal and state laws and protects the rights of the informant (i.e., safeguarding the privacy of the identity of the reporter of the abuse and/or neglect).

In addition, the law now requires that CPS caseworkers *be trained* in how to conduct abuse/neglect investigations that will protect the legal rights of the child *and his/her family*, from the time of initiating their investigation through the agency's involvement with the parents' ongoing treatment.

What are the implications for CPS caseworker practice of these new provisions in federal law? The first thing that Congress clearly expects caseworkers to do – in their very first contact with the family – is to advise (notify) parents that an abuse or neglect report involving their child(ren) has been made. Second, Congress expects that caseworkers will provide some descriptive information about the nature of the allegations (i.e., that it has been alleged their child was physically abused, sexually abused, or that a specific type of "failure to protect," lack of adequate parental care or supervision, or child neglect was reported)."

Mr. Davidson further explains, "Congress expects that sensitivity to the protection of parental rights will be on-going throughout the CPS agency's involvement with the family. This means that even after the initial investigation has been completed that caseworkers must respect parents' legal rights during all their continued contact with the family – when home-based child and family supervision is provided, while the child is in foster care, or after the child is returned home from foster care.

Finally, as noted above by Congress, as well as by the federal court in the 2003 case of *Walsh vs. Erie County Department of Job and Family Services* (240 F. Supp. 2d 731), training of caseworkers concerning Fourth Amendment issues and caseworker protection of parental rights is absolutely essential. Indeed, the court in the *Walsh* case found the agency had not only failed to provide proper training to its caseworkers on the protection of parents' civil rights, but that it also failed to promulgate relevant policies that would help assure such protections."

Furthermore, the Fourth Amendment to the U.S. Constitution addresses "search and seizure" issues. Child welfare workers may not proceed with an investigation if the parents' refuse to cooperate. However, if there are exigent circumstances, where the worker believes there is an immediate need to render assistance to the child in order to protect the child from further or imminent harm, the investigation may proceed against the parent's wishes. Otherwise, an emergency court order for investigation (or the presence of law enforcement) is needed to proceed in these situations. A few counties in Ohio (i.e., Cuyahoga county) have developed policy and procedures for obtaining these emergency orders.

There are several training and policy development issues related to informing parents of the allegations of abuse or neglect, and to obtaining court orders to proceed with investigations when parents refuse. The Ohio Department of Job and Family Services is in the process of developing policy and training on these topics. IHS staff are working with ODJFS to include much of this information into the Caseworker Core Training Curriculum.

The OCWTP will keep you informed as policy and training curriculum is developed. In the meantime, if you would like to obtain a copy of Howard Davidson's paper, please contact Nan Beeler at nbeeler@ihs-trainet.com.

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has information
you need!

ODJFS Annual OCWTP Trainers' Meeting

On December 8, 2003, the OCWTP trainers of standardized curricula and ODFJS program staff met. Lyn Bissonnette, Program Administrator for ODJFS' Office of Children and Families, opened the meeting and asked trainers to introduce themselves and to identify a "burning issue" regarding child welfare practice. Lyn assured the trainers that ODJFS would respond to these identified items:

- Social worker safety
- Training for birth parents
- Training for youth
- Post adoption issues
- Disconnect between best practice and agency application
- MEPA placements and legal issues
- Placements for juvenile sex offenders
- Preparation and assessment of adoption workers talking to kids
- Responsive foster parent recruitment
- Keeping current with ODJFS policy changes
- The need to revise curriculum and slides in Core 103
- State laws regarding juvenile sex offenders
- The need for early identification of juvenile sex offenders
- Requirement for staff for ongoing legal training
- Revisions to Supervisory Core
- Agency, court and prosecutor relations
- Keeping trainers current regarding legislation and Ohio interpretation of laws and statutes

The focus of the meeting was the Child and Family Services Review (CFSR), specifically as it relates to the Program Improvement Plan (PIP) and implications for the OCWTP. No state has passed the Review. The CFSR primarily looked at three categories: Safety, Permanence, and Child and Family Well-Being. Selected items from those categories were presented throughout the day by ODJFS staff. IHS will distribute minutes from the meeting to trainers of standardized curricula. Other trainers may contact Debra Sparrow at dsparrow@ihs-trainet.com to request minutes from the meeting; or download the minutes at www.ocwtp.com/For_Trainers/mandatory_mtg_.htm

**The ODJFS mandatory meeting
for trainers of standardized
curriculum is scheduled for
DECEMBER 6, 2004**

Please mark your calendars

Dr. Shirley Keller Receives Awards

Dr. Shirley Keller, Associate Professor of Social Work for Youngstown State University, was awarded the 2003 Distinguished Professor in Teaching award early last year.

The award represents the high regard in which the faculty and colleagues of Youngstown State hold for professors like Keller. In addition to this award, Keller was among five other Youngstown State University faculty members that were honored at "A Celebration of Teaching Excellence in Northeast Ohio," sponsored by the Northeast Ohio Council on Higher Education (NOCHE). Out of 9,000 full-and part-time faculty members only 56 were selected to receive this honor.

Keller also received the *Ohio Magazine's* 2003 Excellence in Education award that was featured in the 2003 issue of the magazine, a special honor that only 100 of Ohio's top educators receive.

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has the information you
need

Follow the "For Trainers"
link for information on the
ODJFS Mandatory Meeting,
Trainer Event, back issues
of *Common Ground*, and
more!



TRAINER'S CORNER

RENEE RESNIK

When I was a little girl my mother kept telling me to “think before you speak, Renee.” A recent training experience reinforced this warning and helped me to learn an important lesson about knowing how and when to use humor appropriately.

At a Training of Trainers Presentation Skills workshop I was really gelling with the group. By day three we were very familiar with each other, and I was feeling pretty good about where the learners were and our rapport. During group project playback, one of the participants made an out-of-context remark that I responded to in what I thought was a humorous manner. The rest of the group laughed, and I felt pretty good about myself. After the session ended I realized my offhanded attempt at humor triggered a visceral response on the part of the gentleman on which it landed. He was hurt to the core. He took what I said literally and was deeply offended and embarrassed by it.

In assessing the situation, I realized some interesting things about myself and my role as a trainer.

1. Culturally I have acquired a very sarcastic and sometimes cutting sense of humor. Those that know me understand this about me and take it for what it's worth. However, spending three days with the same people does not make for the kind of relationship in which I can assume someone would know my sense of humor is not meant to be hurtful.
2. There is a line between training and befriending trainees. Trainers must maintain constant and consistent professionalism. I crossed that line and made a big mistake.
3. Humor is an important part of training. BUT, humor must be appropriate. What is appropriate for one person may not be so for another. We must measure our use of humor so that it does not offend.

I reached out to this individual by accepting responsibility and offering sincere apology, which he graciously accepted. Now, when I use humor with a group I do what Mom asked, think before I speak. I also use this story in TOT in hopes of helping my learners avoid making this unfortunate mistake.

The SEORTC is undergoing several staff changes. November 21, 2003, Wendy Shields left her position as RTC Coordinator to become the Independent Living Coordinator for Athens County Children Services. Mikki Butcher, previously SEORTC's Administrative Assistant, was promoted to the newly created Foster Parent Training Specialist position. The RTC Coordinator position and Administrative Assistant position are expected to be filled shortly. SEORTC is sorry to see Wendy leave because she did such a wonderful job, but Mikki is admirably rising to the challenge of filling her shoes.

The SWORTC is pleased to have La Donna Johnson join the team leading foster parent training coordination for the SW Region. La Donna was a case aide, caseworker, and training coordinator for Hamilton County. Currently, she is an adjunct instructor at the University of Cincinnati. She is already proving herself to be an asset to the team.

With the return of foster parent training, ECORTC added former Guernsey County screener, Natalie Knowlton, to perform data entry and general office duties. Natalie has eight years of child welfare experience and many years of data entry experience. With the addition of the new clerical position, Darla Gorscak will assist Connie McVey in scheduling duties.

WORTC had a record number of members in their exclusive “5.0” club this year. These members are trainers who scored a perfect evaluation score. Leading the way was WORTC's own Jayne Schooler. Jayne had four different 5.0 scores during 2003 in Western Ohio. The only other multiple recipients were Rick Cugini with two. Also receiving a certificate recognizing this achievement were: Stacey Saunders, Bill Kirby, Charlotte Osterman, Rhonda Lilley, Julie Kenniston, Patty Harrleson, Ruth McMonagle, Bev Morris, Raymond Lloyd, Denise Goodman, and Sharon Chun Wetterau.

TRAINER EVENT

MARCH 15, 2004

PLEASE PLAN
TO ATTEND

INFORMATION AND
FUN ABOUND!

AROUND THE REGIONS

The CORTC congratulates Sherry Wakely on her promotion to the position of secretary to the Deputy Director of Franklin County Children Services. Sherry worked more than ten years in the department, fulfilling many duties, including secretary to the director, Mary Kay Hawkins. During the interim, Joyce Kincaid is filling Sherry's place. Joyce is a former employee of the agency who is currently retired. CORTC appreciates the skill and abilities of both these individuals in helping to accomplish the tasks of department workloads.

SKILL BUILDING AND TRANSFER OF LEARNING LAB: FOR TRAINERS

The Skill Building and Transfer (SBT) Learning Lab is designed for experienced trainers who have attended TOT series and want to strengthen their skill-building and transfer-of-learning skills with practice and direct support.

The SBT Learning Lab is structured to:

Strengthen trainers' ability to develop and implement workshops that facilitate trainees' application of newly learned skills;

Provide lab participants an opportunity to learn new ideas through an exchange of information;

Practice and apply specific skill-building and transfer strategies; and

Strengthen existing training designs to enhance efforts to support skill building and transfer of learning.

The learning lab includes two half-day sessions, with time between sessions to allow the completion of assignments and the application of new skills. Class size is limited to six to eight participants to maximize opportunities for interaction between participants and lab facilitators.

The next learning lab session is:

June 8, 2004, 6-9 PM

Columbus, OH

Contact Lois Tyler to register

loijean@aol.com

COMMON GROUND is designed to inform trainers in the Ohio Child Welfare Training Program about issues, events, and trade secrets that will enhance the work of trainers in the program. You are encouraged to speak out. The editorial staff invites guest columnists, suggestions about materials or useful techniques that, and topics for discussion in future issues.

The Editorial Staff reserves the right to condense and edit all materials submitted for publication.

COMMON GROUND is published three times a year. Send your material for future issues to:

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