

1275 CONSIDERING COURT ACTIONS

Chapter: **Child Protective Field Services**

Section: **Working with Families in Court**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **16-30**

Effective Date: **September 2016**

Scheduled Review Date:

Approved:

Lorraine Bartlett, DCYF Director

Related Statute(s): [RSA 169-C](#)

Related Admin Rule(s):

Related Federal Regulation(s):

Related Form(s):

Bridges' Screen(s) and Attachment(s):

All children and youth belong with family. Court action is to protect the child(ren)/youth and does not necessarily imply or require that a child/youth be removed from his/her parents' custody. The decision to exercise the authority of the court and to bring a child under its protection and jurisdiction represents a belief that this action is in the best interests of the child. It is not intended to be a punitive action against either the parents or the child. At all times, parents must be treated with courtesy and respect. The ultimate goal of all parties is the same - to secure the safety of the child, to preserve the unity of the family, and to provide for the care, protection, and wholesome development of the children.

Purpose

"CPSW" or **"Child Protective Service Worker"** means an employee of DCYF who is specially trained to work with families referred to the Division pursuant to RSA 169-C, RSA 170-B, RSA 170-C, and RSA 463.

"DCYF" or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

"Imminent Danger" as defined in RSA 169-C:3, XV means circumstances or surroundings causing immediate peril or risk to a child's health or life.

"Placement" means the removal of a child/youth from his/her normal place of residence to reside in a court-ordered substitute care setting under the placement and care responsibility of DCYF.

Required Practices

- I. DCYF staff must make [reasonable efforts](#) to prevent the placement of children/youth.
- II. In cases where it is alleged that the child/youth has been abused or neglected by only one (1) parent, the CPSW shall identify if the child/youth can safely remain with the [non-offending parent](#) with certain protective orders, pursuant to RSA 169-C 16 I, IV, in place.
- III. When there is an [absent parent](#) it is important that every effort be made to locate the other parent and to inform them of their rights to a "[Bill F Hearing](#)."
- IV. The decision to seek an intervention through court action to help children and their families is made when:
 - A. Families refuse to cooperate during the Assessment and the child/youth is in imminent danger;

- B. Families are unwilling to accept services and the child/youth is in imminent danger;
 - C. The Assessment indicates the need for removal of a child/youth due to imminent danger; and/or
 - D. The family is already under the authority of the court and a modification of the court order is necessary.
- V. Court action may only be taken after consultation and approval of the Supervisor.
- VI. The CPSW must advise the alleged perpetrator of his or her [right to an attorney](#).
- A. A parents' attorney may advise parents not to talk with DCYF staff. If this happens, the CPSW must discuss with the attorney the importance of involving parents in planning.
 - B. The CPSW may meet with the parent(s) and their attorney at mutually convenient times and places.

Best Practice

- I. If possible, the parent or caregiver should know beforehand:
- A. What steps the CPSW plans to take;
 - B. On what circumstances or events the action is based; and
 - C. How the action will be carried out.
- II. The decision to go to court may enable some parents to work on their problems more constructively. Their reactions and their feelings need to be recognized and discussed. Some parents begin to get the help they need as they discuss what court involvement means to them, before, at the time of, and after the hearing.
- III. Court actions concerning child abuse or neglect take place in the Family or District Court whose [catchment area](#) covers a given region. However, the court or involved person may request a transfer of a case or change of venue to another Family or District Court if this is in the best interests of justice and/or is convenient for any of the parties.
- A. If the parents of the child live in different Family or District Court catchment areas, venue for the case should be in the court catchment area where the parent who has physical custody of the child resides.
 - B. Court actions may be initiated in the area where the child is found or resides.
- IV. DCYF supports the inclusion of all child(ren)/youth in court hearings after Disposition, in an age and developmentally appropriate manner.
- A. Whether the child/youth appears in court prior to Disposition is at the Guardian Ad Litem's and/or the judge's discretion.
 - B. If the CPSW believes it is inappropriate for a child to appear in court, the issue must be brought to the attention of the court for the court's decision.