



Entry Into Care

STATE of Maine
OFFICE OF CHILD AND FAMILY SERVICES POLICY

Section
3

Subsection
3

Approved by: *Robert A. Casady*
Director, OCFS

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I. SUBJECT

Entry Into Care.

II. STATUTORY AUTHORITY

22 M.R.S. [§4031](#), [§4033](#), [§4063-A](#).

III. DEFINITIONS

Abuse and/or Neglect: As defined in [22 M.R.S. §4002\(1\)](#), which states, “Abuse or neglect means a threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation including under Title 17-A, section [282](#), [852](#), [853](#), and [855](#), or deprivation of essential needs or lack of protection from these by a person responsible for the child. “Abuse or neglect” also means truancy (under [Title 20-A section 3272](#)) or when truancy is the result of neglect by a person responsible for the child. “Abuse or neglect” also means a threat to a child’s health or welfare caused by child sex trafficking by any person, regardless of whether or not the person is responsible for the child.

Aggravating Factor: As defined in [22 M.R.S. §4002\(1-B\)](#), which states, “The parent has subjected any child for whom the parent was responsible to aggravated circumstances, including, but not limited to, the following:

- a. Rape, gross sexual misconduct, gross sexual assault, sexual abuse, incest, aggravated assault, kidnapping, promotion of prostitution, sexual exploitation of a minor, sex trafficking or aggravated sex trafficking, abandonment, torture, chronic abuse of any other treatment that is heinous or abhorrent to society.
 - i. The parent refused for 6 months to comply with treatment required in a reunification plan with regard to the child.
- b. The parent has been convicted of any of the following crimes and the victim of the crime was a child for whom the parent was responsible or the victim was a child who was a member of a household lived in or frequented by the parent:
 - i. (1) Murder; (2) Felony murder; (3) Manslaughter; (4) Aiding, conspiring or soliciting murder or manslaughter; (5) Felony assault that results in serious bodily injury; or (6) any comparable crime in another jurisdiction.
- c. The parental rights of the parent to a sibling have been terminated involuntarily.
- d. The parent has abandoned the child.”

Caregiver: An adult, parent, or guardian in the household who provides care and supervision for the child.

Child: As defined in [22 M.R.S. §4002 \(2\)](#), which states: “Any person who is less than 18 years of age.”

Critical Case Member:

- a. Any person under 18 years of age alleged to have been abused and/or neglected; or reported to be, or found to be, residing in or visiting the home due to being the child of a parent/caregiver residing in the home where child abuse and/or neglect is alleged to have occurred or findings have been made;
- b. Any parent/caregiver, custodian, or person responsible for the child in or out of the home, when the child has been reported to child welfare or found by child welfare to be a victim of child abuse and/or neglect; and
- c. Any adult who was in a caregiver role and has been reported to be abusing or neglecting a child.

Custodial Parent: As defined in [22 M.R.S. §4002\(4\)](#), which states: “Means a parent with custody.”

Custodian: As defined in [22 M.R.S. §4002\(5\)](#), which states: “Means the person who has legal custody and power over the person of a child.”

De facto Parent: An individual adjudicated as a De facto Parent under [19 M.R.S. §1891](#).

Family Share: A child-focused meeting facilitated by the Office of Child and Family Services (OCFS) and held between the child’s birth parents/previous caregivers and resource parents in order to provide an opportunity for birth parents/previous caregivers and resource parents to meet and share information about the needs of the child.

Family Team Meeting (FTM): A meeting convened by OCFS which includes the family, child (whenever appropriate), and their supports to ensure the family understands the child safety concerns and the action steps that must occur for the child to achieve safety, permanency, and well-being.

Fictive Kin: Refers to individuals that are unrelated by birth, adoption, or marriage, who have an emotionally significant relationship with another individual that would take on the characteristics of a family relationship.

Household: All persons who have significant in-home contact with the child, including those who have a familial or intimate relationship with any person in the home. An individual who does not live in the home but has an intimate relationship with a parent/caregiver in the home and interacts with the child can be considered a household member. A relative where the legal parent/caregiver allows the relative authority in parenting and child caregiving decision can also be considered a household member.

Infant: An infant is defined as a child under one (1) year of age.

Jeopardy: As defined in [22 M.R.S. §4002\(6\)](#), which states “*Jeopardy to health or welfare or Jeopardy means serious abuse or neglect, as evidenced by:*

- A. *Serious harm or threat of serious harm;*
- B. *Deprivation of adequate food, clothing, shelter, supervision, or care.*
 - B-1. *Deprivation of necessary health care when the deprivation places the child in danger of serious harm.*
 - B-2. *Truancy under Title 20-A, section 3272, subsection 2. Paragraph C or section 5051-A. Subsection 1, paragraph C or D;*
- C. *Abandonment of the child or absence of any person responsible for the child, which creates a threat of serious harm; or*
- D. *The end of voluntary placement, when the imminent return of the child to his custodian causes a threat of serious harm.”*

Kinship/Kinship Care: Any relationship that involves the full-time care of a child by an individual who is related to the child by blood, marriage, or adoption; or through close family relationships that are acknowledged by the parents, tribe, or child.

Parent: As defined in [22 M.R.S. §4002\(7\)](#), which states, “*A natural or adoptive parent or a parent established under [Title 19-A, chapter 61](#), unless parental rights have been terminated.*”

Physical Observation: Observation of a child that ensures the caseworker is able to visually assess the child’s body for marks and bruises that could be indicative of abuse and/or neglect. This

includes part of the body where there may be physical indicators of abuse that would only be observed when the child is unclothed. These observations must be completed in the presence of a parent/caregiver or medical professional, e.g., school nurse or pediatrician. For child sexual abuse allegations, a referral for a physical exam must be made to a medical professional.

Plan of Safe Care (POSC): A Plan of Safe Care functions to ensure the supported and ongoing safety, well-being and best possible long-term health and developmental outcomes for a substance exposed infant, their parents, families and other caregivers.

Preliminary Protection Order (PPO): An order issued upon the filing of a PPO and a finding that it is more likely than not that there is immediate risk of serious harm allowing for any disposition under 22 M.R.S. §4036 (which may include removal of a child from caregivers/parents/custodians; access to a family who is not engaging in necessary services voluntarily; removes a perpetrator of violence from the home, etc.) The PPO includes a sworn summary of the facts (affidavit) to support the petition that the court find that there is an immediate risk of serious harm to the child and identifies the specific services offered to prevent the removal of a child from the home prior to the filing of the petition. PPOs may include allegations of aggravating factors as outlined in [22 M.R.S. §4002 \(1-B\)](#), which will impact whether reunification services need to be offered the family and the timing of a hearing on the petition of child protection order (jeopardy hearing).

Preliminary Rehabilitation and Reunification Plan: This plan outlines safety threats and required services to increase child safety and reduce risk to the child. It is developed by the caseworker in collaboration with the family and their team when a Preliminary Protection Order has been granted or a Jeopardy Petition has been filed with the court. The plan is to be completed and filed with the court.

Relative: As defined in [22 M.R.S. §4002\(9-B\)](#), which states, *“Relative” means a family member related to the child within the 3rd degree through parentage established under Title 19-A, chapter 61 or any spouse of that family member. “Relative” also includes the adoptive parent of the child’s siblings. “Relative” includes, for an Indian child as defined by the Indian Child Welfare Act of 1978, 25 United States Code, Section 1903, Subsection 4, an extended family member as defined by the law or custom of the Indian child’s tribe or, in the absence of such law or custom, an extended family member as defined by the Indian Child Welfare Act of 1978, 25 United States Code, Section 1903, Subsection 2.”*

Resource Parent/Resource Family: As defined in [22 M.R.S. §4002\(9-D\)](#), which states, *“A person or persons who provide care to a child in the child welfare system and who are foster parents, permanency guardians, pre-adoptive parents or members of the child’s extended birth family.”*

Sibling: One of two or more individuals having at least one common parent, or the individual would have been considered a sibling of the child under State/Tribal law but for a termination or other disruption of parental rights, such as death of a parent.

Substance Exposed Infant (SEI): An Infant born identified as being affected by substance use or withdrawal symptoms resulting from prenatal drug exposure, whether the prenatal exposure was to legal or illegal drugs, or having a Fetal Alcohol Spectrum Disorder as defined in [22 M.R.S. §4004-B](#).

Team Decision Making (TDM): An internal decision-making process requested by the caseworker and supervisor, and must include at a minimum, the Program Administrator (PA) or Assistant Program Administrator (APA), the supervisor, and assigned caseworker.

IV. POLICY

When a child is in circumstances of or at risk of child abuse and/or neglect, the Office of Child and Family Services (OCFS) takes steps to ensure child safety, which at times includes petitioning the court for the removal of a child from the home. When a child enters the custody of the Department of Health and Human Services (DHHS), OCFS shares the responsibility for rehabilitation and reunification with the family. OCFS's priority is permanency through reunification with the child's biological parents.

When removing a child from their parents or caregivers it is critical to take steps to ensure this is done in a way that, to the extent possible, reduces trauma to, and supports, both the child and the parents.

OCFS recognizes that family members know the most about their own families. It is the responsibility of OCFS to understand children and families within the context of their own family identity, traditions, history, and culture.

V. PROCEDURES

Introduction. The following procedures are to be followed during/after an investigation when a PPO or Jeopardy Petition is being filed and a child is entering the custody of DHHS.

Indian Child Welfare. When the Indian Child Welfare Act (ICWA) applies, OCFS co-case manages the case with tribal child welfare staff (see the [Indian Child Welfare Policy](#)).

Prior to Filing a Preliminary Protection Order (PPO) or Jeopardy Petition. Prior to filing a PPO or Petition for Child Protection Order (Jeopardy Petition), the caseworker will:

- a. Consult with an Assistant Attorney General (AAG) when possible.
- b. Convene a Pre-removal Family Team Meeting (FTM) (see the [Family Team Meeting Policy](#)). The purpose of this FTM is to address safety threats, promote engagement with the family and explore relatives and other informal supports as options for placement, visitation, transportation, etc. The outcome of the FTM will ensure the safety of the child through either a Safety Plan (Appendix B) or a PPO. If a Safety Plan is not followed, resulting in the child being unsafe, then a PPO is filed, if the pre-removal meeting was within the last thirty (30) days another FTM is not required. If, at the pre-removal FTM it is known that a PPO will be filed and the family is willing to engage in the planning, this meeting may also be utilized to develop the Preliminary Rehabilitation and Reunification Plan. **Supervisors are expected to participate in Pre-removal FTMs.**

Note: FTMs are not required for emergency removals that occur after hours by Children's Emergency Services (CES), or when none of the parents/caregivers are able to be located.

- c. In accordance with 22 M.R.S. [§4005-G\(4\)](#), exercise due diligence to ask each individual that OCFS has identified as a parent of a child that is the subject of the petition to provide the names and contact information of the following:
 - i. Relatives who have provided care for the child on a temporary basis in the past;
 - ii. Relatives who the parent believes would be safe caregivers during family reunification; and
 - iii. Relatives who the parent believes would be able to serve as a safe resource to support family reunification, including by safely supervising visits between the parent and the child.

OCFS will include the names and contact information of relatives identified by a parent in the petition. When OCFS identifies or locates a parent after filing the petition, OCFS will exercise due diligence to ask that parent to provide names and contact information of relatives as soon as possible.

- d. Consult with an age-appropriate child to identify any potential placement options.
- e. By any reasonable means, notify the parents, legal guardian and custodians of the intent to petition the court for a PPO and in which court that petition will be filed. This notice is not required if the petitioner includes in the petition a sworn statement detailing a sufficient factual basis that:
 - i. The child would suffer serious harm during the time needed to notify the parents, legal guardian or custodians; or
 - ii. Prior notice to the parents, legal guardian or custodians would increase the risk of serious harm to the child or petitioner.
- f. Complete a placement referral and notify the Resource Unit and Placement Coordinator (if applicable) that a petition is being prepared. If a child may require therapeutic foster care, the caseworker will inform the Resource Unit of this information. If a kinship placement has been identified, complete a referral for a kinship assessment; and
- g. Complete a relative resource search with parents, child, and family members to identify any possible relative or fictive kin that can provide placement and is able to become a licensed resource home and document in the child welfare information system. When the situation's urgency does not allow for this process to be completed prior to the child's removal from the home, the process will be undertaken as soon as possible after removal.

[Preparing a Petition for Preliminary Protection Order \(PPO\)](#). When filing a Petition for a PPO, the caseworker will:

- a. Verify in the child welfare information system that all case participants are listed with accurate names, addresses and DOBs and that critical case members are identified and the Person Type 'Client' has been created on the Person record;
 - i. Ensure any out of home parents or deceased parents are added to the case.
 - ii. Document the relationships in the person record in the child welfare information system.

- iii. If there are children with different mothers/fathers, a separate petition will need to be filed for each child.
- b. Request genetic testing in the disposition when parentage is in question and there are not two known legal parents.
- c. Complete the following in the child welfare information system:
 - i. Affidavit in Support of PPO, which is written in chronological order and includes a statement of why the child is in immediate risk of serious harm.
 - ii. Jeopardy Statement, which is part of the Petition for Child Protection, outlines why the child has experienced or is at risk of experiencing serious abuse or neglect.
 - iii. Requested Disposition which is where the petitioner asks for custody of the child to be granted to DHHS, and/or any other disposition under [22 M.R.S. §4036](#). This is part of the draft Order of Preliminary Protection.
- d. Once the above items are completed in the child welfare information system, the caseworker will need to produce the following three documents:
 - i. Affidavit;
 - ii. Petition for Child Protection Order. Verify that the following items have been accurately entered:
 - 1. City of birth for the child;
 - 2. Name, DOB, address for the child, any legal or putative parents;
 - 3. If asking for the child to be ordered into DHHS custody, check the box stating it is contrary to the child's welfare to remain in the home;
 - 4. If adding aggravating factors, indicate them in the appropriate section. Aggravating factors are defined in [§4001\(1-B\)](#);
 - 5. Identify reasonable efforts made by DHHS to prevent removal and identify any services the family has worked with, and any services refused by the family;
 - 6. Identify what efforts DHHS has made to identify relative resources that may be able to provide placement for the child;
 - 7. Identify whether the parents or child are members of, or eligible for membership in, a federally recognized Indian tribe;
 - 8. Indicate whether either parent has been notified of the proceedings. If a parent is not being notified this has been determined through consultation with the supervisor and the AAG assigned to the case;
 - 9. If there is reason to believe the child would be unsafe if the parents knew the address of the placement, check the box indicating this after consulting with the supervisor and the AAG assigned to the case;
 - 10. Identify what the petitioner is requesting from the court. The Requested Disposition should be entered;
 - 11. Ensure that the correct district court is populated.
 - iii. Order of Preliminary Child Protection and Notice to Custodians. The section regarding to whom custody will be granted must be completed as well as the section regarding placement.

- e. When a Petition for Child Protection Order (Jeopardy Petition) has already been filed with the court and a PPO must subsequently be filed, the following documents are required:
 - i. Request for Preliminary Child Protection Order;
 - ii. Affidavit; and
 - iii. Order of Preliminary Child Protection and Notice to Parents and Custodians. The section regarding to whom custody will be granted must be completed as well as the section regarding placement.
- f. The caseworker must have the petition notarized prior to filing it with the court. If a PPO is being filed after hours, the judge will notarize the petition. It must then be filed with the court, for docketing purposes, the next business day.
- g. Once the PPO has been signed, the caseworker will provide a copy to the appropriate staff person in their district and provide a copy to the AAG.
- h. Complete the Preliminary Rehabilitation and Reunification Plan. *Timeframe:* If there is a Summary Preliminary Hearing, the Preliminary Rehabilitation and Reunification Plan must be filed at the hearing.
- i. If the PPO is signed, the caseworker must add the PPO ex parte (the date the PPO is signed) hearing date and the correct district court assignment in the child welfare information system.

Note: If the Judge does not sign the PPO the caseworker must consult with their supervisor and the AAG to determine the next steps.

Preparing a Petition for Child Protection Order (Jeopardy Petition).

- a. When filing a Petition for Child Protection Order (Jeopardy Petition), the caseworker will:
 - i. Verify that all case participants are listed in the child welfare information system with correct addresses and DOBs.
 - 1. Ensure any parent who is either out of home parent or deceased is added to the case;
 - 2. Complete the relationship screen in the child welfare information system;
 - 3. If there are children with different mothers/fathers, a separate petition will need to be filed for each child.
 - ii. Add the hearing dates to the child welfare information system;
 - iii. Assign the correct district court in the child welfare information system;
 - iv. Complete the following in the Petition for Child Protection Order:
 - 1. Legal – Jeopardy Statement. This outlines why the child is in a circumstance of Jeopardy;
 - 2. Legal – Requested Disposition. This is where the petitioner asks for custody to be granted to the State of Maine DHHS and services, etc.
 - v. Request paternity testing in the disposition when the paternity is in question and there are not two known legal parents;
 - vi. Once the above items are completed in the child welfare information system, the caseworker will need to produce the Petition for Child Protection Order (Jeopardy

Petition). The caseworker will verify that the following items have been accurately entered:

1. City of birth for the child;
 2. Name, DOB, address for the child, any legal or putative parents;
 3. If asking for child to be ordered into DHHS custody, check the box stating it is contrary to the child's welfare to remain in the home;
 4. If adding aggravating factors, indicate them in the appropriate section. Aggravating factors are defined in [§4001\(1-B\)](#);
 5. Identify reasonable efforts made by DHHS to prevent removal. The last box should identify any services the family has worked with, and any services refused by the family;
 6. Identify what efforts DHHS has made to identify relative resources that may be able to provide placement for the child;
 7. Identify whether the parents or child are members of, or eligible for membership in, a federally recognized Indian tribe;
 8. Indicate whether either parent has been notified of the proceedings;
 9. If there is reason to believe the child would be unsafe if the parents knew the address of the placement, check the box indicating this;
 10. The next section of the petition identifies what the petitioner is requesting from the court. The Requested Disposition should be entered.
 11. Ensure that the correct district court is populated.
- vii. Have the Petition for Child Protection Order notarized;
- viii. File the Petition for Child Protection Order with the court;
- ix. Complete the Preliminary Rehabilitation and Reunification Plan. *Timeframe:* The Preliminary Plan must be filed with the court within 10 days of filing the Jeopardy Petition.
- b. **Note:** If the Judge does not sign the Petition for Child Protection Order the caseworker must consult with their supervisor and the AAG to determine the next steps.

When a Child Enters Custody. A child enters custody when a judge signs a PPO granting custody to DHHS or when the court finds that the child is in circumstances of jeopardy and grants custody to DHHS as part of the disposition.

- a. The caseworker will ensure they discuss as much information as possible with the child and parents to reduce trauma and support the family during the transition.
- i. The caseworker will discuss, at a minimum, the following with the parents when the child enters custody:
1. The reunification process, including any applicable court dates and that each parent will be assigned an attorney to support and assist them through the reunification process;
 2. The plan and timeline for contact and visitation, both initial and ongoing;
 3. Plan for how the parent may want to be involved in speaking with the child and/or supporting the child's transition to their placement;
 4. That a Guardian ad litem (GAL) will be assigned to represent the child's best interest;

5. That the caseworker will be continuing contact, at least monthly, with the child and parents throughout the reunification process;
 6. Information about the child's placement, as long as it is safe and in the child's best interest to share; and
 7. If an ICWA case, how the tribe will be involved in the process.
- ii. The caseworker will discuss, at a minimum, the following with the child when they enter custody:
 1. A developmentally appropriate explanation of why the child is entering care and the reunification process;
 2. The plan and timeline for contact and visitation, both initial and ongoing, with parents, siblings, and other important people identified by the child;
 3. Information about the child's placement;
 4. What special items the child wants to make sure are brought with them to their placement;
 5. That a GAL will be assigned to represent the child's best interest;
 6. That the caseworker will be continuing contact, at least monthly, with the child and parents throughout the reunification process;
 7. For youth aged twelve (12) and older entering care, provide the Youth in Care Bill of Rights; and
 8. If an ICWA case, how the tribe will be involved in the process.
- b. When planning for the child's transition, the caseworker will do the following:
 - i. When a placement is made, the reason for the placement selection and placement information, including appropriate per diem and allowances, is entered in the child welfare information system and;
 - ii. Make a referral for visitation. **Timeframe:** Within two (2) business days of a child entering care.
 - a. The first visitation between the parents and child must occur within seven (7) days of removal.
 - b. If visitation does not occur within seven (7) days, the caseworker must document all attempts made to schedule the visit and the reasons it did not occur in the child welfare information system.
 - iii. Schedule and facilitate a Family Share (see the [Family Share Policy](#)). **Timeframe:** Within five (5) business days of the removal.
- c. When a child enters care, the caseworker, or other designated district staff, will do the following:
 - i. Ensure the Initial Medical Appointment (10-day medical appointment) occurs. This is a visit with a physician or nurse practitioner, ideally the child's Primary Care Physician (PCP), to identify acute concerns, review medical needs, and to inform the PCP that the child is in foster care. **Timeframe:** Within ten (10) days of the child entering custody;
 - ii. Complete a Child Development Services (CDS) referral for children under three (3) years of age;

- iii. If not completed earlier in the investigation, complete the PSC-17 (Appendix B) for the child and, if there is a need for mental health referrals, share the results with the PCP;
 - iv. Ensure the referral is made for a Comprehensive Health Assessment (CHA) to be scheduled in those districts that have the service. **Timeframe:** The appointment should be scheduled to occur within thirty (30) days of the child entering custody;
 - v. Enter the child's placement information and all information about medical appointments in the child welfare information system. Also include all known medical information from the parents or child regarding existing medications, current PCP, and known medical conditions. **Note:** The placement needs to be added to the child welfare information system immediately and if the caseworker is unable to enter the placement, special instructions regarding the placement need to be added.
 - vi. Have in-person contact with the child. Children in new placements need to be seen more frequently at the onset of the placement. The caseworker will visit the placement and meet separately with the child and resource parent. **Timeframe:** In-person contact with children in care must occur within the first week following the placement. If this cannot occur, the reason must be documented and the caseworker will have a phone/video call with the placement resource within the first week and will visit the placement for in-person contact within the first two weeks of the placement. Subsequently, caseworkers will have monthly in-person contact with children in custody. This contact will occur at the child's primary residence.
 - vii. Notify the child's school/child care that the child has entered care and provide the school with the letter regarding athletic and field trip permissions. **Note:** All efforts will be made to maintain the child in their same school or child care whenever possible.
- d. **Relative Notification:** The caseworker will, except as required by family or domestic abuse and violence safety precautions, exercise due diligence to identify and provide notice to the following relatives (in accordance with [§4036-B](#)):
- i. All grandparents, all parents of a sibling of the child who have legal custody of the sibling, and other adult relatives of the child, including any other adult relatives suggested by the parents.
- Timeframe:** Within thirty (30) days after the removal of a child from the custody of a parent or custodian.
- Note:** If a relative letter is not sent the reason why must be documented in the child welfare information system. Exceptions may be made as required by family or domestic abuse and violence safety precautions. Exceptions must be documented.
- e. Complete the Child Plan. **Timeframe:** Within sixty (60) days of a child entering care.
 - f. Ensure the following forms and notifications are completed:
 - i. Religious Preference Form;
 - ii. Family and Child Health History;
 - iii. Marriage Verification; and
 - iv. Relative Resource Exploration.

- g. Prepare and disseminate discovery to all legal parties, including the GAL and applicable tribal child welfare representatives. **Timeframe:** No later than ten (10) days prior to a Jeopardy Hearing.

Note: Discovery should be reviewed by looking through all documentation in the case print selection in the child welfare information system to ensure that information is not being sent to an incorrect party. The caseworker will ensure this is done by either deselecting or redacting the information and in consultation with their supervisor and the AAG handling the court case. In domestic abuse and violence situations, the adult victim must be notified if information must be shared in order to plan for their safety, when appropriate.

- h. Send the 10-day letter to the parents outlining the reasons the child entered care and rehabilitation/reunification responsibilities, and the name of the caseworker.
- i. Schedule a transfer FTM if the case is being transferred to a new caseworker.

Service and Notice. The caseworker will make service in accordance with the Maine Rules of Civil Procedure and [§4033](#). **Note:** The proof of service document, once completed, must be filed with the court.

- a. **Service of a Preliminary Protection Order:** The caseworker will serve the PPO (petition, order containing the notice of hearing, and affidavit) to the parents, legal guardians, or custodians; the GAL for the child; and any other legal party. **Note:** If the parent is a minor service must also be made to their parent/legal guardians. If the parent is an adult with a legal guardian, the legal guardian must also be served. Service will be made by:
 1. In-hand delivery to any parent, legal guardian, custodian or their counsel who is present when the order is made;
 2. Service in accordance with the Maine Rules of Civil Procedure.
 3. Another manner ordered by the court.

Timeframe: At least ten (10) days prior to the hearing date.

Note: The GAL may sign a waiver of service in lieu of in-hand service.

Note: In ICWA cases the tribes will be served as outlined in the Indian Child Welfare Policy (see the [Indian Child Welfare Policy](#)).

When a PPO is signed by the court, the following information must be provided to the parents, legal guardian or custodians in written form by the petitioner at the time of removal of the child:

1. The assigned caseworker's name and work telephone number;
2. The placement with a relative or other location where the child will be taken; as long as it is safe and in the child's best interest to share; and
3. A copy of the complete Preliminary Protection Order (this does not constitute service as the parents/guardian must be served an attested copy).

Note: This information is not required if the petitioner includes in the petition a sworn statement of the petitioner's belief that providing the information would cause the threat of serious harm to the child, the resource parent, the petitioner or any other person.

Discovery.

- a. The caseworker will prepare and disseminate discovery for legal parties, including the GAL and applicable tribal representatives.

Note: Discovery should be provided to the appropriate parent's attorney. Consult with an AAG if there is a question about whether specific items should be shared with both parents' attorneys. The GAL, the tribal child welfare representative, and the Qualified Expert Witnesses (QEW) in ICWA cases are provided with all discovery.

- i. Discovery should include, but is not limited to, the following:
 1. Medical and Treatment records;
 2. Information from the child welfare information system.
- ii. The caseworker will maintain confidentiality and will consult with the AAG as needed, regarding the dissemination of any information that may be considered sensitive, which includes, but is not limited to, the following:
 1. Recorded Child Advocacy Center interviews are not to be sent out in discovery. If an attorney wants to view the DVD, they must come to the district office and view the recording. Staff should locate a private room for this to occur in but should not be present in the room while the DVD is being reviewed. **Note:** If ICWA applies, the tribal child welfare representative may receive a copy.;
 2. Domestic abuse and violence information that could place the adult victim or child's safety at risk including information in the adult victim's plan for safety from the offender.
 3. Substance use and other treatment records.
- iii. **Timeframe:** The caseworker will provide as soon as is possible prior to a Summary Preliminary Hearing on a PPO and at least ten (10) days prior to a Jeopardy Hearing.

Information to Share with Placement/Resource Family.

- a. Provide the placement resource with all relevant information regarding the child being placed including:
 - i. Reason for removal, family situation and how to react to/discuss these issues if the child brings them up or discloses additional information as well as any other relevant information about the child and/or family;
 - ii. Name and contact information for the caseworker, casework supervisor, GAL, and tribal caseworker, if applicable;
 - iii. Visitation schedule and plan for transportation to and from visits;
 - iv. Upcoming FTM dates and court dates;
 - v. Medical information and needs for the child, to include:
 1. Known allergies;
 2. Immunization record;

3. Name and contact information for the child's PCP, dentist, eye doctor, mental health providers, psychiatric care clinician (Psychiatrist or Psychiatric Nurse practitioner), and other medical specialists;
 4. Upcoming medical appointments, to include the Initial Medical Appointment (10-day medical appointment) and Comprehensive Health Assessment;
 5. Ensure the resource family has the child's:
 - a. Prescribed medications, dosage, and administration instructions, and
 - b. Any necessary medical equipment and directions for use;
 6. Provide the resource family, in writing, with any known history regarding the child's medical, mental health, and behavioral needs.
- vi. Educational information, to include:
1. School placement;
 2. Plan for school enrollment (if the child is changing schools);
 3. 504 and/or Individualized Education Program (IEP) information.
- vii. Other information relevant to meeting the child's needs, to include:
1. Behavioral habits and routines (i.e., diet, bedtime activities, bath time, fears, etc.);
 2. Placement information regarding any siblings also in custody;
 3. Cultural needs, to include needs specific to the child's language, race, ethnicity, LGBTQI+ status, religious beliefs and practices.
- viii. If the child is under one year of age, discuss and provide Period of Purple Crying information with all caregivers and conduct a Safe Sleep Assessment. **Note:** This must be done whenever there is a new placement or new caregiver.
- b. The caseworker will provide the placement resource with the following documents:
- i. MaineCare card and Portable Health History;
 - ii. Placement letter regarding medical appointments and treatment;
 - iii. List of medical conditions, known allergies and current medications;
 - iv. Mileage forms;
 - v. Vendor form (if one has not already been completed for the placement resource).
- c. Ensure the Family Share meeting (Appendix C) is scheduled between the resource parents and the child's parents (see the [Family Share Policy](#)). **Timeframe:** Within five (5) business days of the removal.

VI. POLICY SUPERSEDES

None.

VII. LINKS TO RELATED POLICIES

[7.1 Family Team Meeting Policy](#)

[7.4 Indian Child Welfare Policy](#)

[7.5 Family Share Policy](#)

VIII. APPENDICES

[Appendix A: Safety Plan Instructions and Template](#)

[Appendix B: PSC-17](#)

[Appendix C: Family Share Meeting Guide](#)

Note: The hyperlinks to these documents only work on DHHS issued computers. If you would like to request a copy of these documents, please email your request to:

OCFSPolicyTraining.DHHS@maine.gov