

9.5 Diligent Search

Effective 10/1/87

PURPOSE

1. A diligent search is made for absent parents in order to inform them about significant actions the Department is taking or planning to take regarding their children. Parents need to be informed so that they have an opportunity to take appropriate actions.
2. Locating a parent, or establishing that a parent cannot be located, provides an opportunity for the Department to clarify that parent's interest and abilities related to the child, and assists staff in carrying out subsequent case planning and management activities.

LEGAL BASE

1. The Maine Rules of Court for Civil Procedures detail the specifics for service of documents regarding court proceedings.
2. Title 22 MRSA §4001 et seq. also requires notice of Department plans and actions related to various Child and Family Services activities:
 - a. Prior to or upon initiating short-term emergency services.
 - b. Intent to request a preliminary protection order.
 - c. Family rehabilitation planning including notification of changes in residence of the child and major medical care unless detrimental to best interests of child.
 - d. Discontinuation of reunification efforts.
 - e. Intent to petition for termination of parental rights.
 - f. Intent to request medical treatment order.

PRACTICE STANDARDS

1. *The diligent search is part of the case plan*
 - a. In some instances the absent parent may be a viable resource. In other instances the missing parent may be unknown or have no interest in the child. The opinion of one parent about the abilities of the other parent may not necessarily be valid.
 - b. Conducting and documenting the diligent search efforts early on in the case, and at significant junctures, is part of the fact gathering which enables the caseworker to make the best plan for the case and for the child.
 - c. The level of effort for the search is also related to the level of Department intervention; the more serious and long lasting the deprivation to the parent, the more effort for the search.
2. *Court actions*
 - a. Whenever court action is planned (initial petition, review, or termination of parental rights), the search information will need to be initiated or updated.

- b. This includes parents, custodians, and interested parties (e.g., a putative father who has not yet established paternity) unless the court has determined that the absent person no longer has standing as a party and need not be served notice of the proceedings (see Interested Party in Section XI).
- c. An Affidavit of Diligent Search (form BSSCF -052) is completed to document for the court the efforts made and the inability to locate the person for service in hand. Any supplemental information is recorded in the case record.
- d. See policy on Service of Legal Documents regarding affidavits of diligent search and requests/motions for service by publication.

3. Other significant actions

Most other actions by the Department do not require the same effort to locate a parent as does a court action, except for the determination to discontinue reunification efforts, if made separate from a planned court review.

4. Extent of search

- a. The extent of initial search or update will depend on the time frame before the Department's action occurs, and the seriousness of the action (i.e., the impact of the department's action on that person's relationship with the child).
- b. Resources listed in 6 (a)-(e) below are likely to be most productive.
- c. For subsequent court actions other resources will also be considered.

5. Methods

- a. Confidentiality will be maintained, insofar as possible. In some instances the caseworker may only need to identify himself as an employee of the Department of Human Services. In other instances he may need to state that this is a child protection matter. See policy on Confidentiality.
- b. Telephone or letter contacts can be made with relevant resources described in item 6 below.
 - (1) The full name, date of birth, and Social Security number of the absent person are useful to have prior to contacting most resources.
 - (2) The resources used will depend on the information about the absent person.
- c. If the use of resources is not successful in locating the person for service in hand.
 - (1) Registered letters (with return receipt requested) will be sent to known addresses for the previous 2 years and can also be addressed to general delivery (especially in small towns).
 - (2) Cover letters, with a sealed, stamped letter addressed to the person in question enclosed, can be sent by ordinary mail in care of resources who will not disclose an address but are willing to forward a letter.

- (3) An investigatory subpoena can be considered when there is reasonable cause to believe that a source has information, but declines to voluntarily release the information. Contact the Assistant Attorney General. See Investigatory Subpoenas in Section XI.

6. Resources

- a. Child and Family Services case records.
- b. Close relatives and friends.
- c. Telephone directories and directory assistance operator (local libraries often have phone books for many cities, in and out-of-state).
- d. Division of Motor Vehicles, for both registration and drivers licenses (especially Operating Under the Influence convictions).
Department of Human Services Support Enforcement and Location Units (SELU) local units may have computer access to Division of Motor Vehicles records; the Child and Family Services Statewide Intake Unit has computer access.
- e. Income Maintenance (AFDC, Food Stamps, SSI, SELU).
SELU central office (Colburn Jackson, Director) also has access to out-of-state SELU related resources.
- f. Law enforcement, local and State Bureau of Identification.
- g. Department of Mental Health and Mental Retardation or Department of Corrections if it appears likely that the absent person has received services from those Departments; or contact local providers directly.
- h. Employers, training programs, or colleges.
- i. Agencies, schools, or programs, public or private, where the person/family is likely to have received services.
- j. If Indian heritage is suspected, contact Child and Family Services central office Program Specialist for resource information.

7. Documentation

The resources contacted, letters sent, and results will be documented in the case record in the Affidavit of Diligent Search (Form BSSCF-052) if related to a court action. Supplemental information or search information not related to a court action will be placed in the case record.