

## Assessment of Public Comment

The Office of Children and Family Services (OCFS) received comments from the Executive Director of a community organization, the Executive Director of a public foundation that uses philanthropy to increase the influence and improve the lives of disempowered people, the Commissioner of a social service district, the Executive Director of a legal services agency, the Director of a social service district, and a joint letter from the Attorney in Charge and Executive Director of two legal service agencies.

The community organization, public foundation, and a legal service agency sent letters of strong support of this regulation.

- 1) One social service district representative stated that the regulation was unnecessary and that the regulations could result in a reduction of the quality of care being provided by local departments of social services (LDSS). The commenter also stated that parent advocates do not work for the county and therefore could not be construed as agents of the Department of Social Services.

Response: This regulation is not mandatory. Counties may choose to use parent advocates for a limited number of parent or relative casework contacts as described in the regulation. If a county does not wish to use parent advocates in this manner they are under no obligation to do so. In addition, the parent advocate can be an employee of the LDSS or of an agency under contract with the LDSS.

- 2) There were two comments related to the training of parent advocates. One social service district representative stated that only CORE-trained casework staff should be responsible for making mandated contacts with parents and relatives. Legal service agency representatives stated there needed to be guidance regarding the training that parent advocates need, especially related to risk and safety assessments.

Response: Each LDSS can determine what is an appropriate level of training a parent advocate must undergo before being assigned responsibility to work with a parent of a child in foster care, and consequently, responsibility for completing a subset of casework contacts. This training can include concepts from the CORE training. OCFS agrees that LDSSs and voluntary agencies need to have some guidance regarding the training of parent advocates, and to that end, OCFS is in the processes of developing an Informational Letter (INF) to accompany these regulations. This INF will provide best practice guidance regarding the use of parent advocates to make casework contacts and includes a section on recommended training.

- 3) Legal services agency representatives expressed concerns that by allowing parent advocates to complete casework contacts there will be a blurring of the role between

caseworker and advocate. They stated that the nature of the relationship between parent and advocate will be compromised because the parent will know that the advocate will be providing feedback and input to the caseworker.

Response: Currently parent advocates are primarily used as a way to engage families and be a liaison between the family and the caseworker. Though parent advocates work closely with parents and are expected to advocate for them, it is also expected that there will be ongoing communication between the caseworker for the family and the advocate. This communication includes the advocate discussing with the caseworker any concerns they have about the family and the parent's progress towards his or her goals. This regulation change should not change the expectation that regular communication needs to occur between the advocate and the caseworker with regards to case planning.

- 4) One comment related to the purpose of casework contacts with parents and relatives. Legal service agency representatives stated that safety and risk assessments need to occur at every casework contact with the family, or at the very least on a monthly basis. They further stated that they had particular concerns regarding casework contacts when children are at home on trial discharge.

Response: While one of the purposes of casework contacts is "assessing whether the child would be safe if he or she was to return home, and the potential for future risk of abuse or maltreatment if he or she was to return home", that is not the only purpose of these contacts. Assisting the family in resolving the issues that brought the child into care and supporting family involvement with the child are also essential elements of casework contacts. In relation to casework contacts with parents or relatives, working on resolving the issues that brought the children into care is an essential piece of these contacts, and, certainly, would be an appropriate activity for parent advocates to assist families with during casework contacts with them. Furthermore, although there is not an expectation that every casework contact requires a *formalized* risk and safety assessment, as noted in the regulatory amendment, a parent advocate would be expected to discuss any concerns they observed during a casework contact with the case planner/or child's caseworker so that the case planner or child's caseworker can follow-up on any noted issues of safety or risk. When a child is on trial discharge, while the parent advocate may be used to complete contacts with the parent or relative, at least monthly casework contacts with the child must continue to occur and must be made by the case planner or child's caseworker. Since a majority of these contacts must take place at the child's residence, in all likelihood, the parent would also be seen and may be part of the conversation.

- 5) One comment related to supervision of visits between foster children and their parent or relative. Legal service agency representatives stated that the section of the regulatory amendment that states that parent advocates can be used for "coaching for productive visitation between parents and their children" should not be permitted as a substitute for a caseworker's presence at supervised visits.

Response: There is no requirement that visits between the parent or a relative and the child be supervised by the case planner or child's caseworker. Unless supervision is required by court order, supervision of visitation is decided on a case by case basis, and visits may be supervised by other staff at the agency, foster parents, or no one at all as the case progresses towards reunification. In addition, the section of regulation quoted above pertains to a parent advocate offering advice to the parent on making their visits productive and does not pertain to the supervision of visitation.

- 6) One comment related to the role of the parent advocate during casework contacts. Legal service agency representatives stated that because a parent advocate uses their own personal experiences in supporting parents going through similar circumstances they would not be able to make the "objective determinations that are needed for casework contacts." They further stated that caseworkers are required to have extensive training in separating their own experiences from those of the clients.

Response: There are no training requirements for child welfare caseworkers other than CORE training for child protective caseworkers. The INF that will be issued as a result of these amendments to casework contacts will provide guidance regarding the recommended training for parent advocates. We will include your suggestion that parent advocates receive training on separating their own experiences from those of the clients in that INF.

Accordingly, the proposed regulations were not revised.