

Chapter 10 - Modification of Placement

10.1 Overview

Placement changes impact children in many ways and almost always result in some level of loss. As such, the court must guard against changes made for reasons that are not absolutely necessary and in the best interest of the child. A change of placement causes a child to be uprooted from a familiar environment to an environment that is unknown. It can disrupt relationships with friends, teachers and other supportive persons and, in so doing, impact a child's sense of well-being and security. Minimizing the negative impact of emergency moves and ensuring the thoughtful implementation of a non-emergency move can help children cope and adjust to the change.

***Best Practice – Minimizing Unnecessary Moves ***

While it is sometimes necessary to move a child from one placement to another, the first step in minimizing trauma is to move only when absolutely necessary. To strengthen placements, judges and hearing masters should oversee the provision of services to the child to make sure that they are adequate to deal with the child's needs.

Additionally, children who have been traumatized, especially those with multiple traumas, should have services from providers who have had specific training in addressing trauma and trauma related behaviors.

Adequately addressing a child's needs upon their entry into care, may help to decrease the likelihood of future moves related to the child's behavior or unresolved trauma issues.

10.2 Disposition of the Motion

Pa.R.J.C.P. 1606 requires court approval of any change in the child's placement except in cases of emergency. If an emergency exists and a judge cannot be contacted then the county agency may place a child temporarily in a shelter care facility or other appropriate care. However, the county agency must notify the court and all parties of the emergency change in placement and file a written motion by the next business day seeking the court's approval of this emergency placement.

Any motion for modification of placement must include:

- a) the specific reasons for the necessity of the change;
- b) the new proposed placement;
- c) the current location of the child;
- d) the manner in which any educational, health care, and disability needs of the child will be addressed;
- e) concurrence or objection of the parties, along with the child's wishes if ascertainable; and
- f) signatures of all parties.

Any party may oppose the change in placement by filing an objection within three (3) days of the filing of the motion to change placement.

The court in disposing of the motion may do any of the following:

- a) schedule a prompt hearing;
- b) enter an order changing the placement; or
- c) deny the motion.

In light of the potential for increasing trauma and diminishing a child's sense of security, judges and hearing masters should use extreme caution when authorizing a modification of placement. The Judge or Hearing Master should ascertain what has been done to stabilize the placement prior to reaching any decisions. If the kinship caregiver, foster parent, or facility representative is in the courtroom, the Judge or Hearing Master should inquire as to what has been and is being done to stabilize the placement.

Best Practice – Using a Trauma Informed Perspective

When the modification for placement request is being presented as a result of the child's behavior, shifting to a trauma informed perspective can be particularly helpful. To accomplish this, the Judge or Hearing Master should ask "what has happened to the child" instead of "what did the child do". This subtle shift in questioning will likely provide better information to help with decision making and planning.

For placements involving kin or foster care providers, supportive services such as respite, family therapy, and tangible resources may assist. Judges and hearing masters can order a multitude of services that may resolve the issues that led to the placement modification request and in so doing may dramatically reduce potential trauma for the child.

The court, in reaching its modification of placement decision, should consider the reasons for the move; whether the new placement is more restrictive; the permanency plan goal and whether the move will enhance the opportunity to realize that goal; the educational and health needs of the child, especially considering the result of a change in school placement; the trauma and sense of loss that the child may experience; the continued opportunity for parents, guardians, siblings and/or significant individuals in the child's life to visit; and any other relevant factors that the court deems appropriate. In addition, judges and hearing masters should revisit the issue of safety at each modification of placement request. Revisiting the legal safety analysis may reveal that the circumstances necessitating placement have been alleviated and that the child can safely return home with or without a safety plan in place.

Finally, while some moves are unexpected, others are the result of hard work on the part of a child or the positive progression of effective treatment. Judges and hearing masters should consider that trauma may still exist even in these positive moves.

Best Practice – Minimizing Trauma

When a child must be moved from one placement to another, judges and hearing masters should consider the following in court orders authorizing placement modifications:

- Pre-placement visits between the child and the potential caregiver. During the visit both the child and the caregiver could discuss concerns and other important information in advance of the actual placement.
- Allowing the child to remain in the same school. Remaining in the same school would allow the child to keep their friends and teachers as well as be on target for academic progress.
- Allowing the child to remain in the activities that he or she participated in prior to the move. Continuing karate lessons or dance classes will bring a sense of normalcy and keep important community ties.
- Ensuring that the child receives all of their belongings from their previous placement. Personal possessions and security objects (like special stuffed animals or pillows) become tangible sources of comfort when children are scared.