

# Chapter 14 – Termination of Court Supervision

**“All children have the right to live in a permanent family and to timely permanency decisions, as these are critical to the health and welfare of dependent children.” As such, the court shall: “Terminate court intervention in the life of a child when that child is no longer dependent.”**

## *Mission & Guiding Principles for Pennsylvania's Child Dependency System p 13-14*

### **14.1 Overview**

Termination of court supervision or termination of jurisdiction can occur at any time during a dependency case. When termination of court supervision occurs the court can no longer order the parties to do anything nor can the court conduct ongoing oversight.

In most instances, the need to terminate court supervision becomes increasingly obvious as the case progresses through the various court proceedings. This is true for many reunification cases and especially true in cases that resolve through adoption or permanent legal custodianship.

In some cases; however, the basis for this determination requires proactive inquiry of the court for a variety of reasons. This might include a reluctance of the parties or the court itself to let go of the “security found in court oversight” or a phenomenon commonly referred to as “raising the bar of expectations” wherein the requirements for termination of supervision go above and beyond the basic care and safety needs of the child. This is especially true in some cases resolving through reunification. In these instances, it is the duty of the court to recognize when parents have done enough to provide a safe, loving home for their child and court ordered services from the county agency are no longer needed; even if the parenting is not “perfect”. The belief being that children do best when they are raised by safe, permanent loving families rather than government entities and when such families have been secured (either a child’s birth family or another), court involvement in a child’s life should cease.

In other cases (often those involving youth turning 18 years of age who no longer want the court’s supervision), the reluctance to terminate court supervision may be based upon a very real concern that the youth still needs the support and resources available through continued court supervision. In these situations, courts have an obligation to ensure the youth is fully aware of the consequences which accompany the termination of supervision, but ultimately must accept the decision of the youth. The Resumption of Jurisdiction provisions of Act 91, discussed in more detail below and in

Chapter 15: Resumption of Jurisdiction, have helped to lessen many concerns previously associated with this older youth population.

Regardless of whether the decision is obvious or less so, how the court chooses to terminate supervision can have a substantial impact on the child and family which extends well beyond the court's direct supervision. Understanding the critical questions that must be answered in this determination can help reduce potential concerns related to the termination of court supervision while providing critical information to children and parents who may need future assistance.

**\*Best Practice – Case Closure Plans & FGDM\***

One strategy being used by many courts throughout Pennsylvania is the development of a "Case Closure Plan", often created through a Family Group Decision Making (FGDM) meeting. Through a FGDM meeting, families can identify the supports and resources they will use once court supervision has been terminated. In preparation for these meetings, courts can identify what the court needs to see to proceed to closure of the case, allowing families an opportunity to develop a thorough and comprehensive plan that is acceptable to the court. In addition to the created plan, these meetings involve extended family and community members in the oversight and care of the child, which may enhance ongoing child protection and well-being.

Any party by written motion or by verbal request during an already scheduled proceeding, or the court on its own motion, may move for the termination of court supervision. Upon the filing of a motion, the Court can determine whether or not a hearing should be held. Generally if a party objects to the motion, a hearing is warranted. Additionally, for a youth 18 years of age or older, the Court must conduct a hearing at least ninety days prior to the youth turning 18 years of age. For these transitioning youth, there are very specific requirements which will be discussed later in this chapter.

## **14.2 Timing of Termination of Supervision**

While termination of court supervision can occur at any point in a dependency case, it most typically happens after months of oversight. Either the parents have made sufficient progress to ensure their child's safety, care and well-being or they have not and an alternative permanent plan has been finalized. In either situation, the parties have typically been before the court on numerous occasions and the court is very familiar with the circumstances of the case.

While a request for termination of court supervision can occur at any point during a dependency case, an Order to Terminate Supervision should only occur upon the

court finding that court-ordered services from the county agency are no longer needed and one of the reasons noted within the Juvenile Court Procedural Rules exists. These reasons include:

The child has...

- 1) remained with the guardian and the circumstances which necessitated the dependency adjudication have been alleviated; or
- 2) been reunified with the guardian and the circumstances which necessitated the dependency adjudication and placement have been alleviated; or
- 3) been placed with a ready, willing, and able parent who was not previously identified by the county agency; or
- 4) been adopted and services from the county agency are no longer needed; or
- 5) been placed in the custody of a permanent legal custodian and services from the county agency are no longer needed; or
- 6) been placed in the physical and legal custody of a fit and willing relative and services from the county agency are no longer needed; or
- 7) been placed in another living arrangement intended to be permanent and services from the county agency are no longer needed and a hearing has been held pursuant to paragraph (E) for a child who is age eighteen or older; or
- 8) been adjudicated delinquent and services from the county agency are no longer needed because all dependency issues have been resolved; or
- 9) been emancipated by the court; or
- 10) is eighteen years of age or older and a hearing has been held pursuant to paragraph (E); or
- 11) died; or

A court in another...

- 12) county of this Commonwealth has accepted jurisdiction; or
- 13) state has accepted jurisdiction.

Notable in the reasons listed above, termination of supervision is permissible only when permanency for the child has occurred and court-ordered services from the county agency are no longer warranted or the matter is accepted by another court either within or outside of the Commonwealth. Indeed, termination of court supervision does not imply that every challenge faced by a child or family has been completely resolved. Many families may need additional community services and supports throughout the life of their family. The court should recognize this and encourage families to access services before future crises arise.

**\*Best Practice – Services after Termination of Supervision\***

In many courts, judges and hearing masters ask a number of questions aimed at ensuring parents know how and when to access services if such are needed once court supervision has been terminated. Judges and hearing masters discuss potential needs children/parents may encounter and encourage parents to reach out if help is needed, emphasizing this as a positive parenting skill.

In addition, many local Children’s Roundtables have worked closely with community organizations including faith-based entities to establish a network of social supports. Examples include Tioga County’s Seeds for Hope Partnership, Venango County’s Mustard Seed Partnership, and Dauphin County’s Faith-based Partnership. These partnerships are generally voluntary, free resources not typically provided by governmental agencies to children and families.

### **14.3 Reasons for Termination of Supervision**

While some reasons for termination of court supervision are self-explanatory, others are more nuanced. Orders to terminate court supervision should be based upon evidence presented that ensures child safety, well-being and permanence.

Within child safety, the Judge or Hearing Master should consider evidence related to a child’s level of vulnerability, the parent’s capacity to protect and care for the child, and the reduction or elimination of any safety threats. Parental capacity should examine the cognitive, behavioral, and emotional changes and growth of a parent rather than solely relying on a parent’s compliance with services. Attending a parenting class may or may not actually change parenting capacity. Likewise, child well-being should be considered with an analysis of how the basic and essential needs of the child are being met.

Finally, the decision to terminate court supervision should adhere to the overarching mission of the child dependency system... “Families for Children”. Embedded in this mission is the belief that children do best when they have permanency and are raised by safe, caring, capable parents rather than government

entities (for a more complete discussion, see Chapter 1: The Charge for Pennsylvania's Dependency System).

Given the mission of Pennsylvania's child dependency system, all efforts should be made to secure safe, loving families for children. When this occurs and the Judge or Hearing Master is confident that court-ordered services from the county agency are no longer needed, termination of supervision should occur.

## **14.4 Circumstances Requiring Special Consideration**

Within the basic construct of any decision to terminate court supervision are a number of special situations which warrant added consideration. Some of these situations are highlighted below:

### **14.4.1 Children Turning 18:**

While all efforts should be made to secure a safe, loving family for every dependent child, for a very few this is simply not accomplished. In those few instances where youth turn 18 years of age without a permanent family, the Judge or Hearing Master should take extraordinary steps to ensure the youth is capable of self-care and support when considering termination of court supervision.

Each young person should be seen as a unique individual with unique needs. As such, no one plan or one service is likely to be right for every youth. Instead plans should be tailored to the specific needs, resources, and strengths of the individual youth.

When needed, the Judge or Hearing Master should take a proactive approach to explaining the benefits and responsibilities of continued care for those youth wishing to leave the court's supervision. In addition, the Judge or Hearing Master should ensure that the county agency has taken all steps possible to thoroughly conduct family finding, which could identify possible supports for the youth's successful transition to adulthood. (See Chapter 19: General Issues, section on family finding for more information)

### **\*Best Practice – Youth in Court\***

Many courts now require youth aging out of care, to be present at any hearing to terminate court supervision rather than permitting such by motion or by issuing a prospective order of termination. While it is challenging to make sure the youth appears, scheduling an actual hearing allows the youth an additional opportunity to speak directly to the Judge or Hearing Master. For those youth who do appear, Judges and Hearing Masters are taking extra time to clearly explain the benefits and requirements of staying under the court's supervision as well as the opportunities available through resumption of jurisdiction.

Finally, the Judge or Hearing Master should ensure that youth who choose to leave the court's supervision at age 18 fully understand the resumption of jurisdiction option available to them until age 21. Judges or hearing masters should discuss this option on the record and enter into a dialogue with the youth regarding very specific issues including the youth's immediate plans for housing, income, employment, and health insurance, to mention a few. These items are required to be included in the mandatory Transition Plan created by the county agency in conjunction with the youth at least 90 days prior to the youth's 18<sup>th</sup> birthday.

The county agency is required to submit the Transition Plan document to the court. The Transition Plan must include, at a minimum, details regarding specific plans for housing; a description of the youth's source of income; the specific plans for pursuing educational or vocational training goals; the youth's employment goals and whether the youth is employed; a description of the health insurance plan that the youth is expected to obtain and any continued health or behavioral health needs of the youth; a description of any available programs that would provide mentors or assistance in establishing positive adult connections; verification that all vital identification documents and records have been provided to the youth; a description of any other needed support services; and notice to the youth that the youth can request resumption of juvenile court jurisdiction until the youth turns twenty-one years of age if specific conditions are met.

It should be noted that while the elements contained within a Transition Plan are similar to those contained in Independent Living (IL) plans created for dependent youth at age 16; the detail and immediacy of a Transition Plan are much more specific. So while an IL Plan may identify "getting a job and having stable housing" as a goal for a 16 year old dependent youth; by contrast, a Transition Plan would identify the actual employer and the actual address or specific housing plan of the older youth.

**\*Best Practice – Mandatory Transition Plans & FGDM\***

Many counties are utilizing FGDM meetings as the forum in which youth create their Transition Plans. The youth in these meetings take an active role in determining who is invited to the meeting and what services and supports are needed. Utilizing FGDM meetings to produce these plans is an excellent way to identify ongoing supportive adults for the youth and ensure the plan is specifically tailored to the unique needs of the youth.

Judges or hearing masters are required to review and approve a Transition Plan for each youth. Per Pa.R.J.C.P. 1631 (E)(4), "The court shall not terminate its supervision of the child without approving an appropriate transition plan, unless the

child, after an appropriate transition plan has been offered, is unwilling to consent to the supervision and the court determines termination is warranted.”

In most instances, by the time a case reaches the stage where one or more parties are asking to terminate supervision of an 18 year old, the Judge or Hearing Master has already reviewed these issues with the youth multiple times. Indeed, transitioning successfully to adult life requires multiple conversations and extensive planning for most youth. These conversations should begin much sooner than 90 days before the youth turns 18 years old.

Finally, irrespective of the many conversations a caseworker, GAL, judge, or hearing master may have, some youth are determined to leave the court’s supervision at age 18. Youth turning 18 have the right to make their own decisions, good or bad, just like any other adult. What is most important is that these youth fully (or to the best of their ability) understand the consequences of their decisions and the remedies/opportunities available, if they wish to change their minds.

#### **14.4.2 Custody Orders:**

Some cases terminate court supervision with the issuance of a custody order. When one parent is capable of parenting a child but the other is not, the Judge may decide to award primary, partial or full custody to the capable parent.

These orders may include any or all of the elements found in a typical custody order including visitation with other important adults in a child’s life. Many of the orders include detailed instructions regarding what should happen if any party wishes to modify the specific custody arrangement in the future (Pa.R.J.C.P. 1515 (B)). Finally, courts may wish to jointly file the order in both the Domestic Relations and Juvenile Court docket.

#### **\*Best Practice – Custody Agreements & FGDM\***

Some counties, Cumberland and Allegheny for example, are using FGDM meetings to develop detailed custody agreements. Typically, the court identifies general issues that must be included in the agreement but then allows the family to develop a proposal.

#### **14.4.3 Shared Case Responsibility (SCR):**

Shared Case Responsibility (SCR) can occur in a number of ways but generally refers to situations where a youth is simultaneously served by both the juvenile probation department and the county children and youth agency. This can happen through order of the court or through a voluntary agreement between the county agency and the family. When SCR involves the court’s formal supervision through dual adjudication of dependency and delinquency, special considerations should be made



prior to terminating supervision. An adjudication of dependency brings resources which may not otherwise be available to a child and parent. If a child or parent is in need of court-ordered agency services, supervision should not be terminated.

In some instances the court may decide to retain jurisdiction of a delinquent youth until age 21. In these situations, the court may also decide to retain dependency jurisdiction of the minor until age 21. In these cases, the court may maintain this dual jurisdiction regardless of the youth's wishes, if the court determines continued dual jurisdiction serves the best interest of the youth.

In other instances, a youth may have completed all the requirements of their juvenile justice adjudication, but still need court-ordered placement or services from the county agency. In those situations, the court may wish to terminate the adjudication of delinquency but retain the adjudication of dependency.

**\*Best Practice – Hearing Appearances\***

When terminating court supervision of a SCR youth, it is critical that the Judge or Hearing Master has information from both supervising agencies. As such, all persons involved in the youth's case should be present at the termination hearing. This includes the juvenile probation officer, child welfare caseworker, attorneys, GAL, and service providers. Having everyone at this hearing facilitates communication and can help ensure the needs of the youth are adequately addressed.

**14.4.4 Transfer of Court Jurisdiction:**

While not required, a court may transfer court supervision to another court in the Commonwealth or another state. When this occurs the sending court should consider terminating its supervision of the case after the receiving court has accepted jurisdiction. In some situations, transferring jurisdiction is very much warranted. This decision is influenced by the residency of the parents, the needs of the child, resource availability in the potential receiving jurisdiction, and the phase of the proceedings.

When deciding whether to transfer court jurisdiction and supervision, the sending court should always keep the safety, well-being and permanence of the child at the forefront of its determination. Is the move of the parent likely to be temporary or permanent? Will such a transfer disrupt services, placement, education, visitation or any other important case factor? Are the services needed by the child and/or parent available in the receiving jurisdiction? Is the court jurisdiction in its initial phases or closer to a final permanency decision?



For **interstate transfers**, in addition to the considerations noted above, courts must also adhere to the requirements of the **Interstate Compact for the Placement of Children (ICPC)**.

The ICPC is a statutory agreement among member states, the District of Columbia, and the U.S. Virgin Islands authorizing them to work together to ensure that children who are placed across state lines receive adequate protection and support services. The ICPC establishes procedures for the placement of children and assigns responsibility for agencies and individuals involved in placing children.

The need for the ICPC grew out of work performed in the late 1950's when a group of social service administrators and state legislators informally studied the problems of placing children out-of-state.

Although some federal statutes regulated interstate movement they did not provide protection for children who moved between states. The group found that a sending state, in the absence of the ICPC, could not compel the receiving state to provide protection or support services for a child. In addition, a receiving state, in the absence of the ICPC, could not compel a sending state to remain financially responsible for the child. In response to this group's findings, the ICPC was drafted. Currently, all 50 states, the District of Columbia and the U.S. Virgin Islands have joined the ICPC. Each member of the ICPC appoints a Compact Administrator that is responsible for the administration of the ICPC in its jurisdiction. In Pennsylvania, the Compact Administrator is the Department of Public Welfare's Office of Children, Youth and Families' Director of the Division of Quality Management & Operations.

The purpose of the ICPC is to protect the child and the party states in the interstate placement of children so that:

- The child is placed in a safe, suitable environment;
- The receiving state has the opportunity to assess that the proposed placement is not contrary to the interests of the child and that the receiving state's applicable laws and policies have been followed before it approves the placement;
- The sending state obtains enough information to evaluate the proposed placement for safety, suitability, and ability to meet the child's needs;
- The care of the child is promoted through appropriate jurisdictional arrangements; and
- The sending agency or individual guarantees the child legal and financial protection.

**\*Best Practice – Placing Children in Other States\***

While the overarching requirements for these placements are contained within the ICPC, each state's specific laws govern whether a potential placement can be approved. Additionally, the ICPC allows up to 180 days to finalize the approval of a prospective placement resource. As such, time is of the essence.

When a possible out-of-state placement resource is identified, judges should ask specific questions regarding the submission of the ICPC request and status. When needed, judges may wish to contact their peer judge in the receiving jurisdiction or make specific orders related to the ICPC packet submission.

Courts may also wish to initiate conversations with agency and judicial peers in bordering state counties to strengthen local partnerships and encourage reciprocity in the timely completion of ICPC requests. While this will not alleviate the need for an official ICPC request, it may expedite the approval process.

Finally, courts may wish to contact the Pennsylvania ICPC Division, when needed.

## **14.5 Findings and Orders**

In Pennsylvania, dependency findings and orders for termination of court supervision are contained within the CPCMS Dependency Module. These CPCMS forms contain the needed information to assist the court in asking the necessary questions, in managing the case, in meeting federal requirements, and in capturing statewide data. The forms also allow for the entering of detailed text, which can outline the specific directives of the court.

While decisions related to termination of court supervision involve complex analysis and consideration, in many instances the actual findings and orders are likely to be the least complicated of any within the dependency process. The court order requires the selection of a "reason for termination". In addition, court orders should contain the views of the child and indicate the means by which those views were ascertained. Finally, the court order allows additional findings and orders as needed.

## **CHECKLIST OF SUGGESTED QUESTIONS**

### **Questions for Parents**

#### **Services:**

1. Is there anything else you need for yourself or your children from the agency or the court before we close your case?
2. Do you have adults you feel connected to and who are supportive of you? Who are they?
3. Do you have copies of any records (school, medical, dental, behavioral health) you need for yourself or your children?
4. Are you aware of services in the community that can help you? Do you know how to access them?
5. Can you think of any type of crisis that might get you or your children re-involved with child welfare? If so, how can we help prevent that from occurring?
6. Do you know how to contact the agency, if you or your children need help in the future?

## **Questions for Youth Leaving the Court's Supervision**

### **Extended Services:**

1. Are you aware that you can continue under the jurisdiction of the court to receive services and/or remain in placement until the age 21?
2. Are you aware that in the future you can ask to:
  - Receive services through Children and Youth;
  - Have the court resume jurisdiction/supervision; or
  - Enter placement or re-enter placement?
3. Do you know who to contact if you need anything in the future or want to come back under the court's jurisdiction?
4. Do you know how to contact your caseworker and/or GAL?

### **Today:**

1. Is there anything you need today, before the Court terminates supervision?

**Questions for Youth Leaving the Court's Supervision  
(Extended Version)**

**Extended Services:**

1. Are you aware that you can stay in care until the age 21?
2. Are you aware that you can ask to come back into care if you want?
3. Do you know who to contact, if you need anything in the future or want to come back into care?
4. Do you know how to contact your caseworker and/or GAL?

**Housing:**

1. Where will you live after you leave foster care? Will you be living with anyone? Why do you believe this is a good arrangement?
2. If you will be living in a dorm, where will you live when the dorms are closed?
3. Have you calculated the costs of housing, like rent, gas, electric, water, etc.? Does your income cover these costs?

**Employment/Finances:**

1. Are you currently working? If so, how many hours per week? Do you have sufficient income to care for your needs? Do you think this is the kind of work you would like to do as a career? Do you have a resume? Do you have a social security card, photo ID and copy of your birth certificate?
2. Do you have a credit card and/or debit card? Do you have any debt?
3. Do you know how to budget? Do you have a bank account? Do you have a plan for saving money for a car, apartment or other big items?
4. Who will be able to help you with money management after you leave foster care? Can you describe your budget?
5. Who can you call if a financial emergency arises?

**Transportation:**

1. How do you get to your job, school or other places you need to go?
2. Have you saved any money toward buying a car and car insurance? Do you have a driver's license?

**Health Care:**

1. What health care coverage will you have after you leave foster care? Do you understand how health care coverage works?
2. Will you have the same doctor and dentist after leaving foster care? If not, where do you plan to go and do they accept your insurance?
3. Are you prepared to manage your medications? Do you have any concerns?

4. Do you have access to the behavioral and mental health services that you need?

**Education:**

1. When will you be graduating or get your GED? What are you doing after you graduate? If not graduating, what are the issues? What will it take for you to graduate? When could that happen? What do you need to do?
2. If you want to attend college or vocational school? Do you have everything you need?
3. If you don't want to attend college or vocational school, what is your career plan?

**Supportive Relationships:**

1. Do you have adults you feel connected to and who are supportive of you? Who are they? How have they been supportive?
2. Who will be a permanent person in your life after you leave foster care? Where will you spend holidays?
3. How is your relationship with your siblings and other family members? What kind of connection do you want? If in separate placements: Are you having regular visits with your siblings?



## TERMINATION OF COURT SUPERVISION BENCHCARD



Relevant Statutes	42 Pa.C.S. 6301, 6302 & 6351  Pa.R.J.C.P. 1613
Purpose of Hearing	Hearing at which the judge considers all the evidence, such as reports and recommendations, regarding the permanent plan for the child. The judge confirms, based upon evidence presented, that the child is no longer in need of court ordered agency services and one of thirteen reasons to terminate court supervision exist.
Time Frame	This hearing can occur at any point within a dependency case upon motion of the parties or sua sponte.
Rules of Evidence	“Any evidence helpful in determining the appropriate course of action, including evidence that was not admissible at the adjudicatory hearing, shall be presented to the court” (Pa.R.J.C.P. 1608(D)).
Next Hearing	Not applicable





# TERMINATION OF COURT SUPERVISION HEARING

## SUMMARY OF KEY QUESTIONS/DETERMINATIONS



### Reunification

- Is the child/family no longer in need of court-ordered services from the child welfare agency and
  - The child has remained with the parent/guardian and the circumstances which necessitated the dependency adjudication have been alleviated; or
  - The child has been reunified with the parent/guardian and the circumstances which necessitated placement have been alleviated.
- Does a youth 18 years of age wish to remain under the court's supervision and is the youth eligible?
- Does a youth 18 years of age who wishes to leave the court's supervision, understand their right to have the court resume supervision?

### Permanent Legal Custodian\*

- What reasonable efforts were made to reunify?
- Why is this option preferable to TPR and adoption?
- What are the facts demonstrating the appropriateness of the prospective legal custodian?
- Has there been full disclosure to the permanent family regarding the child's circumstance and special needs?
- What is the plan to ensure that this will be a permanent home for the child?
- What [if any] contact will occur between the child and parents, siblings and other family members?
- What are the plans to continue any necessary services to the child? How will those services be funded?
- How will any future motions for modification of custody be handled?

These questions are adapted from the text of this chapter and the Mission and Guiding Principles for Pennsylvania's Dependency System.