

# **SUPPLEMENTARY CERTIFICATION STANDARDS FOR PERFORMANCE OF MULTIDISCIPLINARY DEFENSE TEAMS REPRESENTING PARENTS IN CHILD PROTECTION OR TERMINATION OF PARENTAL RIGHTS PROCEEDINGS IN YOUTH COURT**

## **Purpose and Scope**

The Mississippi Office of State Public Defender is authorized to provide representation to indigent parents or guardians in abuse, neglect or termination of parental rights proceedings. *Miss. Code § 99-18-13*. OSPD is further authorized to oversee training of all attorneys regularly accepting appointments in such matters and to enforce the training provisions. *Miss. Code § 43-21-201 (3)*. In 2018 in collaboration with the Parent Representation Taskforce organized under the Supreme Court of Mississippi, OSPD adopted attorney certification standards.

The Taskforce and OSPD have now determined that the best-practice for delivery of these services is by utilization of a multidisciplinary team approach to include attorneys working with social workers. To ensure the due process rights of the clients served are fully protected and the professional standards of all team members are adhered to and respected, OSPD promulgates these supplementary standards.

## **Mission**

The mission of the Multidisciplinary Team Defense Project is to strengthen and empower families by providing high-quality, strength based, compassionate, accessible, non-biased, culturally relevant, and comprehensive social work services to parents in dependency and termination proceedings, thus allowing them to participate fully and meaningfully in their case planning.

## **Project Description**

Social workers shall serve as a resource for attorneys to assist parents involved in dependency and termination proceedings in Mississippi Youth Courts. OSPD endorses the core beliefs and values expressed in the National Association of Social Workers (NASW) [Code of Ethics](#) as principles to guide Parent Defense Social Workers and adopts the following summary of beliefs and values related to our work.

## **Core Beliefs of Parent Defense Teams**

- ✓ We believe families generally enter the child welfare system with real and complicated temporary deficits, in conjunction with social barriers which impact their temporary abilities to care for their children. We also believe every parent, despite their baseline parenting skills when entering the child welfare system, has the capacity to make positive and meaningful changes in their parenting abilities that will allow them to successfully reunify with their children.
- ✓ We believe a families' chance of succeeding improves exponentially when provided

effective legal representation, timely services, effective services, positive supports, and sincere opportunities to learn and grow.

- ✓ We believe positive outcomes for families can be achieved when the child welfare system views children in context of their family.
- ✓ We believe every child's basic right is for the system they encounter to make active and consistent efforts to have their parent(s) returned to them in a safe environment.
- ✓ We believe parents in dependency and termination proceedings deserve a trusted, accessible and non-coercive social worker who can help guide them through the complex and multi-faceted social structure of the child welfare system.
- ✓ We believe Parent Defense Program Social Workers have unique leverage in developing trusted, accessible and non-coercive relationships with parents.
- ✓ We believe parents in poverty tend to be disempowered and marginalized by society from well before entering the child welfare system. By working towards empowering these parents in dependency and termination proceedings, we create opportunities for parents to make better choices.
- ✓ We strive to provide parents with motivation, support, system education, and hope while attempting everything within our professional capacity to remove unnecessary barriers, thus improving families' real chances of succeeding in the all too often complex and impersonal child welfare system.

### **Core Values of Parent Defense Teams**

- ✓ All parents have strengths;
- ✓ Whenever safely possible, the constitution establishes that parents be designated to raise their children;
- ✓ All families need and deserve support and encouragement. How much and what kind varies throughout a families' lifespan;
- ✓ All parents have different, but important skills;
- ✓ Parents who fully understand their options can make better choices;
- ✓ All parents have hopes, dreams, and wishes for their children;
- ✓ All families are resourceful, but not all families have equal access to resources;
- ✓ Diversity is an important and valuable reality in our society;
- ✓ All families should be assisted in ways that help them maintain their dignity and hope;
- ✓ Timely and effective services work for families;
- ✓ All families should be partners in their relationship with service providers;
- ✓ Services are provided so families can reach their goals, and are not themselves a measure of success;
- ✓ In some situations, it may take time for parents to understand their underlying problems; patience rather than judgment is a key component in successfully engaging parents to empower themselves; and
- ✓ Through the act of parent advocacy, parents will feel supported and understood.

## **1. General Qualifications and Continuing Education**

- Social Workers have a master's degree in social work, sociology, psychology, human services or related field, and/or are licensed as social workers in the State of Mississippi and have a minimum of two years paid social services experience prior to starting service as a Parent Defender Social Worker.
- Social Workers working fulltime in a parent defender program participate in a minimum of 40 hours of continuing education per year.
- Mandatory continuing education may include Office of State Public Defender trainings for parent defense.
- Any other training must be approved by OSPD to count towards their 40 hours of continuing education.
- Social Workers are responsible for documenting their continuing education and providing records to OSPD as requested.
- Social Workers should stay current with macro and micro level child welfare related scientific method and theory literature.

## **2. Professional Responsibilities**

- Social Workers know and understand they are primarily working in the capacity of a case manager providing parent support, investigative, and advocacy services.
- Social Workers know and understand they are not acting in a therapist role. Social Workers make this information clear to the client and other professionals.
- Social Workers must not provide social work services on behalf of a parent they were previously assigned to work with during their employment with the Mississippi Department of Child Protection Services, or an agency contracting with the MDCPS to provide child welfare related services.
- Social Workers must not disclose any confidential information gained by their previous employment position with the Mississippi Department of Child Protection Services, or an agency contracting with the MDCPS to provide child welfare related services.
- Client record keeping is kept to a minimum in the interest of providing as many direct client service hours as possible. In consultation with the referring Attorney, Social Workers determine what client record keeping is appropriate for each specific case.
- Client records not intended to be shared professionally are clearly identified as "Attorney Work Product." Social Workers know and understand all client records could be subject to discovery requests.
- Social Workers secure and maintain all client specific documents and/or information regarding assigned parents in locked cabinets or secure locations.

- Any and all client records produced or obtained by Social Workers are disclosed to a client upon request. When Social Workers provide records to clients, they also provide a copy of the records to the referring Attorneys, as well as keep a copy of the records provided.
- All client records are retained for a minimum of two years after case closing. In lieu of retaining records, Social Workers may request the referring Attorney retain the records in the client file.
- Social Workers are considered mandated reporters under Miss. Code § 43-21-353. Social Workers are subject to the laws supporting mandated reporting and must make a report of any allegations of abuse and/or neglect to Child Protection Services.
- If Social Workers make mandated reports regarding current clients, Social Workers shall communicate the mandated reporting information to the client and the Attorney at the earliest point possible. If a Social Worker makes a mandated report on a client, the Social Worker initiates discussions with the client and the Attorney regarding further Social Worker case assignment. All decisions made by the client and/or Attorney regarding further case assignments are final.

### **3. Professional Duties and Roles**

Social Workers may provide many roles in support of parents. These roles may include but not be limited to:

#### **Parent Supports**

- Communicates, engages and motivates parents to participate in their case plan;
- Provides information/orientation on the dependency process;
- Assists parents in locating and obtaining court ordered services;
- Collaborates with Agency caseworkers in enrolling parents in approved services;
- Attends court hearings as parent support;
- Provides on-going in-person visits to assess progress; and
- Assists parents in locating and obtaining concrete services (clothing, furniture, household goods, etc.).

#### **Investigators**

- Observes visits;
- Conducts relative searches;
- Assists attorneys in locating relevant child welfare research;
- Assists attorneys in researching Agency Policies and Procedures;
- Reviews case files/discovery for attorneys;
- Conducts relative home-studies;
- Interviews third parties;
- Assists attorneys in locating expert services;
- Assists attorneys in preparing alternative reunification plans; and
- Assists attorneys in contacting service providers.

#### **Parent Advocates**

- Assists parents in asserting their rights in dependency and termination process;
- Advocates for services, visits, etc;

- Communicates with service providers regarding parents' progress;
- Communicates with Agency caseworkers regarding parents' progress;
- Communicates with CASA/GAL's regarding parents' progress; and
- Attends staffings.

### **Witnesses**

- Act as a fact witness;
- Prepares declarations for court; and
- Provides home visits or other face to face contacts as part of court ordered safety plans.

### **Community Child Welfare Participants**

- Participates in community child welfare and court improvement meetings;
- Provides Parents Representation Program Social Worker information to community groups; and
- Attends child welfare related conferences.

## **4. Professional Relationship with Parent Defender Attorney**

- Social Workers know and understand their role as agents of the referring Attorney and they are professionally responsible to such attorney. For purposes of interpretation of the Rules of Professional Conduct for attorneys Social Workers are considered "non-lawyer assistants." See Rules of Professional Conduct Rule 5.3. Responsibilities Regarding Nonlawyer Assistants.
- Social Workers know and understand privileged communication and it extends, with the exception of mandated reporting circumstances, to their communications with clients on behalf of the Attorneys. See Mississippi Rules of Evidence Rule 502. Lawyer-Client Privilege.
- Attorneys maintain sole discretion of setting Social Workers roles and duties provided to their clients.
- Social Workers may not accept referrals on behalf of the parent defender. If a referral for social worker services is requested by a third party, the third party is referred to the respective Attorney for his or her referral consideration.
- Referrals should generally be made in writing.
- Social Workers are encouraged to request a copy of a current Service and Safety Plan and court orders. These documents provide Social Workers with an initial understanding of the court's expectation of clients.
- Social Workers and Attorneys are encouraged to discuss third party communication prior to the initial contact between Social Workers and clients.
- Attorneys have final discretion regarding all third-party communication decisions.
- Social Workers clearly inform and discuss with clients the Social Worker's role in working with them.
- Social Workers clearly inform parents of attorney-client privilege regarding third party communication.
- Social Workers clearly communicate, to everyone involved in the case, they are serving only the client of the Attorney who made the referral.
- Social Workers maintain an independent and objective professional assessment of a

case. At the request of the Attorney, Social Workers provide social work insight and assessment in the progress and barriers of parents. Social Workers understand the professional role of Attorneys in that any Social Worker provided insight or assessment is at the discretion of Attorneys to utilize for legal purposes.

- Social Workers provide “Monthly Service Updates” to referring Attorneys on each case. “Monthly Service Updates” may be in written or verbal form. The “Monthly Service Updates” include at a minimum:
  - Dates of face to face and/or telephone contact(s) with clients;
  - Approximate number of direct service hours provided to the parent;
  - Brief description of clients’ progress;
  - Any assessed barriers to clients’ progress; and
  - All other client relevant information.
- Social Workers share any and all case specific information provided by Agency caseworkers, services providers, CASA/GALs, other professionals and/or other collateral information sources with the referring Attorney.
- Unless requested differently by the Attorney, all Social Worker case specific written communication provided to the Agency caseworkers, services providers, GAL/CASA, other professionals and/or other collateral should include a copy (cc) to the referring Attorneys.

## **5. Professional Relationships with Clients.**

- Social Workers clearly inform clients, at first contact, that Social Worker services are voluntary and at any time in the proceeding, clients may choose to discontinue services.
- When referrals are accepted by Social Workers, initial contacts with clients are attempted as soon as possible, but no later than five business days. The referring Attorneys reserve the right to revise the contact timeframes on specific cases.
- At initial contacts with clients, Social Workers provide their clients with direct Social Worker contact information and normal business hour availability.
- Social Workers meet and communicate regularly with clients. Social Workers’ communication with clients primarily focuses on clients’ progress, performance and any real and/or perceived barriers of parents in court ordered services. Additional communication focuses on the support roles of MDCPS, service providers and other parties in the case. Social Workers attempt to guide clients through real and/or perceived barriers of meeting their court ordered services and self-directed goals. Social Workers focus on the necessary resources in order to achieve court ordered services and clients’ self- directed goals and help clients identify and problem solve any real and/or perceived barriers.
- Social Workers verbally and/or in writing inform clients, in clear and understandable language, about pertinent informed consent information. Informed consent communicated to clients includes, at a minimum, full disclosure of the following information:
  - Roles as agent of Attorneys, including attorney/client privilege;

- Purposes of Social Worker services;
  - Mandated Reporter status;
  - Voluntary professional relationships;
  - Timeframes covered by consent;
  - Services limited to amount of professional available time;
  - Client's right to ask questions;
  - Client's right to refuse or withdraw consents;
  - Client's complaint/grievance procedures; and
  - Services provided at no cost to clients.
- Social Workers are responsible for ensuring informed consent requirements meet their respective and specific professional liability, licensing and/or registration requirements.
  - Social Workers are not required to transport clients as part of their contract obligations. If Social Workers choose to transport clients, Social Workers are expected to be as fair and equitable as possible regarding distribution of their transportation time.
  - Social Workers help clients search all other transportation possibilities before transportation is provided.
  - Social Workers shall not transport clients under the age 18 or client's children under the age of 18 without written approval from the legal custodian. In all dependency cases, MDCPS is the legal custodian and any such transportation would require the assigned Agency caseworker's written approval.
  - Social Workers are responsible for ensuring all private automobile insurance is adequate.
  - Social Workers obtain all necessary signed consent forms from clients to obtain and release any necessary information.
  - In order to carry out their professional roles, Social Workers may need to obtain the services of interpreters. In situations where interpretations services are determined necessary, Social Workers obtain approval through referring Attorneys, and follow the Attorneys' designated method of invoicing for such services.
  - Upon request from clients, Social Workers provide clients with information on submitting formal complaints/grievances regarding actions by Social Workers. Clients are first encouraged to discuss and resolve their complaints/grievances with Social Workers. If complaints/grievances are not resolved between clients and Social Workers, clients are directed to discuss the concerns with their assigned Attorney.
  - Cases are closed if requested by the clients or referring Attorneys.
  - Cases are closed when Social Workers determine that their social work services are no longer necessary, and the referring Attorney concurs.

- Cases are closed if no in-person or telephone contact has been made between the Social Worker and client during the last full calendar month. Diligent contact attempts should be made by Social Workers before a case is closed for lack of client availability. An exception to this case closing standard is made when cases are determined “hold status” cases. See Standard 7 for practice standard regarding “hold status” cases.
- No case shall remain open for more than one full year without prior approval from the referring Attorneys.
- Social Workers notify the client verbally and/or in writing that their case is being closed.
- At the time of the case closing, Social Workers notify referring Attorneys that cases are closing and provide them with brief verbal or written synopsis of case involvement and status at time of closing.

## **6. Professional Relationships with Child Welfare Professionals**

- Social Workers interact respectfully, professionally and make good faith attempts to work collaboratively with Agency caseworkers to provide clients the best opportunity of addressing their parenting deficiencies.
- Social Workers notify the assigned Agency caseworkers verbally and/or in writing of their case assignment within ten business days. The notification clearly identifies the Social Workers’ specific client they are assigned to work with to eliminate any confusion.
- Social Workers’ communication with Agency caseworkers primarily focus on clients’ progress in the case plan, clients’ ability to access services, visitation issues, clients’ real and/or perceived barriers and other information pertinent to the family’s current and future success for safety, permanency and well-being.
- Unless otherwise specified by the referring Attorney, all case specific Social Worker e-mail communication with assigned Agency caseworkers includes a copy (cc) to the referring Attorney.
- In situations where Agency caseworkers may not be interacting professionally and/or collaboratively with Social Workers, Social Workers notify referring Attorneys.
- Social Workers interact respectfully, professionally and make good faith attempts to work collaboratively with client service providers to provide clients the best opportunity of addressing their parenting deficiencies.
- Social Workers are encouraged to contact client service providers pertinent to a given case and communicate that a Parents Representation Program Social Worker has been assigned to work with a particular parent.
- Social Workers’ communication with client service providers primarily focus on clients’

progress in their case plan, clients' ability to access services, the clients' real and/or perceived barriers and other information pertinent to the family's current and future success for safety, permanency and well-being.

- Unless otherwise specified by Attorneys, all case specific Social Worker e-mail communication with client service providers includes a copy (cc) to the referring Attorney.
- Social Workers interact respectfully, professionally and make good faith attempts to work collaboratively with the CASA/GALs to provide clients the best opportunity of addressing their parenting deficiencies.
- Social Workers are encouraged to contact assigned CASA/GALs and communicate that a Parents Representation Program Social Worker has been assigned to work with a particular parent.
- Social Workers' communication with the CASA/GALs primarily focuses on clients' progress in the case plan, clients' ability to access services, visitation issues, clients' real and/or perceived barriers and other information pertinent to the family's current and future success for safety, permanency and well-being.
- Unless otherwise specified by Attorneys, all case specific Social Worker e-mail communication with CASA/GALs includes a Copy (cc) to the referring Attorney.
- Social Workers may be requested by clients and/or Attorneys to communicate with other professionals and/or collaborative supports (i.e. client relatives, client friends, etc.). Social Workers interact respectfully, professionally and make good faith attempts to work collaboratively with all other professionals and collaborative supports in order to provide clients the best opportunity of addressing their parenting deficiencies.
- Unless otherwise specified by Attorneys, all case specific Social Worker e-mail communication with other professionals and/or collaborative supports includes a copy (cc) to the referring Attorney.
- Social Workers' communication with the other professionals and/or collaborative supports primarily focuses information pertinent to the family's current and future success for safety, permanency and well-being.
- Upon initial contact with professionals and/or collaborative parties, Social Workers clearly disclose their association as agents of Parents Representation Program Attorneys.
- Social Workers attempt to resolve any professional disputes with other professionals. Professional dispute resolution should occur at the lowest level of chain of command possible. Any disputes not solved at the Social Workers level are directed to the assigned Attorneys for resolution. Any disputes regarding Social Workers' practice not resolved

with the Attorneys may be referred to the Office of State Public Defender for consultation and attempted resolution.

## 7. Caseloads

- A “case” is defined as any referral assignment from Attorneys where Social Workers provide a total of three or more hours of direct client service. Social Workers know and understand cases are counted as parents in dependency and termination proceedings, and not children of parents.
- Fulltime Social Workers carry a minimum of 28 open cases. Of the 28 open cases, a minimum of 20 cases must be “active status” cases. Of the 28 open cases, a maximum of 8 cases may be considered “hold status” cases. Both “active status” and “hold status” cases are considered open cases. Part time contract caseloads should be prorated to 28 full time cases.
- “Active status” cases are defined as open cases that have had at least one in- person or telephone client contact in the last full calendar month.
- “Hold status” cases are defined as open cases that have not had an in-person or telephone contact in the last full calendar month, but remain open for anticipated future services. The lack of contact may be due to no recent contact being necessary or unsuccessful contacts attempts made by the Social Worker.
- “Hold status” cases should be reserved for cases where it is necessary for the Social Worker to stay involved, despite the reason for no contact, *and* contact between the client and Social Worker is anticipated in the near future. All cases in “hold status” must be approved by the referring Attorneys for such status.
- Social Workers should not accept more than five cases over the 28 minimum caseload standard, but may do so at their professional discretion.
- It is reasonable to expect Attorneys may request direct client services for a parent that do not last a total of three or more hours in duration. For the purpose of caseload standards, these direct client services are not counted as cases, and it is not expected that a case will open in the Parents Representation Program Database. *An example would include a situation where an Attorney requests a Social Worker to attend a staffing with no request for further social work services.* Social Workers are expected to respond to such requests within their available schedule and contract hours. Social Workers report these hours on their monthly reports as “non-case assigned direct service hours.”
- Where Social Workers receive referrals from a several Attorneys, Social Workers make every reasonable attempt to provide fair and equitable caseload and direct services hour distribution to all supported Attorneys’ client referrals.
- When caseloads are distributed unevenly between Attorneys, Social Workers accept new referrals from under case represented Attorneys and request over case represented

Attorneys to prioritize their social worker case assignments.

- When uneven caseload distribution cannot be solved between Social Workers and Attorneys, Social Workers shall contact the Office of State Public Defender for resolution.

## **8. Time reporting.**

Social Workers should maintain time logs for hours spent on Parent Defense by general category:

- Direct client service hours are defined as any professional social work activity conducted for the purpose of a specific client. Direct client service hours generally average 85% or more of the Social Workers contracted monthly hours. Direct client service hours include Social Workers' transportation time to and from in-person, or attempted in-person contacts and "Non-Case Assigned Direct Service Hours".
- Administrative service hours are defined as all non-direct client service hours that can reasonably be attributed to work necessary to fulfill Social Workers' contract expectations. *Examples of administrative service hours include billing and invoicing time, continuing education requirements, Parents Representation Program evaluations and program development, general child welfare literature review and case reviews/conference calls with the Office of State Public Defender.* Administrative service hours generally average 15% or less of the Social Workers' contracted monthly hours.
- It is expected and understood by the Office of State Public Defender that some months will require more Social Workers administrative service hours than others and that some months will require Social Workers to exceed 15% of contract hours on administrative service hours. *Example would be months that have considerably more mandatory continuing education expectations as summarized in 2.3 (b) or community child welfare participation commitments.*

## **9. Social Worker Practice Oversight and Support**

- Social Workers are encouraged to consult with the Office of State Public Defender and consultants retained by OSPD, as needed, on complex social work and child welfare practice issues.
- Social Workers are encouraged to develop working relationships with and consult with fellow Parents Defender Program Social Workers.
- Social Workers participate in quality assurance or evaluation process as requested by the Office of State Public Defender. For contract purposes, quality assurance participation is counted as administrative service hours.
- Social Workers participate in Parents Defense Program development as requested by the Office of State Public Defender. For contract purposes, Parents Representation Program

development is counted as administrative service hours.

- Social Workers shall fully disclose, in writing, to the Office of State Public Defender any and all professional employment/contracts unrelated to their parent defense contract. If the unrelated employment/contract is expected to start during a Social Worker's contract period, the written disclosure shall occur before the new and unrelated employment/contract begins.
- The written disclosure shall include the name of the employment or contract agency, the nature of the role, typical weekly work schedule and the total work hours expected during a week and month. If the professional activity is considered social services, Social Workers shall clearly identify what action will take place to avoid a conflict of interest with the Social Worker's parent defense contract.
- Social Workers are encouraged to provide field-placement supervision in support of a limited number of social work students as part of their contract hours. Before accepting any supervision responsibility, Social Workers first discuss the student field placement and the required supervision hours with the Office of State Public Defender.