

Partnering with Parents to Protect Children Through Co-Petitioning

Court Improvement Board

December 2, 2015

Overview

- Why Do We Need Co-Petitioning?
- What is Co-Petitioning?
- How is Co-Petitioning Legally Implemented?
- What Are the Advantages of Using Co-Petitioning instead of Non-Offending Respondent?

What type of representation do you provide in child protection proceedings?

- Defense – parent representation
- Prosecution
- GAL
- Both parent representation & GAL
- Other

Why do we need co-petitioning?

The purpose of co-petitioning is to
make the child safer.

What happens without co-petitioning?

A child with one protective parent is less safe
than a child with two unfit parents

(case example)

How a child with one protective parent is less safe than a child with two unfit parents:

One Protective Parent

- In Family Court with no Counsel
- Child may have GAL
- No mandated services
- No mandated court monitoring/accountability
- No permanency for the child
- No improvement period

Two Unfit Parents

- Both parents have Counsel
- Child has GAL
- Case management & services
- Court monitoring/accountability
- Permanency plan in place
- Opportunity for behavior change – improvement period

Outcome for a child with one protective parent versus a child with two unfit parents:

One Protective Parent

- Parent not believed – child given unsupervised visits or custody
- If DVPO granted – limited protections for child
- No permanency for child
- No behavior change

Two Unfit Parents

- Child safety plan implemented and enforced
- Child services case managed, funded and court monitored
- Permanency plan implemented & achieved in timely manner

Child safety is compromised when they perceive a parent is not on their side.

From the child's trauma perspective, when both parents are named as respondents, no one is on their side.

“Non offending” parent



Protective parent

A passive “non-offending” parent respondent is not perceived by the child as an actively protecting parent.

Case example.

What is co-petitioning?

Co-petitioning is a mechanism which greatly enhances child safety, both physically and psychologically.

What is Co-Petitioning?

- DHHR & Non-offending parent are co-petitioners – offending parent is respondent
- Non-offending parent did not harm child, did not condone abuse and took steps to protect child that were reasonable given the threat of harm to the adult victim (in DV cases)
- Any reasonable person can co-petition
- Separate verifications
- Imminent danger language not needed – custody with non-offending parent
- Non-offending parent co-petitioner gets attorney

How was co-petitioning
legally implemented?

Relevant Mandates

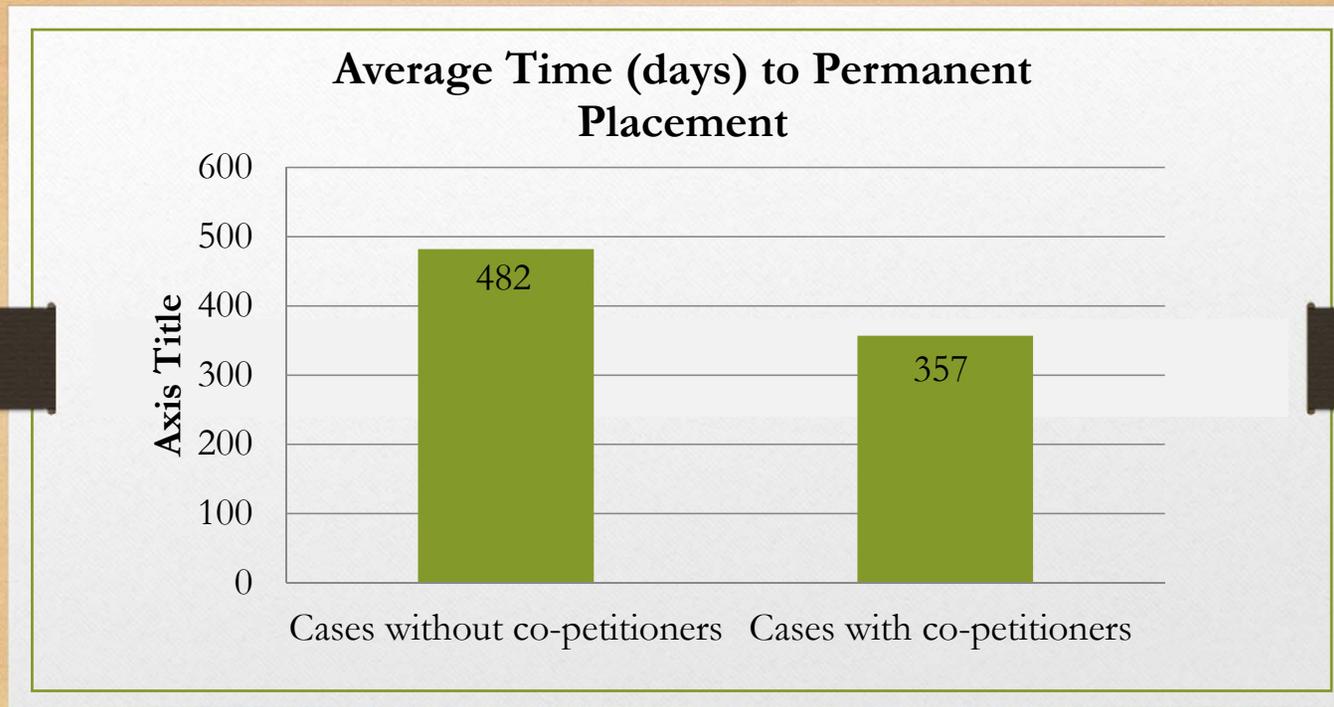
- Rule 3m – Defines the parties
- §49-1-201 – Defines petitioners and respondents
- §49-4-601 - requires court to rule as to each respondent is abusing/neglecting or battered parent
- Rule 17 – Defines Co-Petitioning
- §49-4-502 – Prosecuting attorney duties

What are the advantages
to using co-petitioning rather than
“non-offending” respondent?

- The child knows they have a parent on their side
- Reduces the trauma of removal
- Co-petitioner receives services
- Faster permanency
- Co-petitioner status does not interfere with employment background checks
- ICPC

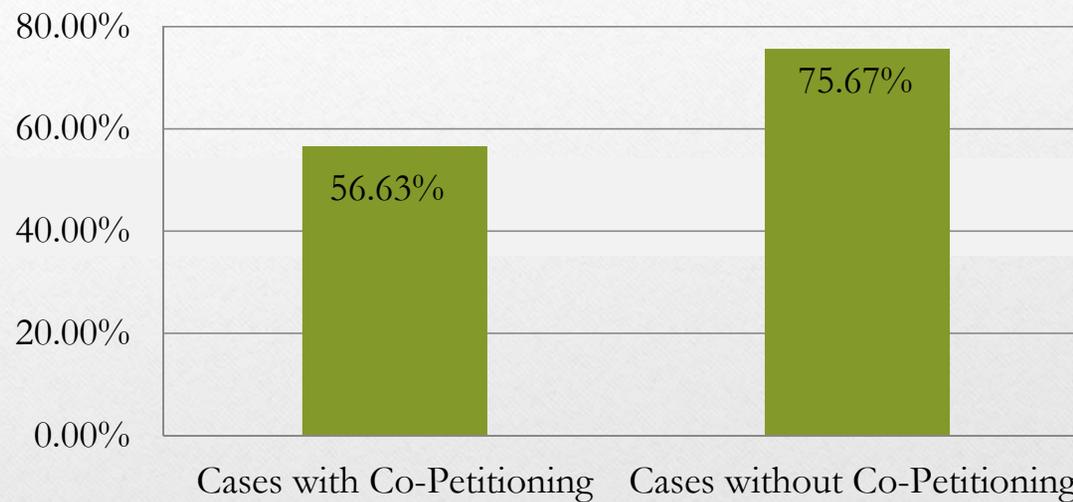
**Court Improvement Project (CIP)
Co-Petitioning Data for Child Abuse and Neglect Cases
Reaching Permanency between 2010 and 2014**

Data as of 01/14/15



Over the last five years, cases filed with a co-petitioner on average achieved permanent placement 125 days sooner than cases filed without a co-petitioner.

Percentage of cases resulting in child removals with and without co-petitioners



As a practical matter, how do you
implement co-petitioning?

At the time of filing the petition

- JANIS
- Separate verifications

If DHHR/Prosecutor does not file using co-petitioner

- Amend petition with DHHR agreement
- Co-petitioner must be in agreement

If DHHR does not agree to co-petitioning

- Motion by respondent to join petition
- Attach co-petitioner verification and ask for re-alignment of parties

Co-Petitioning

How likely are you
to use co-petitioning in the future?

- Not likely
- Somewhat likely
- Very likely

