



Ethics Session on Older Youth

Supreme Court Task Force on Permanency Planning

August 22, 2023



James is done!



James has repeatedly told his GAL that he wants to be released from custody and his case terminated when he turns 18. His GAL does not believe it is in his best interests as James wants to continue his education after graduation and has no living relatives nor any real supports to help him navigate the higher education system. Despite being told of some of the benefits of remaining in care after 18, James' mind has not changed. The court set a review hearing the week of James' 18th birthday to be able to follow up with him as to what his future plans are as the initial transition plan submitted was not approved by the court.



During the intervening months, James sent a letter to his GAL to submit to the court indicating his request that jurisdiction cease. When time came for the review hearing, James was sick and unable to attend. The GAL told the court about James' plans and his request but did not let anyone know that he had submitted a written request as required under the statute. Since there was no written request and no approved transition plan, the court set the matter out for a permanency hearing in 7 months.



Poll Question

When a child's wishes conflict with what the GAL determines is in his/her best interest, the GAL should:

- a) Change their recommendation to the Court to align with the child's wishes
- b) Tell the child that their wishes are wrong and will not be presented to the Court
- c) Notify the Court of the potential disagreement and let the court decide whether to appoint the child an attorney
- d) Withdraw from the case entirely.



Poll Question

It is the duty of the county or district attorney to represent the wishes put forward by the Agency and/or it's grantees.

True or false?



Christopher's Conflict



Christopher is 15 years old. He came into care about a year ago for running away from home repeatedly. He was also truant, using drugs, and his mother could not control him. After about 6 months, Christopher begins having weekend visits with his mom. During those visits, Christopher has been sneaking out of mom's house, hanging out with his friends, and abusing Robitussin cough syrup. In his Robitussin haze, he has been making TikTok videos with his friends showing them drinking Robitussin and partying.



As any good parent, you, as GAL, have a TikTok account purely for monitoring your own children and definitely NOT as a venue for convincing your husband to let you raise goats and mini-cows. One night you stumble across Christopher's account where you personally witness him being in a location, he has no permission to be, abusing Robitussin, and you see beer cans and drug paraphenailia in the background.



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True or false?



Aron County Attorney



You are the county attorney in Aron County. Johnny Bravo is four months away from his 18th birthday. Johnny was placed into DCF custody 11 months ago after he was released from the Kansas Juvenile Correctional Complex. The victim of the crime remains in the home of mother, Bunny Bravo, and as a part of his conditional release, Johnny is to have no contact with the victim. Father is not an option for placement.



You are at a permanency hearing and the Agency submitted a report outlining services provided to Johnny in order to achieve the permanency goal of another planned permanent living arrangement (APPLA). The report outlines tasks assigned to Johnny, however, when reviewing the report, under the services provided and task progress it simply states, “Respondent is AWOL”, as Johnny has been on run for the last 45 days. The report was submitted late, and you did not have time to reach out to the Agency regarding the obvious deficiencies. The case manager is not at the hearing, but another case manager, who is relatively new to the Agency, informs you she is covering and has no additional information other than what is contained in the court report.



In addition to being the Assistant County Attorney, you maintain a small private practice. Last week, your long-time client came to you to for advice on how to evict her tenant, Bunny Bravo. Your client informs you that Bunny's son recently moved in with her and is damaging the property.



Elizabeth



Elizabeth is a 17-year-old young lady who will be 18 in the next 90 days. Elizabeth was adopted by the Edwards family when she was 10. By 12, however, her adopted family began to notice some concerns, including lying, physical aggression against siblings, threatening her parents, and running away. Just after turning 16, the parents refused to pick up Elizabeth from Juvenile Intake and Assessment Center after her most recent run. JIAC told the parents that they could be charged with abandonment and a CINC case filed. The parents still refused, saying they could not keep Elizabeth safe.



According to the original referral, Elizabeth had been running away to see boys, reporting crimes against these same boys, sending nude pictures and suggestive messages to strange men, hitting her siblings, and threatening to kill her parents. The parents removed all access to cell phones, but Elizabeth still found ways to meet men online and would give them her home address so they could send her phones. After being brought into care, Elizabeth continued with extreme claims of abuse, threats of self-harm and suicide. She was diagnosed with Borderline Personality Disorder and depression. She has repeatedly claimed to be pregnant and accused her adoptive father of raping her and impregnating her.



Both parents have relinquished their rights to Elizabeth and she has a case plan goal of APPLA as she has no options available to her for adoption or permanent custodianship. Elizabeth ran away from her last placement in a group home to live with her boyfriend and his parents. The boyfriend's parents agreed to be an NRKIN placement so long as Elizabeth stayed on birth control. However, Elizabeth did NOT stay on birth control and became pregnant. Unlike past reports, doctors were able to confirm this pregnancy. She ran away from her NRKIN placement and is now staying with her biological mother whose rights were terminated. In addition to having her rights terminated, biological mother has a lengthy history of DCF involvement – although all are unsubstantiated.



Biological mother is also in a relationship with and living with a registered sex offender who is not allowed to have contact with his own children. Elizabeth has now stated that she plans to stay with her biological mother and will run from any other placement. The only way to accomplish this would be to release Elizabeth from DCF custody early and directly place her with her biological mother as neither can pass a DCF background check. In addition, Elizabeth plans to have her baby and continue living with her biological mother and mother's boyfriend with her new baby.