



NH Department of Health & Human Services
Division for Children, Youth & Families

DCYF Standard Operating Procedure

1173.4 CONSIDERATIONS WHEN COURT ACTION IS TAKEN

Policy Directive: **20-25**

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Implements Policy: **1173**

Approved:

Joseph E. Ribsam, Jr., DCYF Director

This SOP defines Assessment procedures specific to identifying, locating, and engaging missing/non-custodial parents if court action is taken.

Procedure

The following information is to support the implementation of the above referenced policy. This document shall not preclude staff from using their professional judgement based on individual circumstances, consistent with the requirements of the policy.

- I. CPSWs are expected to take the following actions relevant to missing/non-custodial parents if court action is taken:
 - A. Report efforts to identify and locate missing parents in the Affidavit to Identify and/or Locate a Parent, Legal Guardian, or Putative Father (Court Form NHJB-3031-DF) as outlined in policy 1276 Intervening Through Court Actions at the time petitions are filed;
 - B. Once the CPSW confirms the identity or location of a missing parent the CPSW will immediately inform the Family Court of the parent's identity and location to the extent they are known to DCYF by submitting court form NHJB-3171-F, which serves as both notice and motion in the following circumstances:
 1. If the individual was initially named as a petitioned or non-petitioned parent on the RSA 169-C petition, the CPSW will provide the Court with the parent's address for service (addressed in section 1);
 2. If the individual was not initially named as the parent on the RSA 169-C petition, and DCYF has concluded that paternity testing is not required because both the mother and the individual report the individual is the father, the CPSW will provide the Court with the parent's name and address for service and motion the court for the non-petitioned parent to be joined to the RSA 169-C case (addressed in section 2); or
 3. If the individual is a putative father and DCYF believes paternity testing is required, DCYF will motion the Court for paternity testing, consistent with DCYF's practice (addressed in section 3); and
 - C. If petitions of abuse or neglect have not been filed regarding the non-custodial parent (referred to as the non-petitioned parent by the Court), the CPSW will make

significant efforts to notify them of their right to request a hearing (regardless of placement status) at the earliest available opportunity, pursuant RSA 169-C:19-e.

1. When notifying the non-custodial parent, the CPSW will provide them (either in person or by mail) the Notice to a Non-Petitioned Parent in a Child Abuse or Neglect Case brochure (Form 1173) and ask them to sign the receipt section and return it (if mailing, provide a self-addressed, stamped envelope).
 2. Once the signed receipt is back, the CPSW will scan it into the DCYF electronic information system and maintain the paper copy in the file.
- II. If after providing notification to the non-custodial parent of DCYF's involvement and requesting that they either engage in, or make arrangements for (as applicable), the care of their child, the non-custodial parent refuses to engage with DCYF, the CPSW must consult with their Supervisor and Staff Attorney as to what actions are necessary. This may include filing petitions for neglect on the non-custodial parent.
- III. CPSWs are expected to take the following action when a putative father, defined as the individual who is commonly regarded as the child's father, is identified:
- A. Putative fathers will not be named in the petitions until the Court has established paternity;
 - B. Form NHJB-3031-DF Affidavit to Identify and/or Locate a Parent, Legal Guardian, or Putative Father will be submitted to the court; and
 - C. A decision will be made in consultation with their Supervisor and Staff Attorney, on whether a paternity test is necessary.
 1. If an individual regards themselves as the father and this is confirmed by the mother, a paternity test is not necessary.
 2. If an individual regards as the father, but the mother denies this, DCYF may determine a paternity test is necessary and petition the court.
- IV. If a child enters placement, they will be visited at their placement provider no later than the end of the calendar month and then at least monthly.
- V. The Assessment CPSW will discuss with the Family Services CPSW all efforts around locating and engaging missing/non-custodial parents either before, or at the time of the transition from Assessment to Family Services.
- VI. The CPSW will ensure that notification of any meetings are sent to the last known address of the non-custodial parent so long as it has been determined to be safe and in the best interest of the child. This shall also include notice of treatment meetings or other meetings held on behalf of the child.

VIII. All efforts to identify, locate, and engage missing/non-custodial parents are to be documented in the DCYF electronic information system by the end of the next business day under the correct drop down selections for type of contact and purpose. All contacts should reflect the details, including:

- A. Efforts to provide notice to the missing/non-custodial parent of court action and their rights under RSA 169-C; and
- B. Efforts to identify needs and supports, resources, and/or services to help meet those needs.

Applicable Forms	
Form	Title
T1508	Safety Plan Template
1520	Action Plan

Glossary and Document Specific Definitions

A - B C - D E - F G - I J - L M - N O - Q R - S T - V W - Z

Document Change Log			
PD	Modification Made	Approved	Date