



## Dependency Court and State Responses to COVID-19

Compiled by the National Council of Juvenile and Family Court Judges

**California:** *Los Angeles, San Mateo, Sacramento, and Bay Area Counties only:* Courts will remain closed through April except for time-sensitive and essential functions. For child abuse or neglect cases, only the most urgent will get a hearing, especially if it involves the imminent safety of a child. All other routine court functions will be delayed for 30 days. Monthly home visits by a social worker to all children in foster care will also continue, but where possible, video conferencing will be used. Department social workers are encouraging families to do virtual visits.

**Delaware:** Family Court will continue to address emergency requests for Protection from Abuse Orders and emergency child welfare, custody, visitation, and guardianship matters. All necessary hearings will be held by telephone when possible. Family Court will be accepting emergency civil findings by email including: Protection from abuse proceedings, any filing related to a child welfare matter involving the Department of Services for Children, Youth, and their Families, and custody/visitation/guardianship filings if filed on an emergency or priority basis

**Florida:** All dependency hearings are being held through Zoom. Parents and their attorneys log in along with anyone else on the case. For those that cannot access the Zoom line, they are permitted to appear by phone. No hearings have been canceled yet.

**Georgia:** The Supreme Court Chief Justice declared a judicial state of emergency which lasts until April 14th, 2020. As a result of this, the majority of hearings will either be continued or occur through video conferencing. County staff will work with their appointed Special Assistant Attorney Generals to determine what the local juvenile court's practice will be, and staff will make themselves available for any scheduled hearing. The Division's recommendation that in-person court-ordered visitation be suspended and replaced with frequent video conferencing and/or phone calls to ensure children stay safe while remaining connected to their parents during this period.

**Hawaii:** Jury and non-jury proceedings have been rescheduled until after April 30. However, some Family Court matters will continue as scheduled, including temporary foster custody and motions when a child is removed from family supervision to foster custody, excluding termination of parental rights trials.

**Illinois:** The Governor Issued Statewide Shelter-in-Place Order. The order allows a government body to determine its Essential Government Functions and the employees needed to perform those functions, child protection and child welfare personnel are exempt from this order. *Cook County only:* Judges will

only hear child abuse or neglect cases in which the state seeks protective custody of a child, as well as emergency motions in which children are allegedly abused in foster care.

**Massachusetts:** Massachusetts Department of Children and Families will start limiting face-to-face visits with children in the care of the state. DCF workers will still make emergency visits and see some children, but will assess the safety of each scheduled at-home visit.

**New Jersey:** Juvenile detention hearings, including Juvenile Detention Alternative Intervention (JDAI) risk assessments, and Division of Child Placement and Permanency removal hearings will continue without interruption to the extent possible, including the use of telephonic and video technology.

**New Mexico:** The State's Children, Youth and Families Department (CYFD), will conduct more of its visits for youth via phone or video

**New York:** Each judicial district is creating their own operational plan. Courts may allow essential matters related to child protection, juvenile delinquency, family offenses, and support orders. Starting on March 30, the state will go virtual.

**Ohio:** All non-essential workers ordered to stay home. Judges, court personnel, and the Departments of Family and Youth are not subject to this order.

**Pennsylvania:** Judges in most of the counties are doing needed hearings with parties on the record via phone. Initial hearings and adjudications are being done by conferencing parties in and on the record. Telephone, FaceTime, and Skype is being encouraged in place of court ordered visitation, even with babies if contact visits are not currently possible but again it's a local decision.

**South Carolina:** Until further notice, Family Courts will only hearing emergency matters, including but not limited to Emergency Protective Custody, Juvenile Detentions, Bench Warrants, and Emergency Petitions for Orders of Protection from Domestic Violence. Only attorneys, their clients, and witnesses are allowed to appear for these emergency hearings.

**Texas:** The Texas Office of Court Administration will roll out video conferencing capabilities, through Zoom, to more than 3,000 judges across the state. The intention is to have as many judges as possible, if not all judges, using that technology to be able to conduct both their essential proceedings and even non-essential proceedings that maybe are not as urgent but still need to occur via that video, and allowing everyone, including the parties themselves, to join.

**Utah:** All juvenile court hearings will be continued until after June 1, with the exception of shelter hearings, child welfare adjudication and disposition hearings, detention hearings, in-custody delinquency adjudication and disposition hearings, detention reviews, protective orders and other hearings involving a child at risk of abuse, neglect or dependency. Telephone or video conferencing is encouraged for hearings that are allowed to be heard.

**Washington:** With proper adherence to CDC guidelines re: cleaning, a visitation center is analogous to a daycare setting when thinking through public health type issues. Visitation centers as well as daycares and child care facilities are still allowed to operate.

**Wisconsin:** *Milwaukee only:* The Department of Children and Families made the decision to temporarily close the centers. The departments did not give a duration for the temporary closing. They will continue to provide services during the closure, and staff employees can enter the sites to conduct state business. Milwaukee Child Protective Services is still monitoring its hotline to report suspected child abuse or neglect during the closing.

**US:** Section 422(b)(17) of the Social Security Act requires that caseworkers visit children in foster care on a monthly basis. The policy, as currently posted, prohibits using videoconferencing for the purpose of meeting that requirement, and requires that such visits must be held face-to-face. The current public health challenges and guidelines require a reconsideration of that policy. While it is imperative that caseworkers continue to ensure the well-being of children in care, that imperative must be balanced against the health of caseworkers, children in care, and all of the people with whom they come into contact. The monthly caseworker visit requirement remains in place, but we are modifying our policy to permit such visits to be conducted by videoconferencing in these current extraordinary circumstances.

Absent Congressional action, the Department of Health and Human Services (HHS) is unable to waive or alter requirements that are delineated in the Act or in regulation, including the case review system requirements that are delineated at section §475(5) of the Act. Although periodic reviews and permanency hearings are important protections for children in foster care, we have explained that the case review requirements are not a title IV-E eligibility requirement and, therefore, delays in conducting these activities will not adversely affect a child's eligibility for title IV-E. See, for example, ACYF-CB-IM-05-06, accessible at: [http://www.acf.hhs.gov/programs/cb/laws\\_policies/policy/im/2005/im0506.htm](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2005/im0506.htm).