

## Parenting with Mental Illnesses in the Minnesota Child Protection System

Living with symptoms of a mental illness can sometimes make it hard to raise your child. These challenges may draw the attention of child protection services. This fact sheet can help you understand and navigate the child protection system in Minnesota.\*

### Contact with Child Protection

If someone called the local county child protection agency about your child it was because they were worried about your child's safety, and suspected possible abuse or neglect. For example:

#### Abuse

- Physical abuse, such as burns, bruises and physical marks
- Emotional abuse, such as exposing the child to domestic violence or threats
- Sexual abuse

#### Neglect

- Being left alone for long periods of time depending on age
- Not getting enough food or water
- Not going to school
- Missing doctors' appointments
- Exposing the child to criminal activity or drugs

### Child Protection Process

A child protection worker will visit your home after a report of abuse or neglect is made. The worker will decide if your child is safe or in danger. The worker will do an investigation if there are serious signs of abuse or neglect, or they will do an assessment if there are less serious signs of abuse or neglect.

#### Assessment

An assessment, also called Differential Response, is conducted when less serious types of abuse and neglect are reported. Child Protection will gather information from you, your family and other people in your life. If there are no signs of abuse or neglect, the worker will close your case. If there are signs of abuse or neglect, services are offered to help your family based on your needs. You are **REQUIRED** to participate in the assessment, but you can choose if you want to participate in services if they are offered. It is better for you and your family if you do participate. This will allow you some choice in which services you use. If you do not agree to participate in services and concerns about abuse and neglect continue, there will likely be another report made and the county may choose to do an investigation instead.

You and the worker will develop a "case plan" when you participate in services. A case plan can include help with getting:

- Healthcare, transportation, housing
- Parenting classes, skill building classes, services to address barriers or stressors in your life
- Support from your relatives

You can get the help you need without your child being removed from the home as long as your child remains safe. Once you have completed the case plan there is usually no more involvement with child protection.

### **Investigation**

The worker will do an investigation if there is a report of very serious abuse or neglect and they believe your child is not safe. The investigation might also include a police officer. An investigation can happen if you refuse to participate in the Differential Response assessment process. The worker will interview the following people:

- Teachers, doctors, or other professionals who know your child
- Family members, friends or community members
- Others who have regular contact with your child

If there are no signs of abuse or neglect, the worker will close your case (see below). If the worker decides abuse or neglect has happened, you and the worker can make a “safety plan” so your child can be safely cared for at home. Your child might be removed from your home if a safety plan cannot be made or agreed upon. Your child may also be removed if a safety plan was made and you failed to meet it. A family member or foster parent may take care of your child until problems are addressed. A court case is opened to determine if your child should have been removed. The court determines where your child will live and for how long. You and the worker will also develop a case plan (see below) that will help you know what changes to make and services you need.

### **Determination**

An investigation leads to a determination. A determination says whether or not you have abused or neglected your child. If it is determined that you abused or neglected your child, you must participate in services.

If you disagree with the decision, you can appeal. *You only have 15 days to appeal the decision.* It is important to know that determinations are part of your permanent file. Determinations can also be seen by possible employers when you apply for jobs.

### **Telling child protection about your mental illness**

It is hard to decide if you should tell the worker about your mental illness. Having a mental illness does not make you unable to care for your child. What matters is how the symptoms of your mental illness affect your ability to parent.

There are some things to consider when deciding to tell about your mental illness. If you tell the worker about your mental illness, the worker may:

- Gain a better understanding of your situation
- Connect you with mental health treatment or services

On the other hand, the worker may not:

- Have a lot of training on mental illnesses
- Understand the needs of people with mental illnesses

If you tell the worker about your mental illness, explain the steps you are taking to manage your illness.

### **How to keep your child at home/ How to have your child return home**

There are several important steps you can take to show that you can care for your child at home. These steps can also be helpful to have your child returned to your home.

- Follow your case plan

The number one thing you can do to get your child back is to follow your case plan. The plan includes steps to keep your child safe or be returned to you. Typically you will have between 6 to 18 months to

complete the case plan. Do whatever the worker or court says to do. It is extremely important to work on the steps in your case plan. This shows that you want to make things better for your family.

- Parenting skills

You might need to work on your parenting skills. If you have an ARMHS (Adult Rehabilitative Mental Health Services) provider, know that parenting skills are covered under that service.

- Communicate openly about barriers

Sometimes barriers get in the way of completing your case plan. This can be things like lack of money for transportation or problems related to work, or childcare. It can also be things like negative side effects of your medication. Talk to the worker if you run into problems. You should also talk to other professionals involved. Reasonable changes might be made to the case plan based upon your situation.

- Take care of your mental health needs and make time for yourself

It can be stressful to be involved with child protection. It can also be stressful to work on the steps in your case plan. If your child is home and you feel overwhelmed or you need a small break from parenting, then that is okay. It is normal for all parents to need a few hours off. It is good to plan ahead for breaks from parenting. Do the best you can until a friend or family member is able to watch your child for a few hours. This will give you time to take care of your health.

- Make and keep appointments

Show the worker that you are committed to parenting. Attend your mental health and other health care appointments. Caring for your child also means caring for yourself. Have good communication with your doctors. Tell your doctors about any side effects of your medications, as well as new symptoms. Take advice from doctors on how to respond to your symptoms.

- Get support from loved ones and community members

Find people who can provide parenting support. Reach out to family members and friends. These are people who have seen you parent your child. They can also speak to your strengths. Show the worker that you have a supportive network of family and friends. Show the worker that you are not alone in caring for your child.

- Go to therapy groups and support groups

Seek support and understanding from others who are or have been in similar situations. An example is therapy or support groups for parents living with mental illnesses. Seeking support is a sign of strength, not a sign of weakness. It shows that you are able to solve problems. Seeking support also means that you are taking steps toward good mental health.

- Prepare a Crisis Plan or an Advance Psychiatric Healthcare Directive

Develop a mental health crisis plan. This is a written plan to handle symptoms and help prepare for a crisis. You can show the worker that you are prepared for mental health emergencies if you have a crisis plan. A crisis plan includes things like:

- Signs and symptoms of a mental health crisis
- Phone numbers of primary doctors, therapists and psychiatrists
- A list of current medications
- A list of friends and family members who can temporarily care for your child

Tell your family and friends about your crisis plan. Make sure to also tell them where to find it. More information about crisis planning can be found in NAMI Minnesota's booklet called *Mental Health Crisis Planning*.

A crisis plan can include an Advance Psychiatric and Healthcare Directive. This is a legal document that outlines your wishes when you lack mental capacity to make decisions. This can include types of treatments that you do or do not want. It can also include information from the crisis plan.

It is easy to prepare an Advance Psychiatric and Healthcare Directive. You do not need the help of an attorney. To find an example of one and prepare your own, go to [www.namihelps.org](http://www.namihelps.org). Then click on Support, Supportive Links, and "Advance Psychiatric and Healthcare Directive" under Laws/ Legal Information.

- Make sure your child's health and mental health needs are addressed

Your child might also have mental health needs that need to be addressed. Make sure your child, depending on their age, is being heard and supported. Be sure they go to all of their doctor's and therapist's appointments.

- Make sure your child is in school, is fed, bathed and cared for

Meet your child's basic needs. This includes food, water, and cleanliness. Have your child attend school if your child is school-age. Your child should also be supervised at all times, depending on age. If you are unsure if your child is old enough to be home alone, contact the county you live in or your worker for guidance.

- Seek legal advice

You might have to go to court and appear before a judge. Legal advice will help you be prepared. You have the right to hire an attorney when you are involved with child protection. You might be offered a court-appointed attorney if you cannot afford one, but this depends on which county you live in or is up to the court.

You can also hire a lawyer to appeal a decision related to your child protection case. You can also hire a lawyer to help get your child back home if your child is removed. You also might be able to get advice from a free legal clinic. You can find legal clinics at [www.lawhelpmn.org](http://www.lawhelpmn.org), as well as other self-help resources. You can also visit [www.mncourts.gov](http://www.mncourts.gov) and click on "Self-Help Center."

See the resource list at the end of this guide for possible legal resources.

### **After your child is removed from your home**

#### When they are removed, where would they go?

Child protection workers will find someone to care for your child. Workers typically look for family members that can help. If they cannot find a place through family or friends then your child will be placed in a foster home or temporary shelter.

Tell the worker if family members or friends are able to take your child. It is easier for your child to adjust if they are with someone they know. Your concerns will also be eased knowing that your child is somewhere familiar.

#### When, where and how often may you visit your child?

The worker and judge will talk to you about steps to take so your child can return home. One of the steps is to visit or talk with your child often. The locations of visits are often places that are safe, familiar and comfortable. The number of visits each week and locations vary for all families.

### **Native-Americans/ American Indians**

Different laws apply to Native-Americans/American Indians. Please see an attorney if you have questions about laws that apply to Native-Americans/American Indians.

*\*This fact sheet is not to be used as legal advice. For legal advice, talk to an attorney or contact one of the organizations listed below.*

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## **Information, Advocacy and Service Resources for Parents with Mental Illnesses**

### Parenting and Child Welfare Resources

#### **Minnesota Communities Caring for Children/Prevent Child Abuse Minnesota**

Prevent Child Abuse Minnesota connects parents with advocates, support groups and education to provide safe care for children.

709 University Avenue, Suite 234, St. Paul, MN 55104

Phone: 651-523-0099/ 1-800-244-5373

Website: [www.pcamn.org](http://www.pcamn.org)

#### **Children's Welfare Information Gateway**

This national resource is a website which contains helpful information about parenting, child development, child protection and state child welfare laws.

Website: <https://www.childwelfare.gov/>

#### **Minnesota Department of Human Services – Child Safety and Permanency Division**

This statewide resource offers guidance to families and counties on matters of child protection and child safety. The website contains definitions of child abuse and neglect as well as information packets for parents involved in child protection and their families.

Website: <http://mn.gov/dhs/people-we-serve/children-and-families/services/child-protection/>

### Legal Resources

#### **The Minnesota State Bar Association**

The Minnesota State Bar Association offers a list of licensed lawyers. These lawyers will likely charge a fee for their services.

Phone: 612-333-1183

Website: [www.mnfindalawyer.com](http://www.mnfindalawyer.com)

#### **Mid-Minnesota Legal Aid (MMLA)**

MMLA provides legal help if you do not have professionals available and cannot afford to hire a private attorney.

Website: [www.mylegalaid.com](http://www.mylegalaid.com)

#### **Volunteer Lawyers Network (VLN)**

VLN provides legal help for people who cannot afford an attorney by finding volunteer attorneys to represent parties in divorce and custody proceedings. VLN provides phone advice on CHIPS cases.

Website: [www.vlnmn.org](http://www.vlnmn.org)

#### **Southern Minnesota Regional Legal Services (SMRLS)**

SMRLS is a legal aid organization that helps in many areas of civil law, including family law and custody cases. SMRLS has staff and volunteer attorneys who take cases, and primarily serves residents of Ramsey, Washington, Dakota, Carver and Scott Counties.

Phone: 651-222-4731

Website: [www.smrls.org](http://www.smrls.org)

#### **MMLA Minnesota Disability Law Center**

The Minnesota Disability Law Center is an office within Mid-Minnesota Legal Aid. The Disability Law Center provides legal assistance with a focus on matters specific to disability and disability related discrimination.

Phone: 1-800-292-4150

Website: <http://mylegalaid.org/about/our-work/disability-law>