

# PRESENT DANGER AND PROTECTIVE PLANNING LEARNING COLLABORATIVE

## SEPTEMBER 2022: STEP 5: PROTECTIVE ACTION



### PROTECTIVE PLAN AS DEFINED IN SAFETY INTERVENTION STANDARDS (II. B. PROTECTIVE PLANNING)

A Protective Plan is an immediate, short-term strategy in response to the identification of Present Danger Threats. The Protective Plan provides a child with adult supervision and care in order to control for or shield from identified Present Danger Threats and to allow for the collection of information that can be used to assess Impending Danger Threats and Parent/Caregiver Protective Capacities. A Protective Plan is a negotiated arrangement made between a family, a local child welfare agency and Tribal Partners when working with Indian children and families.

#### HIGHLIGHTS OF A PROTECTIVE PLAN

- Least restrictive, least intrusive and should always be utilized when at all possible.
- There is no one-way to create a protective plan. Strategies and providers on the plan can be negotiated while the need for the safety intervention cannot.
- Utilizes parent/caregiver's strengths and any identified protective capacities.
- Requires voluntary consent of any adult household member whose behaviors or interactions with the child(ren) may be conditioned.

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### VOLUNTARY PLACEMENT AGREEMENT

A planned and time-limited approach to ensure safety via out-of-home care. Placement must include the parents' voluntary consent and the expectation is a return at the conclusion of the VPA.

#### HIGHLIGHTS OF A VPA

- Most often lasts up to 6 months with the potential to extend for another 6 months.
- If the child is not able to return at the expiration of a VPA, the CPS professional may take Temporary Physical Custody
- Does not require a legal finding for removal under Ch. 48 but does require ASFA warning/timelines and Permanency Planning in accordance with Ch. 48
- CPS professional must comply with Confirming Safe Environments and the Wisconsin Indian Child Welfare Act to notify the tribe

### TEMPORARY PHYSICAL CUSTODY

When safety cannot be ensured in the home and/or the parent is unable or unwilling to provide voluntary consent, removal of the child from the household and placement in out-of-home care may be necessary to control the impact of danger. A TPC is a means to ensure the child has protection from the Present Danger in immediate circumstances. The child may remain in care for 48 hours (not including Saturdays, Sundays or holidays) before the petition is sent to court to remain in care under WI Stat 48.21

#### HIGHLIGHTS OF TEMPORARY PHYSICAL CUSTODY

- The most restrictive and most intrusive of protective actions that must only be utilized when needed.
- Requires a legal finding if not resolved in less than 48 hours that begins the process of Holding a Child in Custody and requires Reasonable Efforts to Prevent Removal (WI Stat 48.21(5)(b)(1)(b))
- Removal from the home, even in situations, when necessary, is traumatizing. This protective action requires immediate attention to family interaction and engagement around utilizing a less restrictive option as quickly and safely as possible.



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### REFLECTION ON CONTENT

How confident are you in describing the Protective Action options in a way that family/ household members can understand and feel empowered to answer questions?

### ACTION ITEM

How does your agency/county ensure the least intrusive option (Protective Plans) are consistently implemented whenever possible?