Foster Care and Family Time - What about the Pets

Meet Austria. She's one of the loves of my life. We've been together for more than 10 ½ years. She has been a witness to my life during that time – loving me unconditionally, making me laugh daily, going on multiple daily walks as part of my own self-care, sleeping with me when I'm sick, comforting me when times are hard, vacationing with me (I've driven the I-95 corridor from Miami to Portland, Maine more times than I can count so she is with me during family visits), helping me transition to North Carolina, meeting friends, sharing bags of Doritos (my weakness when writing or driving), watching me leave and waiting for me to get home in her princess and the pea pile of dog beds in front of the window, and so much more. She is a joy. She is a dog of a lifetime. She is my family.

So, when I saw an email discussion a couple weeks ago about dogs and family time for children in

foster care, I was dumbfounded that concept had never occurred to me. When placed in DSS custody, children are removed from their homes, separated from their parent(s), guardian, custodian, or caretaker. They may be separated from their siblings, although state and federal law require DSS to make reasonable efforts to place siblings together unless there is documentation that doing so would be contrary to the safety or well-being of any of the siblings. *See* G.S. 7B-505(a1); 7B-903.1(c1); 42 U.S.C. 671(a)(31). A school transfer may be necessary, although federal law prioritizes remaining in the child's school of origin for the duration of a child's time in foster care. See my earlier blog post discussing educational stability for children in foster care here. And, for those with loved family pets, there is also the separation from that comfort and support. Yet, there is nothing in North Carolina law or DHHS policy that addresses this separation. Guidance about contact with pets does not exist.

I know not everyone is an animal lover. I know not everyone is a dog person. But for those of us who connect with our animals, the connection is real. I have Austria. As a child, I had Woody (the malamute mix), and in succession, the cats: Muffie, Space Mutt, and Nuke 'Em (yea, I named the last two). I have a friend, whose oldest child seeks comfort from her guinea pig and that guinea pig provided her comfort and support during remote schooling with COVID and even now at college when things get difficult. When I worked at legal aid, there was a legendary case where the attorney unsuccessfully defended an eviction based on a pet policy violation for having a fish, arguing "you can't pet a fish." But, that family needed that fish. Public housing laws have since changed, prohibiting public housing authorities from banning common household pets. See "Pet Ownership in Public Housing" by the U.S. Department of Housing and Urban Development, December 2020.

HUD recognized the importance of pets to individuals and families. HUD isn't the only entity to do so. The American Academy of Children and Adolescent Psychiatry discusses the advantages and benefits of pet ownership for children here. Courthouse dogs are used to assist victims when testifying (Read about Johnston County's courthouse dog here).

So, why isn't contact with family pets considered in child welfare here in North Carolina? My guess is that other priorities take precedence. But, there is room to consider that contact. Visitation is often referred to as "family time." For those where pets are part of the family, perhaps consideration of including a pet in family time would benefit the child. It may also improve a visit and allow for more natural interaction amongst the family during a visit.

A child's guardian ad litem (GAL) can consider the connection between the child and family pet and make recommendations accordingly. If pictures of the child or family are introduced by the GAL or parent's attorney, consider a picture that includes the family pet as a visual reminder for the court and others. The court must address visitation in any order where the child is removed from their home or their placement outside of their home continues. *See* G.S. 7B-905.1. The visitation plan is based on the child's best interests. Inclusion of pets may be included as part of the order if the court determines that is in the child's best interests. There may be rules regarding

pets and visits if visits are supervised at a DSS office or a visitation center. For example, proof a rabies vaccination may be required. Visitation plans can be creative. For example, if pets are prohibited at an agency, having part of the visit take place outside under appropriate supervision and weather permitting is a possibility. Discussion with the parents, child (if appropriate), and supervisor about how to include a family pet during family time can occur and result in some creative solutions.

Just over 2 weeks ago, I got the devasting news that Austria has aggressive mouth cancer with only a couple months to live. My heart is breaking. My emotions are raw. My mind is unfocused. I am grieving already. But, I have the chance to be with her, spoil her, give her her best life ever, and most importantly, say thank you and goodbye. Although not as extreme of a loss (e.g., impending death of a pet) for a child in foster care, the losses a child experiences with the numerous transitions of foster care is a much greater loss in other ways. The chance to spend time with their loved pet and if appropriate say goodbye is just as important, don’t you think?