

It's My Birthday and I'll Cry if I Want To; Is That the Norm for Children in Foster Care?

Today is my birthday (for those of you who are wondering, 46). It is my absolutely favorite day of the year. It's not because of presents or the fact that I can easily justify why I should be the center of attention for the day (yes, I am a Leo). It's because every year, on August 12th, I know no matter what my sister, my brother, and my mother will call me. It's not a text; it's not an email; it's an actual phone call, with a real conversation. I can count on that predictability. Knowing I'm going to talk to each of them makes me really happy. My mother will call first; my sister will sing me some happy birthday jingle she made up, and my brother will wish me a happy birthday while asking how I'm going to celebrate and what else is happening in my life.

As my birthday approached this year, I found myself thinking about children in foster care and their birthdays. Is there any predictability? Is there a family visit? Are there phone calls? Is the day even acknowledged? I searched the relevant statutes, regulations, and state's policy manuals, and I couldn't find anything that addressed a child's birthday (if there's something out there that I missed, please let me know). But, the statutory, regulatory, and policy silence does not mean that the court order or the child's case plan should also be silent.

Acknowledge the Day

Birthdays don't stop when a child is placed outside of his or her home. For children, birthdays can be a big deal so acknowledge the day. Because of the various people and systems involved, planning for how to acknowledge the day is probably needed. For example, a parent may not have an address or phone number for the child so sending a card or calling the child may require advance coordination with the county department social worker. The plan may also need to include how to respond to the child's reaction to a parent's or social worker's lack of follow through (i.e., parent no shows or no calls). Obviously, the plan must be specific to each individual child. The planning itself can occur in a variety of ways: a child and family team meeting; a child's case plan; a shared parenting meeting between the child's parents, foster parents, and department social worker; a court order; or a social worker scheduling a visit or phone call with the child on that day. The plan may also involve a combination of outcomes; for example, a phone call by the social worker, a birthday party at a neutral location where parents and/or other family members are invited, and making the child's favorite cake.

Birthday Rituals

A child in foster care is not going to forget about any family rituals surrounding birthdays (or holidays for that matter) just because he or she has been removed from his or her home. Maintaining rituals that are not contrary to a child's safety or best interests may provide a sense of continuity and familiarity for a child. Learning what those rituals are can be as simple as asking the

child (if appropriate), parent, or other family members if there is anything special that happens on a birthday. For example, is there a particular cake that is made? Does the child get to choose what's for dinner? Is there an outing to a favorite place? If there are no rituals, one can be created and maintained throughout the child's various placements, including a child's return home. Learning about and continuing any birthday ritual is an example of "shared parenting," which can assure there is some consistency in a child's life during a tumultuous time. NC Child Welfare Services Policy Manual, [1201, XI, p. 2](#).

Visits

Visitation must be addressed in a court order that removes or continues a child's placement outside of his or her parent's, guardian's, or custodian's home. [G.S. 7B-905.1\(a\)](#). The court must either (1) order visitation or (2) deny visitation after finding that visitation is not in the child's best interests or the parent has forfeited his or her right to visit with the child. [In re T.R.T.](#), 225 N.C. App. 567 (2013). When ordering visitation, the court must specify the minimum frequency and length of visits and whether the visits must be supervised. G.S. 7B-905.1(b), (c). In setting out the visitation plan for the child, the court may specifically order that a visit occur on (or near) the child's birthday. In addressing the child's birthday, the court may consider ordering the county department to arrange for a family visit as opposed to a parent only visit. Ordering a family visit may provide a buffer in the event that a parent fails to attend the visit since the child will still have time with other family members.

Although the Juvenile Code does not address sibling visitation, federal law and the NC Child Welfare Services Policy Manual do. To receive federal foster care funding, North Carolina must have a plan that requires reasonable efforts be made to provide for frequent visits or ongoing interaction between siblings when they are not placed together and when there is no documentation that the contact would be contrary to the safety or well-being of any of the siblings. [42 U.S.C. 671\(a\)\(31\)\(B\)](#). Under NC policy, the county department should develop and maintain a sibling visitation plan when siblings are not placed together (note this plan is not required when the court orders otherwise or there is documentation in the child's case record that a sibling visit would be harmful). [Section 1201, V.](#), p. 2, 5, 13-15; [DSS Form 5242](#). This sibling visitation plan could address visitation on the child's birthday.

If a visit with a parent, sibling, or other family member is not possible for logistical or other reasons, the court may find that arranging for contact between the child and his or her parents and/or family members is in the child's best interests. Such contact could be Skype, FaceTime, Snapchat, a phone call, text, email, etc.

There is not a bright line rule for how a child's birthday should be addressed when the child is in an out of home placement. But, it seems like there should be a bright line rule against not addressing the child's birthday at all. What are your thoughts?