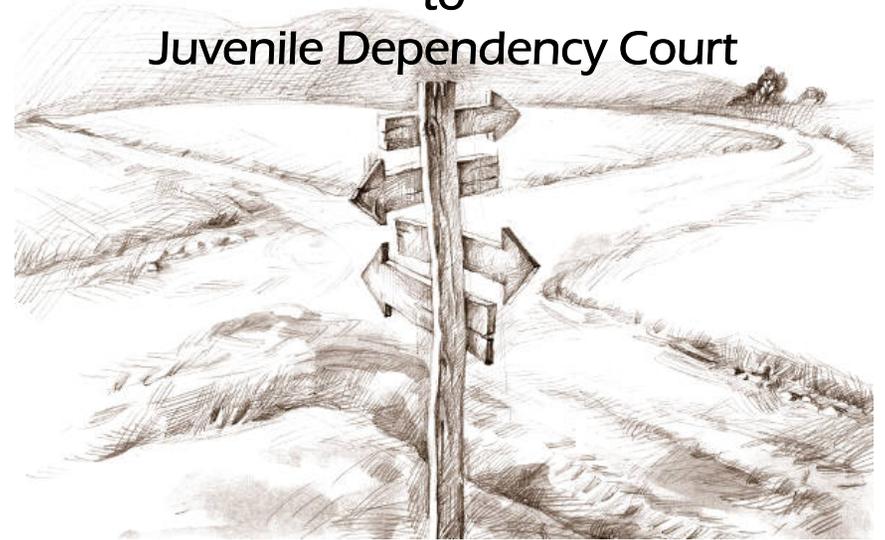


# A Parent's Guide to Juvenile Dependency Court



You may want to write some names and phone numbers here.

Protective Investigator: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Case worker: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Lawyer: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**Dates to Appear in Court:**

**Time:**

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## *Juvenile Dependency Court In General*

Any time there is a concern that a child has been or is in immediate danger of being abused, abandoned, or neglected it is heard in Juvenile Dependency Court. This kind of court is all about making sure that children are safe and protected and helping families with the problems that brought them into court in the first place. Dependency court is not about punishing parents or handling criminal charges. Also, the files in dependency cases are confidential and not open to the public.

### Dependency cases usually follow one of four paths:

- If it looks like it will be safe to return your child to you, possibly with services in your home for your child's safety, then your child can be returned to you.
- If you decide to have a hearing in your case, both sides will have a chance to explain their side of things to the judge. If the judge decides that the State did not present enough evidence that your child needs to be cared for outside of your home for his or her own safety, then your child can be returned to your care.
- If you agree that services could help out your situation, or if the court finds after a hearing that you need services before your child can safely come home, then you will work on a "case plan" that is designed to make sure your child will return to and stay in a safe and stable home. In most cases, parents will follow a case plan, successfully complete the things they need to work on, and be reunited with their child.
- Lastly, if the situation is dangerous, or if a parent refuses to work on the case plan or does not successfully complete the case plan, then the parent's rights to his or her child can be permanently terminated and the child can be placed for adoption.



## *Important Things To Know:*

**Show up!** Attend all of your appointments and all of your hearings to stay informed and involved.

- Write down the dates of your hearings, evaluations, or classes.
- Be there on time, even if it's hard. Allow extra time to find a parking space, make your way through security, and find the courtroom.
- If there is something you can't do because you don't have the money or you don't have transportation, you must communicate that problem to your caseworker and your lawyer and let them assist you.
- Keep everyone updated on new phone numbers, addresses, etc.
- Complete your case plan.



*This publication is provided by the Office of the State Courts Administrator and the Supreme Court Steering Committee on Families and Children in the Court.*

If your child is living with you, you will receive services and supervision until the court is convinced you have made enough progress to show that your child is safe in your home without the ongoing supervision by the DCF.

If your child has been removed from your home, the court may decide that you have successfully resolved your problems and completed the tasks of your case plan and may permit you and your child to be reunited. The court will require ongoing supervision by the DCF for six months after your child has been returned to you.



However, if after twelve months the DCF determines that it is not likely you and your child can be safely reunited, the DCF may try to terminate your parental rights.

### *What Is The Guardian Ad Litem Program (GAL)?*

A Guardian ad Litem or GAL is someone who represents the best interests of your child in the court case. A GAL is separate from the DCF and the court so he or she can provide the judge with independent information and recommendations on such matters as: the welfare of your child, your progress with your case plan, what type of visitation is appropriate, where your child should live or go to school, and when you and your child can be safely reunited.



A GAL may visit with your child, talk with you about your situation, and get other information from family members, teachers, doctors, and other people who know you and your child. A GAL will also make sure your child is getting everything he or she needs while the case is ongoing.

### *What Is Going On?*



A report was made about the safety or welfare of your child or children. Because of this report, a protective investigator looked into the situation and decided that your child had been, or was in immediate danger of being abused, abandoned, or neglected.

Under the circumstances, the protective investigator did not think that your child could safely stay at home even if helpful services were provided to you. At that time, your child was taken to a shelter placement for his or her own safety, so the situation could be investigated more.

This booklet is designed to help you understand what is going on and why. If you have questions not covered in this booklet, you should contact your caseworker or your attorney.

### *Where Is My Child Now?*

When your child was taken into shelter, he or she was taken somewhere safe. The protective investigator will tell you where your child is staying unless there is some reason to believe that it will be dangerous for you to know where your child is. As your case begins, the judge will decide if your child should be returned to you or be placed in the care of a relative, a trusted family friend who is not a relative, in a licensed foster care home, or somewhere else.

While your child is away from home, the Department of Children and Families (DCF) may offer you services that are meant to make your home safe for your child to return to you. The judge can order you to participate in these services and successfully complete them before your child can come home.

## *Can I See My Child?*

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So long as visits with your child will not be dangerous or harmful to your child, you will be allowed to see your child when visits can be scheduled with your family services counselor. Another person may need to be with you during these visits, but if you follow the court's orders and participate with the service providers, then the judge may give you unsupervised visits.

## *What Are My Rights?*

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### **You have the right to:**

- Be represented by a lawyer at every stage of your case or to represent yourself in court.
- Have a lawyer appointed if you cannot afford one.
- Be notified of all court hearings and to be present at them.
- See copies of any DCF or Guardian ad Litem report filed in your case or presented at a hearing.
- Receive services to help you get your child back.
- Know any costs for services.
- Be consulted about medical treatment and travel if your child is placed outside of your home.
- Keep in contact with and visit your child unless otherwise ordered by the court.

You also have a responsibility to continue to provide financial support for your child even when he or she is being cared for outside of your home. The court or the Department of Revenue will look at how much money you earn and determine how much you can or should be able to pay to support your child.

## *Do I Need A Lawyer?*

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You have the right to have a lawyer advise and represent you at all hearings and proceedings in a dependency case. If you can't afford to hire a lawyer, then the court will appoint one to help you. You will need to complete some paperwork on how much you earn and what kinds of property you own to see if you qualify to have a lawyer provided to you at no cost.

## *What Is The Department Of Children & Families (DCF)?*

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The DCF is a state agency that ensures the safety and protection of children, and whenever possible helps them remain in their own homes or return home as soon as possible. Keeping families together is the main goal of the DCF through the use of both voluntary services or court ordered services.

**Voluntary Services** can help families resolve problems before they get out of control and pose a danger that the children will be abused or neglected. Intensive services may be provided to a family instead of court involvement.

**Court Ordered Services with Family Intact** allows the child or children to remain in the home with the parent or parents under the supervision of the DCF and under the jurisdiction of the court. Parents will be required to complete tasks on their case plan which will be monitored by the DCF and the court.

**Placement Services** are provided to the child when the child cannot safely remain at home. The goal of the agency is to return the child home as soon as this can be done without placing the child in danger.

**Reunification Services** are provided for children removed from their families by court order. Planning, placement, and continuing supervision are provided to children who have been placed with a relative, a non-relative, or a licensed foster care home. Parents receive services such as parenting classes, drug treatment, mental health services, household management, and any other services that may be needed to ensure a safe reunification with the child.

## *How Long Will My Family Receive Services?*

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If your child is found to be a dependent child, the court will hold regular hearings to review your progress toward completing your case plan. You will be notified of the dates and times of these hearings and you need to attend them.

- Attend parenting classes to learn better parenting skills.
- Get counseling and participate in a program to overcome a drug or alcohol abuse problem.
- No longer live with someone who is known to have abused your child.
- Establish a home and get financial assistance and/or employment so you can provide housing, food, and other necessities for your children.
- Visit regularly with your children while they are out of your home and stay involved in their lives.

There may be other steps that you, your caseworker, and the court will work out for you to take in order to be reunited with your children.

To make sure you are completing your responsibilities, it is essential that the caseworker be able to contact you at all times. You must notify your caseworker every time you change your address, phone number, or place of employment.



### What If I Don't Go To Court Hearings?

You will always be notified of hearing dates. **It is very important that you attend all hearings.** If you don't appear at a hearing, it will still be held, and decisions will be made without you.

If there is a critical reason why you are unable to attend a hearing, you must contact your lawyer immediately.

It is also essential that you keep your caseworker, your lawyer, and the court informed of your current address and telephone number.

If you do not want a lawyer for some reason, you have the right to represent yourself and to speak directly to the judge or magistrate when you are in court. Remember, the DCF will have their lawyer in court for all hearings so you should consider that when deciding if you want a lawyer to help you with your case.

### What Happens In Court?

There are several kinds of court hearings and it is important for you to know what happens at each kind of hearing.

#### Shelter Hearing

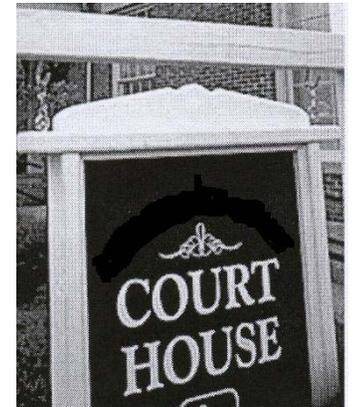
If your child has been taken from your home, then a shelter hearing will be held within 24 hours of when your child was taken into protective care. At the shelter hearing, the judge will look at the initial evidence and decide if your child:

- Can be kept safe if returned to your home, possibly with services placed in your home, or
- Will be safe in the care of a relative or a non-relative who is willing to care for your child, or
- Should stay in licensed foster care for the time being.

If you know of a relative or a trusted non-relative who could provide your child with a safe, temporary home, you must let the protective investigator, the family services counselor, your lawyer, or the judge know about that person and his/her address.

#### Arraignment Hearing

After the shelter hearing, you will appear in court for an arraignment hearing. By the time of this hearing you will have had a chance to see the "petition" which is a document that lists the allegations about why your child is at risk and should be found



to be dependent. Your lawyer should discuss the petition with you before this hearing.

### Mediation

In many cases, the judge will have the parties participate in Mediation. This gives everyone a chance to see if they can come to an agreement on how to handle the case.



Mediation is an impartial process where everyone can discuss their views on the case and the best interests of the child. A mediator is a neutral person who will help everyone share what they think about the situation in a productive way. Mediations are confidential; they do not take place in a courtroom and they are not recorded. If everyone comes to an agreement during the mediation, however, then the final agreement will be sent to the judge. No other information besides a final agreement will be sent to the judge.

### Trial (Adjudicatory Hearing)

If the parties cannot come to an agreement on their own or through mediation and you do not agree to the allegations in the petition then your case will go to trial. In dependency cases, the term for the trial is “adjudicatory hearing.” At the adjudicatory hearing, both sides will be able to present witnesses and be able to question the witnesses of the other side.

After hearing all the evidence the judge will decide if the DCF has proven the allegations in the petition or not. If the judge finds that the allegations were not proved, the case can be dismissed and your child will be returned to you. If the judge finds that DCF did prove the allegations in the petition, the case will be set for a disposition hearing.

### Disposition Hearing

At the disposition hearing the judge will review the specific recommendations for your case including a proposed plan of action - called a case plan – which will include tasks you will need to follow.



A mini-guide to dependency case plans is enclosed at the end of this booklet, and it will help you keep track of your tasks and the dates by which you will need to complete those tasks.

### At the Disposition Hearing, the Court may take one or more of the following actions:

- Release your child to you, with a caseworker providing services to ensure your child will remain safe while in your home.
- Order the child to be placed in the home of the other parent, with a relative, with a non-relative, or in a licensed foster home.
- Make decisions regarding visiting your child, or where you and your child may live, or order you to participate in counseling, parenting programs, or other similar programs.

### How Can I Get My Child Back?

As long as the child is safe and cared for, the best place for that child is with his or her own family. Child welfare laws and services are geared to help keep families together and keep children with their parents. Children remain out of their parents’ care **only** when, in the opinion of the court, the children are not safe in their own homes. Therefore, all services offered to you as a parent are designed to ensure that your child can be safely returned to you.

If your child is temporarily removed from your care, it is **important** that you understand what is expected from you and that you fulfill **all** of your responsibilities. Some of your responsibilities may include:

## MINI-GUIDE TO MY DEPENDENCY CASE PLAN

My case number is: \_\_\_\_\_

My judge's name is: Judge \_\_\_\_\_ The General Magistrate, \_\_\_\_\_, may also conduct some of the hearings.

Unless I am told otherwise, my hearings will take place in: \_\_\_\_\_

My lawyer's name is: \_\_\_\_\_ My lawyer's telephone number is: \_\_\_\_\_

My caseworker's name is: \_\_\_\_\_ My caseworker's telephone number is: \_\_\_\_\_

The Guardian ad Litem's ("GAL") name is: \_\_\_\_\_: GAL's telephone number is: \_\_\_\_\_

The overall completion date for the case plan is \_\_\_\_\_. However, I have to work on the case plan every day until it is finished. If I am not making progress on the case plan, the Judge or Magistrate may shorten the applicable time period or take away the opportunity to complete the case plan.

### Things to do on my Case Plan:

Every week: \_\_\_\_ Visit the child(ren); \_\_\_\_ pay child support as ordered; \_\_\_\_ not use illegal drugs; \_\_\_\_ attend 12-step meetings; \_\_\_\_ keep my job; \_\_\_\_ call or visit the caseworker and the GAL; \_\_\_\_ submit to drug screens as soon as I am asked to do so; \_\_\_\_ other \_\_\_\_\_.

One Month from Today (Date: \_\_\_\_\_): (1) Set up appointment for \_\_\_\_\_. Make sure I have transportation to and from the place of the appointment. Call the caseworker if assistance is needed to set up the appointment, with transportation or anything else. (2) Sign up for: \_\_\_\_\_. Make sure I have transportation to and from the classes and that I understand exactly where classes will be held. Call the caseworker or my lawyer or both if assistance is needed to set the appointment, transportation, or anything else.

Three Months from Today (Before: \_\_\_\_\_): Complete \_\_\_\_\_, and complete \_\_\_\_\_. Obtain certificates or other paperwork from each of the programs to prove completion. Contact the caseworker or my lawyer or both if assistance is needed to get the paperwork.

Before my judicial review (Before: \_\_\_\_\_): I will have documents and paperwork to show the judge or magistrate at my hearing that I have \_\_\_\_ visited the child(ren); \_\_\_\_ paid child support as ordered; \_\_\_\_ not used illegal drugs; \_\_\_\_ attended 12-step meetings; \_\_\_\_ obtained and kept my job; \_\_\_\_ called or visited the caseworker and the GAL; \_\_\_\_ other \_\_\_\_\_ cooperated with drug screens and they have all been negative. I also have \_\_\_\_ rent receipts and a copy of a lease or \_\_\_\_\_ to show that I have a place to live. I will have \_\_\_\_ certificates to show that I have completed \_\_\_\_\_ and \_\_\_\_\_.

**IT'S UP TO ME TO COMPLETE THE CASE PLAN AND SHOW THE JUDGE OR MAGISTRATE I HAVE COMPLETED IT. IF I HAVE FINANCIAL PROBLEMS OR OTHER PROBLEMS, I WILL IMMEDIATELY BRING THEM TO THE ATTENTION OF MY CASEWORKER OR MY ATTORNEY (OR BOTH) SO THAT I CAN GET THE HELP I NEED.**