



THE JUVENILE DEPENDENCY COURT AND YOU

A Guide for Parents



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CENTER FOR FAMILIES, CHILDREN & THE COURTS

This Booklet Is for You

This guide describes the dependency court process in California. It also includes the story of one parent who went through the dependency system and her advice to you on how to get your children back home. It is written in a way that we hope will be easy for you to use.

You can either read through the whole book so you have an idea of how the whole system works OR just look up whatever information you need.

To find information about a certain hearing or topic, look on the next page. We've made a list of the main topics covered in the book and the page where you can find that information.

Remember, any suggestions in this guide are only that. You need to do what's right for you and your children in the best way that you can.

We hope that your experience with the system is, in the end, a helpful and supportive one.

Parents Have Rights

When your child is taken from your care, you have rights to protect you, including the right to:

- Have a lawyer; the judge will give you one if you cannot afford to hire your own.
- Go to and participate in all court hearings about your children, unless your parental rights were ended.
- Understand what is happening in court. There will be many things that you do not understand. Ask your lawyer to explain them to you. This is *really* important, so keep on asking until you understand.
- Have an interpreter. If you speak a language other than English and do not understand what is happening in court, ask the judge for an interpreter, and tell your lawyer that you need an interpreter.
- Know what you need to do to get your child back home with you and to get help doing it.

You have the right to:

- A lawyer.
- Go to court.
- Understand what is happening.
- Have an interpreter, if you need one.
- Know what you need to do to get your child back.

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PART I

GOING TO COURT

The First Time You Go to Court

When do you go to court?

If your child was taken away from you (sometimes called *removal* or *detention*), the social worker will tell you when to go to court for your first hearing. In most courts, this is called the *detention hearing*.

For most other times you need to go to court, you will be mailed a paper that tells you when and where you need

to go. So it's important to make sure the court clerk has an address where you know you'll get your mail. If your address changes, it is very important that you tell the judge or court clerk your new address so you will get all your mail from the court.

The first time you go to court, the judge will give you a lawyer, if you can't afford one. If you don't understand English, you need to let the judge know that you need an interpreter so you can talk to your lawyer and understand what is happening.

What happens when you go to court?

You should get to court early because you have to *check in* with someone in or outside the courtroom. If you can't find the right person to check in with, ask the bailiff. The bailiff is the person in the sheriff's uniform. After you check in, wait in the hallway until you are called. When you are called, go into the courtroom with your attorney and all of the other people in your case.

Someone will start the hearing by "calling the case." She or he will tell the judge the name and number of your case and then let the court know exactly who is in the courtroom—who is part of your case. The lawyers will tell the judge what they think should happen in your case, and sometimes witnesses will testify.



Every so often the court will have so many cases that the judge won't have time to give your case the attention it needs on the day you go to court and will need to hold the hearing at a later time. This rescheduling is called a *continuance*. If that happens, the judge will pick another date and tell you when to come back. That may be the only time you're told when you need to go back to court, so make sure to write down and remember the new date.

How do court orders get made?

There are lots of court dates in the system. (*The system* is short for everything that happens with your case: the work that the social worker and attorneys do in and out of court, the court reports that are written about your case, and what happens in the courtroom and with the judge at the hearings.) Every time there is a court date, the judge will make orders. There are different ways the judge can decide what to order:

- Everyone can agree what the order should be.
- If at first everyone can't agree, people can try a few things to help everyone agree so that there doesn't have to be a trial (sometimes called a *contested hearing*):
 - The lawyers and the social worker can talk to each other to work it out. (Your lawyer has to check to make sure you agree, too.)
 - The judge may tell everyone to come back to court for a settlement conference.
 - The judge may tell everyone to come back to court for mediation.
- If, after these efforts, everyone still can't agree, the judge will have a trial to review evidence and listen to witnesses before deciding what needs to be done.

You can find more information about settlement conferences and mediation later in this book.

Different Kinds of Court Hearings

Here's some information on the different kinds of hearings in the system and what they're for.

Detention hearing

This hearing is only for families whose **children were taken away** from them. The first time you go to court, you will get an attorney, whom the court will pay for if you can't afford to pay. You'll meet your attorney before the hearing.

He or she will give you a piece of paper to read. This is called a *petition*. It will have a list of things that are numbered, like A-1 or B-1. These are called *allegations*, and they say what the social worker thinks is going on with you and your kids.

At the detention hearing, the judge will decide whether your child can go home right away. This is the first time the judge will be asked to make sure that your child is safe. If your child can't go home right away, the judge will make orders about when and where you can visit your child.

The judge may also ask you some questions about whether your child may be a member of a Native American tribe, as well as the name of your child's other parent, if that parent is not at the hearing. The questions about connections to a tribe are important because of the Indian Child Welfare Act (ICWA), which is discussed in more detail later in this booklet. The questions about the other parent are needed to find out who your child's legal parents are. More information on legal parents can be found in the section titled "Other Words You Might Hear," under "Parentage."

Because this hearing happens right after your child is taken from you, the judge will set another time to take a closer look at what's happening. The next couple of dates in court will be very important because they're when the judge will decide whether your child needs to stay in the system and where your child should live for now, among other important decisions. Look at the sections below called "Jurisdictional hearing" and "Dispositional hearing" for more information.

Jurisdictional hearing

If your child was removed from you, the next time you go to court, the judge will decide whether the allegations in the petition are true. If the judge decides the allegations are true, the court will take authority over your child. This is called *jurisdiction* in the law; that is why the hearing is called the *jurisdictional hearing*.

Whether your child is living with you or not, if the judge decides that any of the allegations are true and your child isn't safe, then your child will become a **dependent of the court**. That means your child is in the system. Being in the system does not necessarily mean that your child will live with someone else. It only means that the judge is allowed to make orders about your child's care.

If the judge decides that none of the allegations are true, then the case will be dismissed and you'll be finished with the system.

Jurisdiction often happens at the same time as disposition.

Dispositional hearing

If the court has taken jurisdiction, it's because the judge believes that your child would benefit from your handling some parts of your life or your child's life differently. At this next hearing (called the *dispositional* or *dispo* hearing), the judge will decide what you should do to make things better for your family and your child.

Sometimes the dispositional hearing happens at the same time as jurisdiction.

What will the judge do at the dispositional hearing?

- Decide where your child should live (this is called placement).
 - Should your child live with you or with someone else?
 - If your child does not live with you, whom should your child live with?
- Decide when, where, and how you can visit with your child.

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If your child has stayed at home with you, the jurisdictional hearing may be your first time in court. The first time you go to court, you will get an attorney whom the court will pay for, if you can't afford to pay. Before the hearing, you'll meet your attorney, who will give you a *petition* to read. It will have a list of *allegations*, which are numbered, like A-1 or B-1. They say what the social worker thinks is going on with you and your child.

- Decide what services you need to make your child safe and able to live with you at home.
- Decide what services your child needs to be safe and healthy.

The social worker is required to ask you about any relatives who might be able to take care of your child. Bring to court the names and contact information of any relatives you think could possibly take care of your child or provide other help or support (even if they live far away). Once you give their names, the social worker will call them and run a background check. The social worker is also required to ask about your child's other parent, if that parent has not been identified, and about any connections that your child might have to any Native American tribes.

If your child is ordered to live with someone else (this is called *out-of-home placement*), you will need to take care of the problems that caused your child to be taken away before your child can be returned to you. You might need to attend a drug rehab program, parenting classes, counseling, or anger management classes. These are called *reunification* requirements and are put in your case plan. The social worker is required to help you to get these services for at least six months.

If your child is living with you (this is called *in-home placement*), you will need to take care of the problems that caused your child to be brought into the system. You might need to attend a drug program, parenting classes, counseling, or anger management classes. These are called *dismissal* requirements and are put in your case plan.

The two most important steps to take to get your child back are to **follow the case plan** and **visit your child**.

If your child was taken away from you, sometimes the judge will make orders for a permanent plan at this hearing instead of giving you a chance to get your child back with you. But this doesn't happen very often. Permanent plans are explained later in this booklet.

Reunification

If your child has been taken away from you, one of the words you will hear a lot is *reunification*. Reunification means getting your child returned and your family back together. To get your child back, you'll need to **complete all** of the reunification requirements that the judge ordered at the dispositional hearing. Also, the judge has to be sure that if your child is returned to you, he or she will be safe and well cared for.

Most of the time, you'll have a year to complete your requirements if you keep making progress. **But if your child is under three years old, you'll have only six months to show that you're committed to finishing up everything.**



Review Hearings

During the time your child is in the system (whether your child is living with you or with someone else), the court will have a hearing every six months. These court hearings are *dependency status review* hearings, which in different courts can also be called *status review hearings*, *periodic review hearings*, or *DSR hearings*.

Why is there a review hearing?

There is a review hearing to:

- Decide whether to return your child to you, dismiss the case, or continue with the plan as ordered.
- Make sure that your social worker has helped you get the services you need to successfully complete your case plan.
- Make sure that your child is being taken care of well and properly.
- Make sure that you're working on your case plan.

When do review hearings happen?

The first review hearing is about six months after the dispositional hearing. Other review hearings will be about six months after the last one. The judge will tell you at the end of each review hearing when the next review hearing will be.

The purpose of each review hearing is pretty much the same: it's for the court to decide if you've been really working on your case plan and if it's safe for your child to be returned to your care or, when your child is living with you, if your case can be dismissed.

If your child is living with you (in-home placement) at the time of the hearing, it can go one of three ways:

- If you've finished all of the dismissal requirements, the court can dismiss your case, and you'll be out of the system;
- If the court believes that you still have some more things to do to keep your child safe, it can order you to have more services and set another review date to see how you're doing in another six months; or
- If the social worker believes that your child is no longer safe living with you, the court may decide your child needs to live somewhere else while you work on your plan. See the section on 387 petitions for more information.

When You're in Reunification

You successfully complete your case plan

When you finish the court-ordered services on time, the court may order your child returned to you if the judge thinks your child will be safe with you. Your case will stay in the system until the court is satisfied that everything is going well and that your child continues to be safe at home. Until that time, the judge will have a review hearing every six months. Once the judge is satisfied that everything is okay, he or she will dismiss your case. That means you and your child are *out* of the system.

If you are paying child support, as soon as the judge sends your child home, you should contact the child support agency to arrange to stop paying child support. Ask your lawyer to help, or go to the Family Law Self-Help Center, where they will give you information for free. Ask your attorney or the court clerk where the Family Law Self-Help Center is located.

You DON'T successfully complete your case plan

If the judge thinks that you're not participating in the services you were ordered to, or if time runs out in the reunification period, the judge will order that Child Protective Services (CPS)¹ does not have to provide any more services for you. This is what's called *termination of services*. You can continue with the services you want to try to take care of the problems that caused your child to be taken away, but CPS won't have to pay for them anymore. The court will also schedule a **permanency hearing** to decide where your child will live for the long term.

Termination of services is NOT the same as **termination of parental rights**.

Terminating your parental rights happens *only* if the court decides that your child should be adopted by someone else.

¹ In your county, CPS may be called *Child Welfare Services*, *Social Services*, *Human Services*, or some other name. This is the agency that has the social workers who help on your case.

If your child is not living with you (out-of-home placement) at the time of the hearing, it can go one of three ways:

- Your child could return home to you;
- Your child could remain placed out of your home, and the court might give you another six months to successfully complete your program and reunify; or
- The court could terminate your reunification services if you're not doing what you're supposed to be doing and could order what's called a *permanent plan* for your child.

A Permanent Plan

Once the court terminates reunification services, your reunification time has ended and the court must make a *permanent plan* for your child. This is the plan naming whom your child will live with for the long term.

What is a “.26” (two-six) hearing?

If the judge terminates your reunification services and CPS thinks that your child should be adopted or in a legal guardianship, you will get a paper from the court about another hearing. That hearing is called a *two-six*. (On the court papers, it looks like .26 or 366.26, after the number of the law that covers the hearing.)

At the .26 hearing, the court will choose as a permanent plan:

- Adoption or customary tribal adoption;
- Legal guardianship; or
- A long-term planned permanent living arrangement (foster care).

Adoption is always the first choice. The court has to order adoption if the law allows it to. Legal guardianship is the second choice, and a long-term planned permanent living arrangement is the third choice.

What is a long-term planned permanent living arrangement?

Long-term planned permanent living arrangement means that your child will continue to live with foster parents, either related to her or him or unrelated. The case stays in the system and the court will have a review hearing every six months. This hearing is often called a *postpermanency hearing*, or PPH. It is described later in this guide.

What is a legal guardianship?

A legal guardianship is created when the court appoints a legal guardian to have custody and care of a child. A legal guardian is like a substitute parent. A guardian has all the legal rights and responsibilities that any parent would have taking care of a child. Your rights as a parent are *not* terminated but are on hold during the guardianship. Usually the court will dismiss

your case from the system, but in some cases the court may continue to monitor your child. It may also grant you the right to visit your child under certain rules.

What is adoption?

This is when the court *terminates your parental rights*. That means you are no longer legally your child's parent and have no legal rights or responsibilities to him or her. His or her adoptive parents are his legal parents and assume parental rights and responsibilities under the law. And, unless a member of your family adopts your child, he or she is no longer a member of your family and will have no contact with your family.



There is one exception to the no-contact rule that you should know about. It might be possible for you to have some kind of contact with or information about your child after the adoption, but only if the people adopting your child agree to what's called a *post-adoption contact agreement*. Ask your attorney to find out whether the adopting parents would agree to letting you contact your child.

IMPORTANT! Once an adoption is final, it cannot be changed no matter what you do.

If your parental rights are terminated, you need to let the child support agency know right away so that you're not ordered to pay child support anymore. Ask your lawyer for help, or go to the Family Law Self-Help Center. Your lawyer or the court clerk can tell you where it is located.

What is tribal customary adoption?

This is another possible permanent plan for your child if he or she is an Indian child. *Indian child* is a legal term that means your child is already a

member of an Indian tribe or is eligible for membership because you or the other parent of your child is a member of an Indian tribe. Tribal customary adoption is just as permanent as adoption but allows these children, with the involvement of their tribes, to be adopted by and through the laws, customs, and traditions of the tribe without requiring termination of your parental rights.

If you have an Indian child, then you will hear about tribal customary adoption as early as disposition because the social worker must find out if your child is Indian, identify the tribe, and ask the tribe whether tribal customary adoption is an appropriate permanent plan for your child if you are unable to reunify with your child.

Postpermanency Hearing, or *PPH*

As long as it keeps jurisdiction over the case, the court will have a hearing every six months after a permanent plan is made for your child. The hearing is so the court can (1) make sure that your child is getting any help he or she needs; (2) make sure that the place where he or she is living is still a good place to be; (3) make sure that the permanent plan is the right one; (4) if your parental rights have not been terminated, consider visits with you; and (5) decide whether the case should be dismissed.

If your parental rights are terminated, you have no rights to your child. You cannot go to court hearings, you can't ask for court hearings, and you won't be told when court hearings happen.

PART II

PERSONAL STORY AND ADVICE

One Parent's Story of Reunification and Personal Advice

This section of the guide includes the personal story of a mother who was able to reunify with her children after they were removed, and her advice to you on getting your child returned to your care.

I am sharing my story because I was a parent in the California dependency system and I want to help you understand what goes on in court.

If you're like me, when you first go to court you feel scared. Your child has been taken from you. You don't know when you'll see him or her or when he or she will come home. You don't know what's going to happen. You hear lots of words that you don't understand.

You might feel like people are looking at you like you're a criminal. You're not. And you need to know this is NOT a criminal court. Everything in the dependency court is confidential *unless* you face a criminal charge related to your dependency case. So let that one go. This is not criminal court, and the judge is not going to send you to jail.

You may think that people think that you're a bad parent. Forget that: it's not what the dependency system is about. It's about figuring out how to help you deal with all the stresses of life so that you can be there for your kids in the way that you'd really like to be. Everybody has problems—doctors, lawyers, everyone—so don't get upset or overreact. Life can really be too much for anyone and there are times in everybody's life when they just can't keep it together without some support.

When I first came into the system, I kept everything a secret because I didn't want Child Protective Services in my business any more than they already were. My social worker never knew that I was getting beat up because I was afraid that she might want to keep the kids away from me even longer. So I stayed in a bad situation without any help. My children were taken from me *three times* before I finally wised up and got the help I needed to deal with the problems that kept me in my addiction and in the relationship with my husband.

Looking back, I know I could've gotten my kids back faster and not had them taken again and again if I'd simply *asked* for what I really needed. It turned out that I needed help. There were many doors of opportunity there for me, but I didn't open them. That's because I had a lot of shame about CPS coming into my life to show me how to be a mother to my kids. I thought I was doing okay, and it was embarrassing to have someone from outside pointing fingers at me and telling me I was *not* doing okay. My husband already blamed me for everything, and now CPS was jumping in on me, too. I had a lot of fear: fear that my husband would beat me worse, or even kill me, and fear that I would never get my kids back.



And I was angry. I felt a lot of anger at myself for letting that craziness go on. I also felt a lot of pain at not being there for myself or my kids. Sometimes I felt angry at CPS or the social worker, too, but I was really just angry about my whole life.

You know, back then, even after I admitted that I had a problem, I could just sit there and think about doing something different in my life but still not do it. It's very hard to plan to change things when you don't have anyone to give you support (and most times there's someone trying to keep you from changing). Sometimes you get so mad and discouraged that you can't fix your problems by yourself even if you want to. You need to reach out for help.

And that's what I finally did. What finally made me do the right thing is that I was tired. I wanted a new life for myself—a better life. Well, I did it!! I changed. I stopped thinking about what I couldn't do and started thinking about what I could do. And it worked.

I went through the dependency system three times because I didn't take care of what I needed to. I really put my kids—and myself—through a

nightmare. I hope that you can learn from my mistakes. Maybe you can also learn from what I finally did that worked. Take what helps and leave the rest alone.

You've got to figure out for yourself what you're willing to give up or not. The choice is yours. But once the court is involved, you have to decide whether you're going to make this system work for you and your kids. You can just play the game or you can really deal with the deep problems that need to come out in the light and get fixed.

There is hope! My whole family was messed up because of drugs and the life, so I had no support. But if I could get clean and stay clean, leave an abusive relationship, get my kids all back with me, and find and keep a good job, there's no reason you can't do it, too!

So take advantage of the things in this booklet you think might be helpful to you. Let your social worker know what you think would be useful to you and your kids during this hard time. Keep focused and don't let yourself get distracted with hurt, anger, guilt, or whatever else is eating you up.

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The most important things you can do to get your kids back

1. Let the social worker and your attorney know right away about any relatives or other people close to you who can take your kids if they can't stay with you. That way you may be able to keep your kids in your family.
2. When you get your visits set up, be sure to go to all your visits. It's important to your kids—and to the judge.
3. Keep in touch with your attorney. Ask questions if there's anything you don't understand!
4. Work with your social worker and keep in touch with him or her, too.
5. Get into the programs you've been ordered to attend. **JUST DO IT!!**
6. Attend all your court hearings so the judge will hear your side and know that you care about your kids.
7. If possible, keep in touch with your child's caretakers. Do everything you can to have a good relationship with them. It will help you, and it will really help your kids to get through this tough time.
8. Tell your attorney if you think that you, your child, or your child's other parent might be a member of an Indian tribe.

Advice for hearings

It's really important that you go to court, or the judge won't hear your side of things and could think you don't care about your kids. If you ignore the court, your child could end up being adopted by someone else.

Before each court hearing, you should get a report written by the social worker. If you don't get it before the hearing, call your lawyer right away so you can see it!! You should always talk with your attorney before every court date, anyway.

- If you don't agree with what's in the report, you should call your lawyer as soon as possible and go to the court date. If the court doesn't know that you're coming to court, you may have to come back on another date. So be sure to let your lawyer know ahead of time so the court will be expecting you. Tell your lawyer to call the social worker's lawyer so that the social worker will go to the hearing, too.
- If you agree with the report, or if you just don't show up, then the court will almost always make the orders that the social worker recommended in the report.

You should ask your lawyer before you go into court what is going to happen because every time you go to the court it will be a little bit different.

Don't worry when you see your lawyer talking with the social worker and other lawyers. They are trying to work together to make things work for you and your kids.

Although each hearing is a little different, some things are always the same:

1. Before **every** hearing is a good time for you to talk with your lawyer and the social worker about what you think could help you get through all this and what you think your child needs, too.
2. Like I said before, you should receive a court report **before** each hearing date.
3. You should talk with your lawyer **before** each hearing date to find out what the report means.
4. You should go to court for **every** hearing unless your lawyer tells you that you don't need to go.

DETENTION HEARING. As soon as the detention hearing is over, you should talk with your social worker right away so you'll know what you need to be doing before the next court date. It is really, really important to start doing the things the social worker suggests right away. It will make a big difference in how soon you can get your child home and out of the system.

Be sure to talk with your attorney after the hearing, too, so you can ask questions about what happened in court. Don't feel stupid for having questions. The system is really confusing and hard to understand, especially if you're stressed out.

If your child is going to be out of your care, this is also the time to go to the Family Law Self-Help Center. It's free, and your lawyer or the court clerk can tell you where in the courthouse it is. The Self-Help Center will explain and help you with child support questions. It's really important to take care of child support issues as soon as possible!

DISPOSITIONAL HEARING. The case plan that is adopted at the dispositional hearing includes the services the court has ordered you to do. If you don't do them, the judge will probably think it's not safe for your child to go home and may refuse to dismiss your case. That's why it's so important to talk to your social worker and lawyer long before you go to court. That way everyone will know *your* ideas about what would be helpful to you and your family before the judge tells you what you *must do*.



Do everything in your case plan, even if you do not agree. If you do, you may get your child home sooner. If you don't, the judge will probably keep control over your child longer and may not allow your child to go back home.

If your social worker referred you to a program and it isn't working, *don't just quit!* Talk to the people at the program **and** talk to your social worker. Show that you're responsible by taking care of your problems.

Visits with your child

If your child was taken from your home, it's very important to visit your child. Your child needs to feel cared for and missed.

It will be hard for your child when you have to leave, but it is worse for your child if you do not visit at all.

Ask your social worker for ideas that can help make the visits as smooth as possible.

IMPORTANT! Be on time and go to every visit. If there is a real emergency and you cannot visit, call your worker *before* the scheduled visit to explain why you cannot go. This is really important for your child, too.

Your child will be really disappointed not to see you and needs to know there was a good reason you didn't visit. Otherwise, your child might think it's because you don't care about him or her.

I know it can be really hard to visit, knowing your child is going to get upset when you leave. But you've got to do it. I can't tell you enough that it's one of the most important things you can do. If you need help figuring out how to help your kids, talk to your social worker, your lawyer, or whoever you trust.

Advice on following the case plan

To complete your programs, you'll really need to pay attention and be active in them. *It's not enough just to show up.* I actually found a lot of these programs helpful. Since you need to go anyway, do your best and see what you can get out of them.

The time you have to successfully complete your services and programs is really short, so you need to get on it right away. The judge will only continue to offer you the chance to reunify if you're doing the work you need to do. It's up to you!

Ask your social worker and your lawyer about all these time limits and rules. *They are really important!* You need to know that *if you don't successfully complete your court-ordered programs*, the court will make a permanent plan for your child, and *your child may be taken from you forever* and adopted by someone else.

Sometimes people get frightened when they hear that word *permanent*. But even though the court calls this a *permanent plan*, sometimes the plan can be changed, and you still might get your child back. That's why it's important for you to continue to work on your case plan. But you need to know up front that it's *much harder* after your reunification time has passed to have your kids returned to you from a safe and stable placement.

Advice on how to succeed if the court allows your child to go home

If the court decides to let your child go back home, you will probably feel a big relief. But it may also be hard. Your child has been through a lot, and things will be different for both of you.

Wake up, stay focused, and do the right thing—for your child’s sake!

Here are some things you can do to get ready:

- Find out all you can about your child’s life now, such as changes in school, behavior, activities, goals, and counseling.
- Try to keep your child on the same schedule as he or she had while in the other home. It is hard for children to adjust to new schedules.
- Talk to the person who took care of your child in the other home. If you cannot, ask your social worker or your child’s lawyer for the information you need.
- Expect challenges. Your kids will test you; that’s their way of getting to know who you are now.
- Get a support system for yourself, such as counseling or a parent support group, before your child comes home.
- If you have several children, think about having one or two come first so you can adjust. Then have the others come home.

If I had known all this before my kids came home, it would have been a lot easier!

PART III

NEW WORDS

Other Words You Might Hear

CASA

CASA is short for *Court Appointed Special Advocate*. This person is a volunteer who helps some children in the system. CASAs get special training to help them work with children and to provide information to judges to help them make decisions that are in your child's best interest. Not every county has a CASA program, and there are not always enough volunteers for every child, so your case may not get a CASA volunteer.

Case plan

The judge may say that your child can go back home if you make changes, such as going to a drug treatment program, parenting classes, and counseling. These conditions are called *reunification requirements*.

They are in your *case plan*. Talk to your social worker to make sure you understand what to do, how, and by when.

Child support

If your child is taken from your home, you may be required to pay child support. If you receive paperwork from the child support agency, ask your lawyer for help to fill it out. Or ask for free help at your court's Family Law Self-Help Center right away. You have only 30 days to respond to the proposed order, and if you do nothing, an order can be entered against you by the court.

You can ask to end your child support payments if:

- Your child is returned to you, or
- Your parental rights are ended.

Your lawyer can help you stop child support payments. Or you can get free help at your court's Family Law Self-Help Center.

Contested hearing

If the social worker, lawyers, and other people involved in your case still cannot agree about what is best for your child after mediation or a settlement conference, there may be a trial, called a *contested hearing*.

Court report

The court report² is prepared by CPS describing what is happening with you and your family and what the social worker is recommending the court to order.

- If you *do not agree* with something the report says, call your lawyer as soon as possible and go to the next court date so you won't have to go back on another date.
- If you *agree* with the report, or if you don't go to court, the court is likely to make the orders recommended in the report.

Dismiss

If the judge dismisses your case, it means that the court and CPS are no longer involved in your life. If your child is with you at home, it means you are done! If your child has been placed in a different home, the court believes that the child is in a safe, secure home.

Dismissal requirements

These are the things you must do before the court will dismiss (close) the case.

Exit order

If your case is dismissed when your child is living with you and not with the child's other parent, the judge will make an exit order. The exit order will say:

- Who the child will live with (called *physical custody*), and
- Who can make important decisions for the child, such as medical care, school, and religion (called *legal custody*).

² In your county, this report may be called something else, such as the *social study*, *social worker's report*, or *hearing report*.

There are many types of custody arrangements. For example:

- You and the other parent could share physical or legal custody, called *joint custody*; or
- Only one of the parents might have physical or legal custody, called *sole custody*.

IMPORTANT! Custody affects the amount of time you spend with your child and the amount of child support you or the other parent has to pay. Ask your lawyer for more information.

Indian Child Welfare Act (ICWA)

ICWA is a federal law that courts follow to protect the best interests of Indian children and to support their connections with their tribes and cultures. It applies to your family only if your child is a member of an Indian tribe or is eligible for membership because you or the child's other parent is a member of an Indian tribe. (Note that only tribes can decide if your child is an Indian child.) If this law applies to your case, because your child is an Indian child, then here are some things you need to know:

- The court must follow special rules before your child can be removed from you or placed in an adoptive or foster care placement.
- The social worker must work to prevent the breakup of your family by connecting your family to available services that are appropriate for American Indian/Alaskan Native families.
- The social worker must help your child become an enrolled member of his or her tribe.
- As an enrolled member of the tribe, your child may be able to get services and benefits through the tribe.
- The social worker must tell the child's tribe about your case.
- The child's tribe has the same rights as you and your child and can choose to get involved in the case at any time. (When the tribe intervenes, you may hear the legal term that the tribe *is a party to the case*.)
- If the child's tribe chooses to get involved in your case, the tribe may have resources to help you reunify with your child or stay connected with his or her tribal community and recommendations for what is in the best interest of your child—for example, when it comes to placement and a permanent plan for your child.
- Even if the child's tribe does not get involved in your case, the court must still follow the special rules in the federal law.

Mediation

The judge may order you and the other people involved in your case to talk with an independent, trained mediator about what is working and not working for your child and to try to agree on the best solution. This is called *mediation*. In some counties, the lawyers, social worker, your child's caretaker or relatives, or your child may go to mediation, too.

Mediation gives everyone in your case a chance to say what they think is best for your child. You can explain your point of view and get answers to your questions. Mediation can help everyone understand the situation and work together.

Not every county has mediation. Your social worker and lawyer can tell you more about mediation in your county.

Parentage (or paternity)

The court or your attorney will ask questions of you to determine your child's parents. If your child does not have two legal parents, the court will want to determine who your child's legal parents are and make orders to ensure that both of you have a chance to reunify with your child. You may hear words such as *alleged*, *legal*, or *presumed parent*. If you were married to your child's other parent when your child was born or you signed a form called a *voluntary declaration of paternity* after your child was born, your spouse or the other parent who signed the form is probably your child's *legal parent*—also called a *presumed parent*. But if you were not married and did not sign a voluntary declaration, then the parent is probably an *alleged parent*. The court must find out who your child's other legal parent is and make an order (called a *parentage* or *paternity* order), unless an order has been made in another case (usually to get child support from the other parent).



The social worker and the judge will ask you to name your child's other parent and will send notice of the hearings involving your child to that person. He or she may request the court to order DNA testing to determine if your child is biologically related. But a person who acts as your child's parent after the child was born may be a legal parent, even if that person is not your child's biological parent. When the judge decides who your child's other parent is, the judge will issue a parentage order, and that parent may be offered reunification services and will also be responsible for paying child support.

Reunification requirements

If your child was taken away from you, the court may order you to do certain things before you can get your child back. These conditions are called *reunification requirements*. For example, the court may order you to successfully complete:

- A drug treatment program,
- Parenting classes, or
- Counseling.

.....
If your child is under three years old, you have only six months to finish the requirements.

IMPORTANT! Successful completion means really getting involved in the program so you can make the changes you need to have your child home again.

The court will not give you a long time to complete the program(s).

Settlement conference

This is a meeting that takes place before the court makes orders for your child, when the lawyers and the social worker may meet privately with the judge to try to come to an agreement about what is best for your child. If they can all agree, the judge will go into the courtroom and make the orders that everyone agreed to. If they cannot agree, the judge may order you and the other people involved in your case to talk to a mediator. If mediation does not help, there may be a meeting for the lawyers, another settlement conference, or a trial.

388 (three-eighty-eight) or 388 petition

This is a paper that you (or other people in your case) can file to ask the judge to change an order in your case. For example, you can file a 388 if:

- You believe you have done everything the court ordered you to and want the court to return your children to you; or
- You want to ask the court to change your supervised visits to unsupervised visits.

You will need a lawyer's help to file a 388.

387 (three-eighty-seven) or 387 petition

This is a paper that CPS can file to ask the judge to change the place where your child is living. This happens if CPS believes the child needs a more restrictive placement. For example, a 387 can ask the court to:

- Move your child from your home to an out-of-home placement, or
- Move your child from a relative's home to a foster care home.

PART IV

INFORMATION LOG

Information Log of Important Names, Numbers, and Dates

Names and addresses

Your lawyer's name: _____

Phone number: _____

E-mail: _____

Your social worker's name: _____

Phone number: _____

E-mail: _____

Other social worker's name: _____

Phone number: _____

E-mail: _____

When to return to court

Date	Time
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a.m.

p.m.

Date	Time
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a.m.

p.m.

Date	Time
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a.m.

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Date	Time
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a.m.

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Date	Time
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Date	Time
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p.m.

Other appointments

Place	Date	Time
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