

Handbook on Juvenile Court For Parents



Children's Justice Program
Third Edition 2008

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Acknowledgements

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Special thanks go to Judge Jane Mylrea, Associate Juvenile Judge, First Judicial District, for her leadership as chair of the Parent Booklet subcommittee. Her commitment, along with the energy and enthusiasm of committee members, made this booklet a reality.

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The updated booklet is available for downloading on the Judicial Branch Website at www.iowacourts.gov, under the Children's Justice section.

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PEOPLE TO REMEMBER

Lawyer	Name
	Address
	Phone
GAL	Name
	Address
	Phone
DHS Worker	Name
	Address
	Phone
Service Provider	Name
	Address
	Phone
Service Provider	Name
	Address
	Phone
Service Provider	Name
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CASA	Name
	Address
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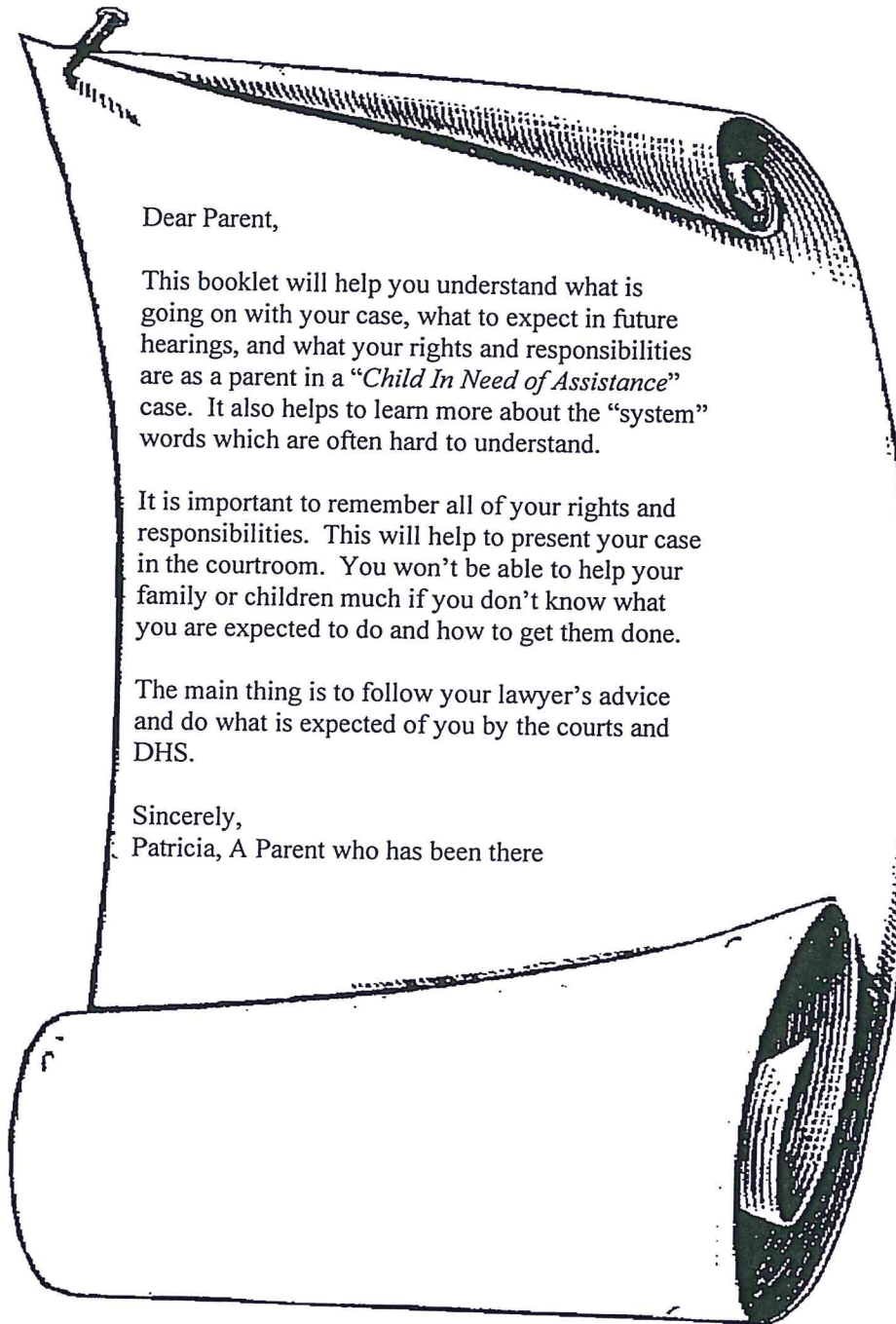


OTHER PEOPLE TO REMEMBER

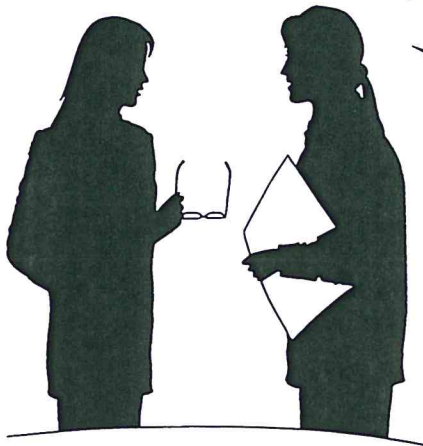
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MY FAMILY IS INVOLVED WITH JUVENILE COURT. WHAT NOW?

This handbook was written to help you understand what is likely to happen in Juvenile Court and who the people are that may be involved. You may have questions that this book does not answer. Your *lawyer* or *social worker* can help. **Please ask.**



* If you do not understand a word in this booklet, please look in the glossary in the back. Words that are in the glossary are typed in this special print.



DID YOU KNOW?

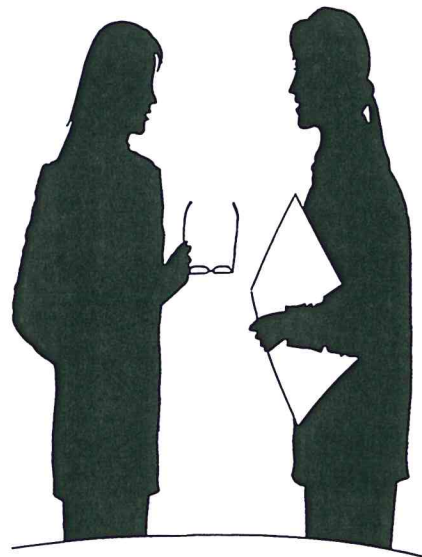
You have the right to a *lawyer*.
You have the right to speak up.
You have the right to be part of
the planning for your case.

DID YOU KNOW?

If you, or any member of
your family, have American
Indian heritage, you may
have additional rights.
Please inform the Court,
your *lawyer*, and your
social worker.

DID YOU ALSO KNOW?

You have the responsibility
to tell your *lawyer* about
your situation.
You have the responsibility
to ask questions.



Rights You Have as a Parent

You need to be involved in developing your *case permanency plan*, so you understand what DHS and the Court expects of you.

Rights

1. To a visiting plan for your child unless the court directs otherwise.
2. To have your own *lawyer*.

If you have a *lawyer*, he or she will probably be the one receiving written reports. You will need to contact your *lawyer* to discuss these reports or to get copies.

You have the right:

- ◆ To have your own *lawyer*.
- ◆ To request financial assistance to pay for a *lawyer*.
- ◆ To have an interpreter, if you do not speak or understand English well or need a sign language interpreter.
- ◆ To have a visit plan for your children unless the court directs otherwise.
- ◆ To speak to a *social worker* or supervisory staff.
- ◆ To be involved in the development of the *case permanency plan* and receive a copy of the plan.
- ◆ To be heard – to voice your opinion.
- ◆ To be notified of planning meetings, staffings, court dates.
- ◆ To attend appointments for your child with school, doctors, staffings, court.
- ◆ To receive written material including court reports, court orders and any other reports, on your child, whether or not they are living with you.
- ◆ To make important decisions about your child such as medical treatment, or consenting to obtain a driver's license, unless another person or agency has guardianship of your child
- ◆ To *appeal* within allowed time frames.
- ◆ To suggest a relative or other good placement for your child, if your child cannot remain in your home.

Talk with your *lawyer* if you have questions about any of these rights. Also talk with your *lawyer* if you, or any member of your family, have American Indian or Native American heritage.

Responsibilities You Have as a Parent

You might qualify for help paying your legal fees – depending on your income or other circumstances.

Responsibilities

1. To speak up, to give information about your position to your *lawyer*.
2. To attend staffings and court dates.

It may appear to others that you don't care about your kids, if you don't show up or at least try to do so. Call your *lawyer* if there is a problem.

It is your responsibility:

- ◆ To speak up, to provide information about your position to the *social worker* and your *lawyer*.
- ◆ To inform the Court, your lawyer, and your social worker if you, or any member of your family, have American Indian or Native American heritage.
- ◆ To visit your children unless the court directs otherwise.
- ◆ To keep all persons involved up to date.
- ◆ To ask questions, if you have any.
- ◆ To ask for a *lawyer*, if you want one.
- ◆ To file a financial form with the Clerk of Court for help with legal fees.
- ◆ To contact your *lawyer* to preview court reports, new information, progress, and recommendations several days before the hearing.
- ◆ To attend appointments, staffings, and court dates.
- ◆ To cooperate with *social workers, service providers, lawyers, or the Court*.
- ◆ To display your best behavior and attitude before and during the court hearing.
- ◆ To dress appropriately for court hearings.
- ◆ To follow-through on court ordered services, because it is in your family's best interest.

Talk with your *lawyer* if you have questions about any of these responsibilities.



WHAT IF I WANT A LAWYER?

- You have the right to have a *lawyer*.
- There is a form available from the office of the Clerk of Court to apply for financial aid to help pay for a *lawyer*.
- This form must be turned into the office of the Clerk of Court. The Clerk can help you fill out the form.
- Each parent can be represented by his or her own *lawyer*.
- You may be required to repay the county for the cost of your attorney's fees. If you cannot pay the entire amount at once, you may request to pay the cost in reasonable monthly installments.
- You may request a change of *lawyer* if you do not think you are receiving good counsel. The judge will then decide yes or no.

Your child will have an Attorney/Guardian ad Litem.

Your child will have a different lawyer appointed called an Attorney/Guardian ad Litem." You may be asked to pay the fees for this lawyer. This person has a dual role. The child's attorney represents what your child wants if the child is of sufficient age to express a valid opinion. The child's guardian ad litem represents the child's best interest. If a conflict arises in representing both the child's wishes and the child's best interests, a separate Guardian ad Litem may be appointed for the child. The GAL also conducts interviews with the child and the person caring for the child, and visits the home where the child is staying. The child's Attorney/ Guardian ad Litem cannot represent you. The information you provide to the GAL may not be held in confidence.

By following the DHS caseplan and court orders, you can build trust with the professionals.

It will be important to get positive support for yourself.

WHO WILL HELP ME?

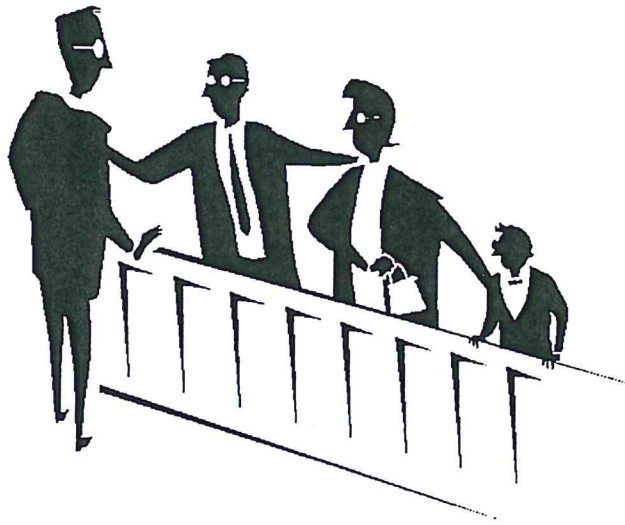
- ◆ Your own *lawyer* will help you with the court process and other legal matters.
- ◆ The *social worker* or therapist will help you get the services you need.
- ◆ Family, friends, ministers, and others can help if you ask.
- ◆ If your *lawyer* or *social worker* is not available when you call, leave a message. Include where you can be reached, a time you will call back, or some way for them to get in touch with you.
- ◆ **If you need help, you must ask for it. No one will know what you need if you don't ask.**

WHAT IS THE ROLE OF JUVENILE COURT?

The Purpose of Juvenile Court is:

- ◆ to protect the physical, mental, and emotional well-being of children.
- ◆ to help parents create a safe home for their children.

Juvenile Court is not a criminal court. However, information from Juvenile Court may be used in criminal court.



WHEN DOES JUVENILE COURT GET INVOLVED?

- ◆ When a child/family needs court-ordered services.
- ◆ When a child has been hurt or is in danger. The words used are usually “*child abuse*”, “*neglect*”, or “*denial of critical care*”.
- ◆ The Court stays involved until the *judge* believes court-ordered supervision is no longer needed.

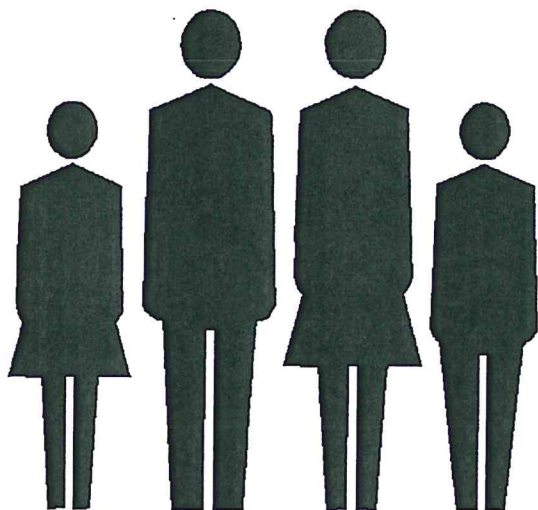


Worried About Court? *It is natural to feel nervous about coming to court. After all, very important decisions about your family will be made. If you do not understand what is happening at any time, be sure to ask your lawyer or social worker to explain. Most cases do not end up in termination of the parent-child relationship. The problems get resolved and the children return home. Don't give up; it is worth it to work at this.*

TIPS BEFORE COURT

- ◆ You will receive a *court order* telling you when you need to go to court.
- ◆ Mark the date on your calendar.
- ◆ Keep in regular contact with your lawyer.
- ◆ Provide the lawyer with any new information about your case.
- ◆ Don't bring small children to court unless requested. Arrange for childcare.
- ◆ Write down questions you have.
- ◆ **Contact your *lawyer* before you go to court.**
- ◆ **Keep in regular contact with your *social worker*.**

WHAT IS EXPECTED OF ME AT COURT?



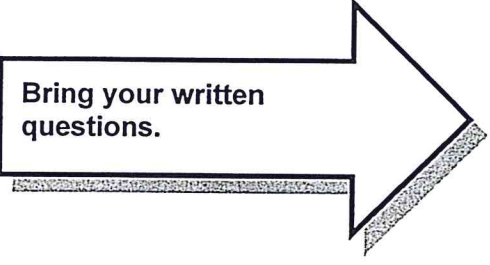
- ◆ Be on time.
- ◆ Dress neatly. T-shirts with offensive words or pictures should not be worn.
- ◆ Hats should be removed.
- ◆ Turn off your cell phone or beeper.
- ◆ Don't swear.
- ◆ Wait quietly if the hearing starts late.
- ◆ Don't eat, drink or chew gum in court.
- ◆ Listen to what others have to say.
- ◆ Show respect to the other people who are at the court hearing.
- ◆ Stand up when the *judge* enters the courtroom.
- ◆ Call the *judge* "Your Honor".
- ◆ Quietly ask your *lawyer* any questions that you have.
- ◆ All other times, only speak in the courtroom when the *judge* or your *lawyer* asks you to.
- ◆ **Tell your lawyer what services you might need to be successful.**

Tip to Remember

Your appearance, behavior and attitude in the courtroom can influence the way others think about you.



Find the courtroom where your hearing will be held.



Bring your written questions.



Be prepared to wait.

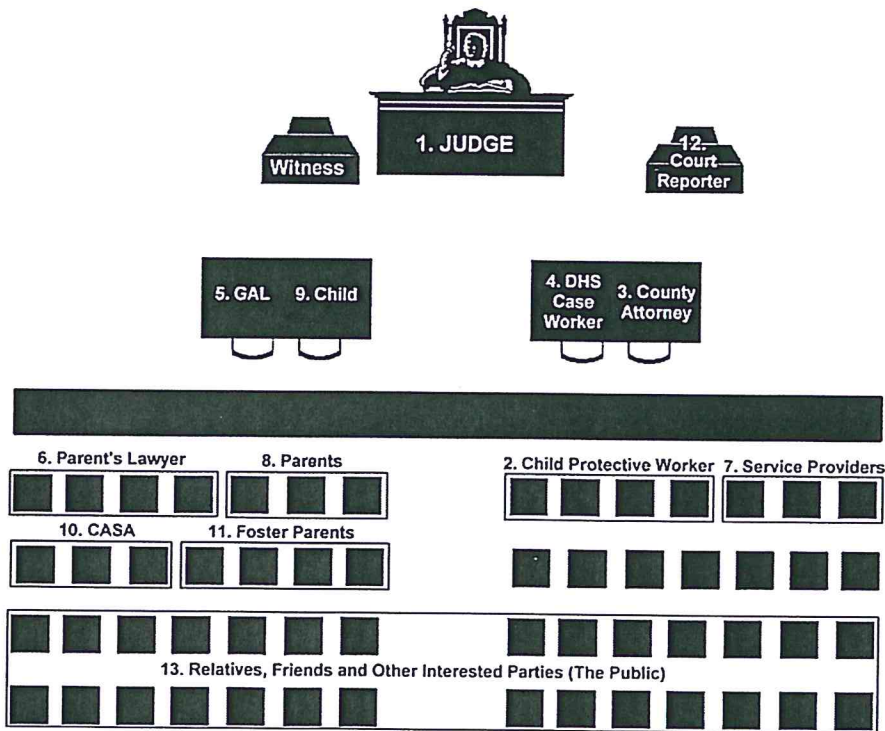
TIPS FOR COURT DAY

- ◆ Set up child care and transportation.
- ◆ Plan to talk with your *lawyer* before the court hearing.
- ◆ Arrive 15 minutes early.
- ◆ Find the courtroom where your hearing will be held.
- ◆ Look for your *lawyer* and *social worker*.
- ◆ Bring your written questions.
- ◆ Bring any important papers, such as certificates of completion, attendance slips, or other proof of completing assigned tasks.
- ◆ Bring the financial form for legal fees.
- ◆ The judge wants court to start on time, but be prepared to wait. Be prepared to wait.
- ◆ Wait outside the courtroom until your *lawyer* or *social worker* says it is time to go in.
- ◆ Friends or family may come to court with you, but the *judge* decides who can stay in the courtroom.
- ◆ CINA hearings are open to the public, however, you can request that the hearing be closed to the public. It is up to the judge to decide

WHO MIGHT BE IN THE COURTROOM?

1. *Judge* – decides the case.
2. *Child Protective Worker*- investigates and reports on child abuse and neglect cases.
3. *County Attorney*- is the lawyer for the state.
4. *DHS Case Manager* – supervises the case.
5. *Child's Attorney/Guardian ad Litem (GAL)* – lawyer who represents the wishes and the best interest of the child.
6. Parents' attorneys –speaks for the parents' position.
7. *Service Provider* – another agency that provides services directly to the family.
8. Parents – biological or adoptive parents of the child in interest. It is expected that parents with physical custody of the child will be present at court hearings and bring the child with them. Parents without physical custody of the child will receive notification of court hearings and should attend. Parents whose children are placed out of the home will be notified of court hearings. It is expected that parents will be present at court hearings.
9. Child – Depending on the child's age, he or she may be required or encouraged to attend.
10. *Court Appointed Special Advocate (CASA)* – is a volunteer that is appointed by the court to represent the child's best interest and reports directly to the court.
11. Foster parents or relatives – if caring for your child, they may be present and may be asked about the child.
12. Court Reporter – court staff who types what everyone says.
13. Public – The general public may attend, unless the judge closes the hearing.

The Courtroom might be set up like this



Not all courtrooms are set up the same. Many times the parents and their lawyers sit up at a table next to the other attorneys.

WHAT IS THE JUDGE'S JOB?



- ◆ To listen.
- ◆ To know the law.
- ◆ To make decisions regarding your case and your child.
- ◆ To determine if *reasonable efforts* have been made to keep your child safely at home or allow him or her to return home.
- ◆ To write the court order.

WHAT HAPPENS AT MOST HEARINGS?

- ◆ When the formal *hearing* begins - everybody stands (“all rise”) for the *judge*.
- ◆ The *County Attorney* or the judge introduces the court case.
- ◆ All present may be asked to identify themselves and say why they are there.
- ◆ The *lawyer* for each person presents the person’s position – this may include testimony and/or reports.

TIPS FOR TESTIFYING

I swear to tell the truth...



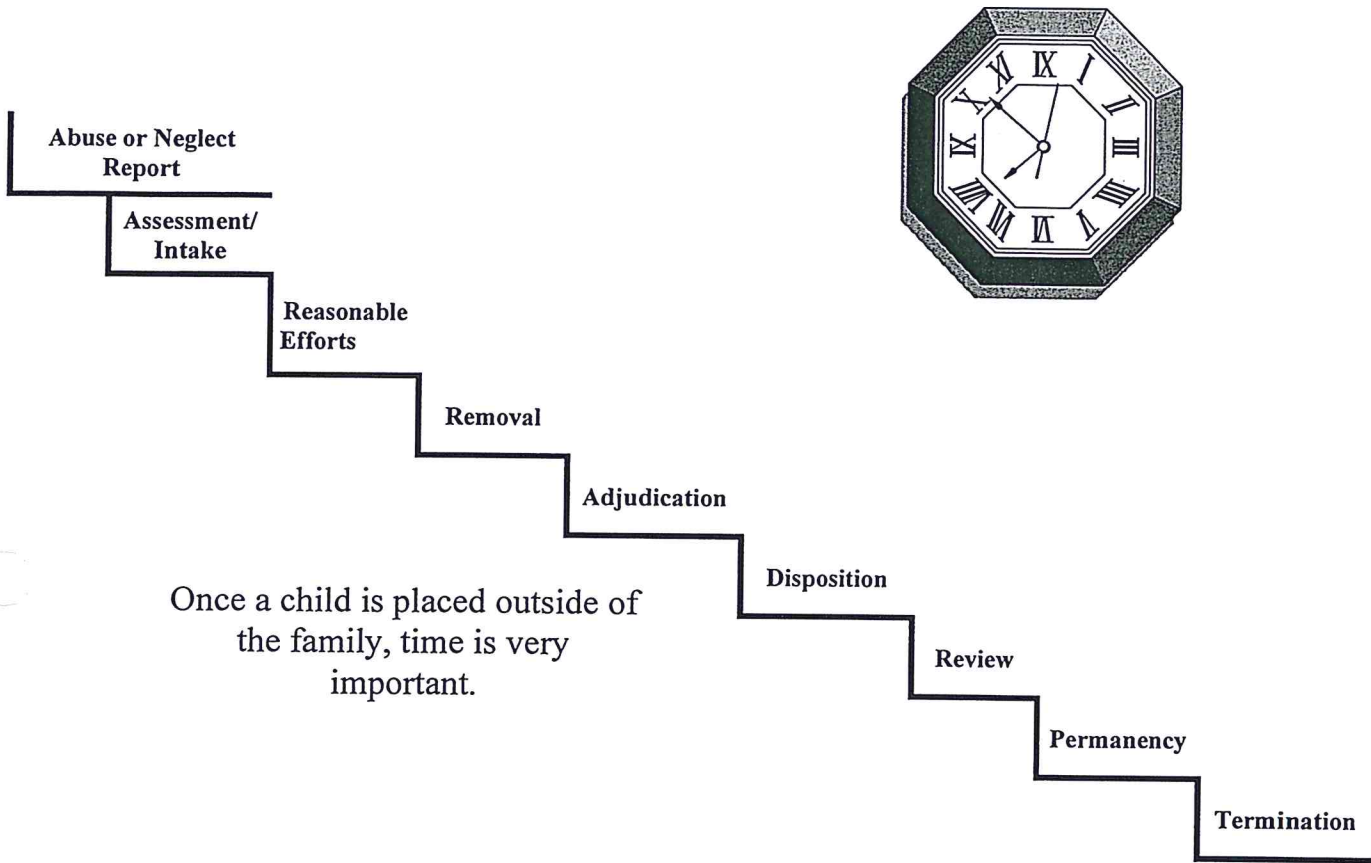
- ◆ **You and your *lawyer* will decide if you will testify** in your case; however, you may be called as a witness by another party to the case.
- ◆ If you testify, tell the truth. You will be under oath.
- ◆ Make sure you know what is being asked.
- ◆ If you don’t know the answer to a question, say you don’t know – don’t guess.
- ◆ If you can’t remember something, say so.
- ◆ If you don’t understand the question, ask that it be asked again or said in a different way.
- ◆ Talk in a clear loud voice.
- ◆ Answer only the questions that are asked of you, if possible with a “yes” or “no”.
- ◆ Do not nod or shake your head to answer. Give an answer.
- ◆ Do not swear or lose your temper.
- ◆ Be polite at all times.

WHAT HAPPENS AFTER THE HEARING?

- ◆ The judge has 60 days to make a decision and issue the order, unless the judge reports to the Supreme Court why additional time is necessary. He or she may make an immediate decision or may decide later. Ask your *lawyer* to explain what happened at the hearing.
- ◆ Write down the next court date.
- ◆ Write down any other important dates, such as therapy appointments or staffings.
- ◆ Write down reminders of anything you are ordered or agree to do.
- ◆ When your court order arrives in the mail, call your *lawyer* to review what the court order says.
- ◆ Call your lawyer if you don't receive the court order within 30 days.

You must follow the Court order and the approved DHS *case permanency plan*.

STEPS IN A CHILD-IN-NEED OF ASSISTANCE (CINA) CASE



***Reasonable Efforts** means that services must be offered to assist a family to keep their child safe at home. At the *Adjudication* Hearing, within 60 days of removal, and at all other *hearings*, the *judge* must decide if *reasonable efforts* have been made to keep the child at home, to support return home, or to make a permanent plan for the child who is not able to return home safely.

*In special cases, the judge may decide that “Reasonable Efforts” may be waived (no longer required) and a termination hearing would be scheduled, a hearing that may end the parents’ rights to the child.

*Most cases do not end with termination of the parent-child relationship. The problems get resolved and the children return home. Don’t give up; it is worth it to work for your family.

Concurrent planning may be ordered by the judge. That means that while working to get your child home, plans may also be developed for another permanent placement for your child.

LEGAL STEPS IN A *CHILD-IN-NEED OF ASSISTANCE CASE (CINA)*

- These are basic steps in most *CINA* cases.
- Your case may not go exactly in this way.
- Some hearings might not be needed.
- At any hearing, if the court is convinced that the problems are fixed, the judge can decide that the case can be closed. The judge can also decide that the case will remain open, but that your child can be returned home, with continued services to assist you.
- These time frames are normally followed. However, individual cases may be different.

Assessment/Intake

- Child Protective Services referral is made to DHS.
- Assessment must be completed within 20 working days. An assessment may be founded and placed on the central child abuse registry, confirmed but not registered, or unconfirmed
- After intake at DHS, the case may be referred to the *County Attorney* for a *CINA* petition, referred for community based services, or closed if no action is required.
- One of the following recommendations usually occurs:
 - A. The case should be closed because the child can remain at home safely.
 - B. The child is allowed to remain in the home, but the case remains open. Services are offered.
 - C. The child is allowed to remain in the home, but a *CINA* petition is requested. Services are offered.
 - D. The child is removed, and placed somewhere else until a hearing can be held, where a judge will decide if the child can be returned home or remain in care. A *CINA* petition is requested and services are offered.
 - E. The child is removed and cannot ever return safely to the parents home so another permanent place must be found.
- If a *CINA* petition is filed, the hearing date is set.

Reasonable Efforts

- *Reasonable Efforts* must be offered to assist the parent to keep the child at home safely. This will include services that the parent and case manager decide are necessary to assist the family.
- At each *hearing* the *judge* will decide if *Reasonable Efforts* have been made to keep the child at home, have been made to reunite the child with his or her family, or have been made to establish a permanent placement for the child if the child cannot return home.

Removal

- **If your child is removed from your home**, there will be a hearing **within 10 days**, about the removal.
- The purpose of the removal hearing is not to second guess the reason for the original removal, but to determine if on the day of the hearing whether the removal must continue or whether the child may return home safely with services and supervision then in place
- If the *judge* decides your child will not return home right now, and your child is 3 years old or younger, your child must be returned home within 6 months, or the state may petition for the *termination* of your parental rights”.
- If your child is 4 years old or older and is removed, you may have 12 months for your child to be returned home before the state files for *termination* of your parental rights.
- The Sheriff may serve the parents/parties with the *CINA* petition and notice of hearing at this time.
- The judge may order that *concurrent planning* must also be started.



You are hereby advised that unless your child is returned home within 12 months, the state may *petition* for the *termination* of your parental rights.

Adjudication

(a hearing to find if the facts in the petition are true)

- **Within 60 days** from the filing of the *CINA* petition, the adjudication hearing will be held.
- The *judge* will decide if your child is in need of assistance.
- If the *judge* agrees with the petition, he or she will also decide where your child will stay. The most common decisions are:
 - A. Your child could be allowed to remain in the home, with services provided to help your family remain together.
 - B. Your child could be returned home, with services provided to help your family stay together again.
 - C Your child could be placed with a relative, with services offered to help you regain custody of your child.
 - D Your child could be placed in a foster home or another placement, with return home as the permanency plan.

Disposition

(a plan of action until the next review)

- The dispositional hearing will usually be held **within 60 days** from the date of *adjudication* or sometimes it is held at the same time as the *adjudication* hearing if all agree.
- The purpose of the disposition hearing is to determine your child's custody, placement, supervision and services for up to the next six months
- The social history and case permanency plan will be presented at the dispositional hearing.
- At this *hearing*, you will be told what services will be available to you and what actions you will need to take between now and the next hearing.

Review

- **Within 6 months** of the dispositional hearing, a *review hearing* must be held if your child was removed from your custody.. The review must include reviewing your progress in keeping your child safe at home or in having your child safely returned to your home.
- Review hearings must be held at least every 12 months after that, or more frequently as ordered by the judge.

Permanency

- **This hearing occurs if a child is living outside of the parent's home.**
- **12 months** from the time your child has been out of the parents' home, a *hearing* must be held to decide the permanent goal for the child.
- Options for *permanency* are: to return home, *adoption*, *guardianship*, custody by relative or other suitable caretaker, or other planned permanent living arrangement.

Termination of parental rights

- This hearing is held to determine if the parent rights to the child should be ended.
- *Termination* means that the parent can no longer make decisions or have any future rights regarding their child at all.
- This *petition* may be filed after 6 months for the child who is under 4.
- This *petition* may be filed after 12 months if child is 4 or older.
- If a child has been out of the home for 15 of the last 22 months, a termination of parental rights petition must be filed, unless a compelling reason is documented in the case permanency plan
- This *hearing* may also consider other *permanency* options for the child.

Appeal

- An *appeal* is a request to a higher court to review or change the decision of the lower courts.
- Parties who may file an *appeal* include: DHS, Child, Parents.
- The Juvenile Court order that was in place at the time of the appeal is followed during an appeal process, unless the appellate court orders otherwise.
- If an *appeal* is going to be filed, it must be filed within 15 days of the date on the judge's final order.
- You must sign the notice of appeal with your attorney. Ask your attorney for advice.

Adoption

- The case manager must work to identify a permanent home for your child.
- The case manager reports to the court on the permanent placement within 45 days.
- A *review* hearing is held every 6 months thereafter until *adoption* is finalized.

Other Possible Hearings

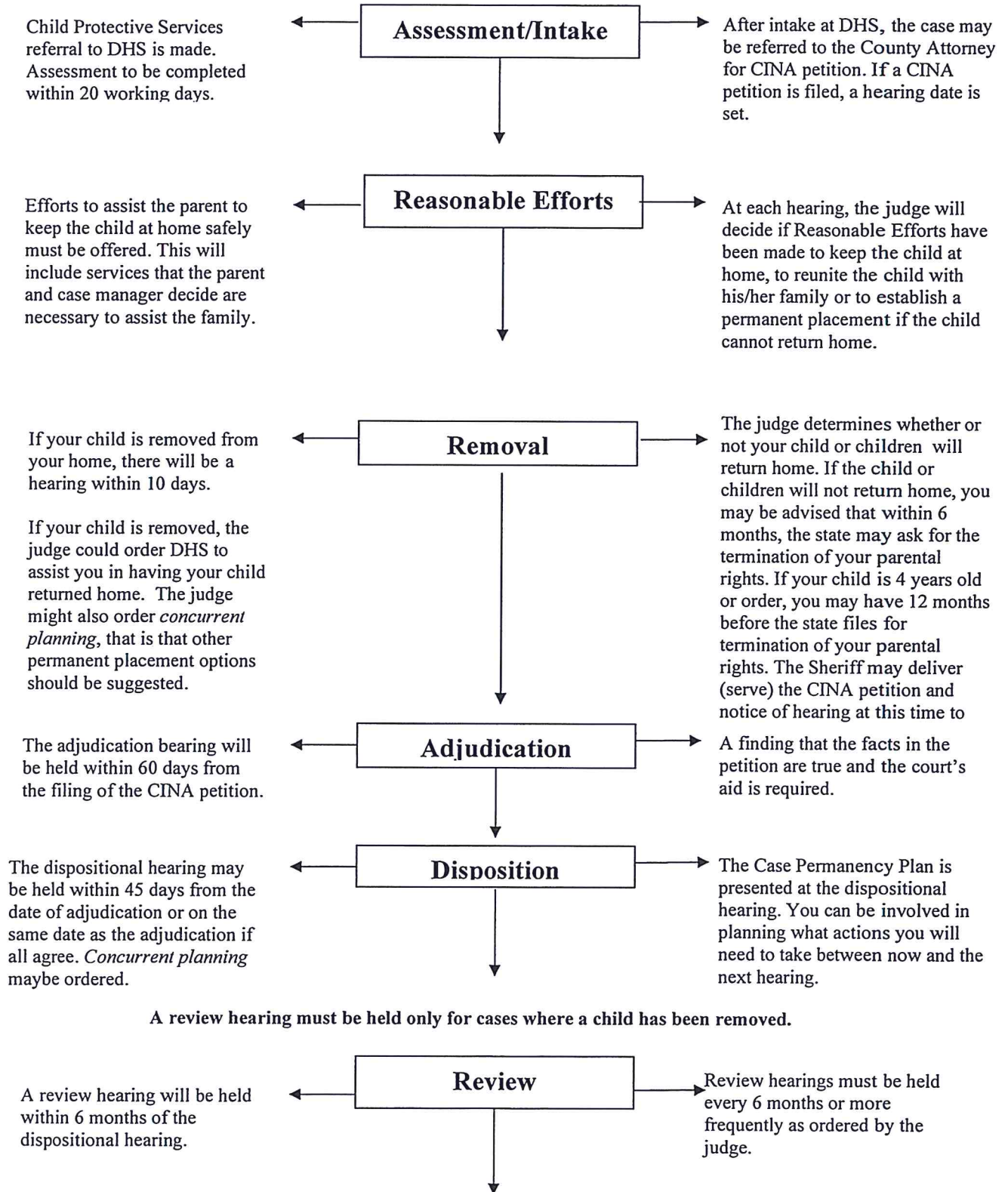
Modification

- This hearing can take place whenever there are major changes in the case situation that need court action.

Appeals

- A parent may appeal a final decision of Juvenile Court within 15 days of the final Child in Need of Assistance order.
Ask your lawyer for legal advice. For example, this could be an order of adjudication of your child as a child in need of assistance, or placement of your child outside of your home.

TIME FRAME FOR CINA HEARINGS



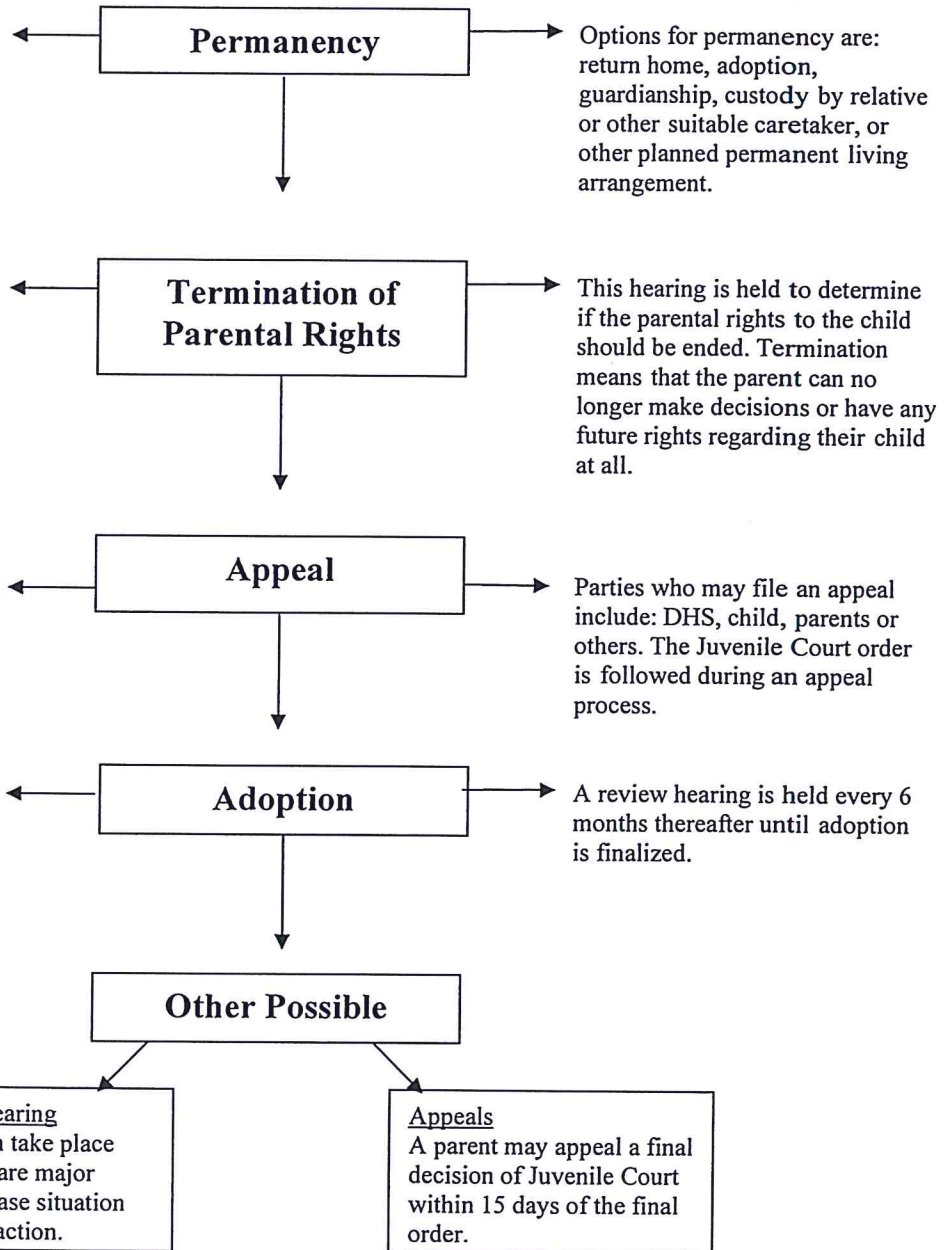
TIME FRAME FOR CINA HEARINGS, continued

This hearing occurs if a child is living outside of the parents' home. The hearing may be held within 6 months from the time the child has been out of the home if the child is under 4 years old or 12 months for all children who are out of the home.

This petition may be filed after 6 months for the child who is under 4 or after 12 months if the child is 4 or older. If the child has been out of the home for 15 of the last 22 months, a termination of parental rights hearing **MUST** be held.

If an appeal is going to be filed, it must be filed within 15 days of the date on the judge's final order.

The caseworker reports to the court on the permanent placement within 45 days.





Glossary

Adjudication: A court hearing at which the court determines whether the Child in Need of Assistance charges are true. The judge will decide whether the case may be dismissed or remain involved with the court, and if the child was not already removed, whether the child will be removed from the home.

Adoption: The legal process through which the court gives exclusive rights to be the child's legal parent to an adult other than the child's biological parents.

Appeal: A request to the Supreme Court or Court of Appeals to review and change the decision of a lower court.

Assessment: An assessment is required when there has been a report of abuse or neglect of a child by the child's caretaker. The assessment includes the nature, extent, and cause of the child's injuries, and identifies who is responsible for the injuries. Goals of the assessment are 1) to protect the child, and 2) engage the family in services to increase their strengths and to address their needs so they can provide for the safety of their child.

Attorney/ Attorney at Law: Also called a lawyer, this person is licensed in the state of Iowa to practice law, including representing persons who become involved in the court system.

Case Manager: Also called a social worker, the case manager works for the Iowa Department of Human Services. The Case Manager works with the family to develop a case permanency plan.

Case Permanency Plan: The plan that is developed with the child's parents, which includes clear requirements and services for safe return of the child.

Central Registry: The Child Abuse Information Registry contains reports found to be true of abuse, neglect or child endangerment. The information is sealed after 10 years, and erased 8 years later.

Child Abuse: Any non-accidental physical injury to the child.

Child Protective Worker: Child Protection Worker or Assessment worker, this worker does an assessment of the family and the incident, when a child abuse report is filed.

CINA: The process for determining, through the courts, whether a child has been the victim of abuse or is in need of the court's help, and if so, how the state should protect the child.

Child in Need of Assistance: The court can find that a child is in need of assistance (CINA), if a child:

- A. has no caretaker or has been abandoned or deserted.
- B. is or has been physically, sexually or emotionally abused.
- C. is or has been neglected or denied medical, psychiatric or substance abuse treatment to drugs.
- D. is or has been sexually exploited or encouraged to commit delinquent acts or exposed to drugs.
- E. is unsupervised or has parents who are unable to care for the child.
- F. wishes to be removed from their parents or has parents who no longer wish to care for them for good cause.

Concurrent Planning: To work toward the return of the child to the parents, while, at the same time, developing another permanent plan for the child.

Court Appointed Special Advocate (CASA): a specially trained, non-lawyer volunteer appointed by the Court to represent the best interest of the child and to report directly to the court.

Court order: Legal document reporting what happened at the hearing and tells the judge's findings.

Custody: With whom the court says a child must live.

Denial of Critical Care: When a child is denied adequate food, shelter, clothing or other care necessary to the child's health and welfare.

Disposition: A court hearing to determine what should be done for the child and family. The court may postpone a decision, allow the parents to keep custody, transfer custody to another adult, place the child somewhere other than their family home.

Findings: "Findings of fact" are what the court believes are the facts of the case based on the evidence presented. "Conclusions of law" are the court's findings on whether the factual findings meet the legal requirements of the case.

Guardian: Person appointed by the court who has the legal right to make important decisions in a child's life including consent to marriage, enlistment in the armed forces of the United States, or medical, psychiatric, or surgical treatment, adoption, and to make other decisions involving protection, education, and care and control of the child.

Guardian ad Litem (GAL): The guardian ad Litem is usually a lawyer. The Guardian ad Litem and lawyer for the child can be the same person or two separate attorneys. Their duties are outlined in the law. The court appoints a Guardian ad Litem for a child in any case involving child abuse.

Hearing: Formal court meeting to determine facts of case and to finalize case plan.

Indian Child Welfare Act (ICWA): A law that was established to protect the legal rights of children with American Indian or Native American heritage.

Judge: Your case will be assigned to a specially trained juvenile court judge who will handle the case from beginning to end.

Lack of supervision: Failing to supervise the child to the extent that there is a danger of the child suffering significant harm, injury, or death.

Lawyer: Also called an attorney, this person is licensed in the state of Iowa to practice law, including representing persons who become involved in the court system.

Modification: A hearing to decide if the court should change a court order for a good reason.

Permanency: When the child is returned home, adopted, or placed in the custody or guardianship of a caretaker other than DHS.

Petition: Formal written application to the court requesting judicial action including a request that your child be found to be a child in need of assistance and giving notice of the conduct or actions of you or your child for which complaint is made.

Removal: When the court determines a child is at risk of harm if left in the home and orders that the child be placed in another home or institution.

Review hearings: The court must review the cases of all children in placement after six months and at least every 12 months after that.

Service Provider: Agencies, individuals and organizations who contract with DHS to provide treatment or supervision services for families involved with the DHS.

Social Worker: Sometimes called a case manager, the social worker is an employee of the Iowa Department of Human Services. The Case Manager works with the family to develop a case permanency plan. Others who may be called social worker provide treatment services to the child or their families. They may also be known as therapist, case aide, or private provider,

Termination: Now called *termination of the parent-child legal relationship*, the court takes away all of the parents' rights and the child is eligible for adoption.