

**A PARENT'S GUIDE TO
CPS and the COURTS**

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How it works and how you
can put things back on track

HOW YOU CAN USE THIS HANDBOOK



We hope that this handbook will be easy for you to use.

You can either read through the whole thing so that you have an idea of how the whole system works OR you can just look up the information you need at the moment.

To find information about a certain hearing or topic, look at the next page. We've made a list of the main topics covered in the handbook and what page you should look at for that information.

Remember, any suggestions made in this handbook are just 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.

A PARENT'S GUIDE TO THE DEPENDENCY SYSTEM BY SOMEONE WHO'S BEEN THROUGH IT



Check this out

I am writing this because I was a parent in the system and I want to help you understand what's up with the court.

If you're like me, when you first come to court you feel scared. Your child has been taken from you. You don't know when you'll see him or her and when they are coming home. You don't know what's going to happen. You'll hear lots of words that you don't understand. So I'm going to break it all down for you the best I can.

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 have a criminal charge related to the CPS case. So let that one go.....this is not criminal court and you're not going to jail behind it.

You may think that people think that you're a bad parent. That's not what it's about. It's about what can help you deal with all the stress 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...don't trip. Life can really be too much and there are times in everybody's life when they just can't keep it together without some support.

***“If you're like me,
when you first come
to court you feel
scared.”***



You know, I could just sit there and think about doing something different in my life and still not do it. It's very hard to have a plan to change things when you don't have anyone to give you that support (and most times there's someone trying to get in your way). Sometimes this can get you so mad and discouraged to the point you can't do it even though you want to. You need to reach out for help.

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

***“I stopped thinking
about what I didn't do
and started thinking
about what I can do.
And it worked.”***

I went through the system 3 times because I didn't take care of what I needed to take care of. I really put my kids through it and me too. 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 play the game or you can really deal with the deep stuff that needs to come out in the light.



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

***“So, take advantage
of the things you think
would be helpful to
you...”***

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



The most important things you can do

- Let the worker and your attorney know right away about any relatives or other people who can take your kids if they can't stay with you. That way you may be able to keep your kids in the family.
- Get your visits set up and make all your visits. It's important to your kids and to the judge.
- Keep in touch with your attorney
- Work with your social worker and keep in touch
- Get into the programs you've been ordered to attend. If it's not working, call your attorney or social worker right away! Don't just get up and leave!
- Make an appointment right away with the Family Law Facilitator so you don't get stuck on child support
- If possible, keep in touch with your child's caretakers. Do everything you can to make it a positive relationship. It will help you and it will really help your kids get through this.
- Tell your attorney if you, your child, or your child's other parent might be an eligible member of an Indian tribe.

HERE'S HOW THE COURT SYSTEM WORKS



When do you go to court?

If your child was taken from you (this is sometimes called “removed” or “detained”) the social worker will tell you when to come to court for the first hearing.

After the first hearing you will be mailed a paper that tells you the next time you need to go to court. That 's why it's important to make sure the court has an address where you know you'll get your mail. You can always give the court a new address if you need to.

The first time you come to court the judge will give you an attorney if you can't afford one.

It's really important that you come 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 be adopted by someone else.

You should receive a report written by the social worker before each court date. If you don't get it before the hearing, call your attorney 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 attorney as soon as possible and go to the court date; If the court doesn't know that you're coming, you might 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 come to the hearing, too.
- If you agree with the report, or if you just don't show up, then the court will usually make orders that are recommended by the worker in the report.



What happens when you go to court for the hearing?

You should come a little early for the hearing because you have to go into the courtroom and check in with the Court Officer. Then you need to wait in the hallway until your case is called. When your case is called you go into the courtroom with your attorney and all of the other people in your case. Usually, the social worker will be there too.

The Court Officer, who is a social worker, will start the hearing by “calling the case”. She or he tells the court the name and number of the case and then lets the court know exactly who’s in the courtroom whose part of your case. The lawyers will let the court know their ideas about the case and sometimes there will be witnesses who will testify.

Sometimes the court will have so many cases it won’t have time to give your case the attention it needs on the day you come to court. If that happens the court will pick another date for you to come back. This is called a continuance.

**“You should ask
your lawyer
before you go
into court what is
going to happen.”**

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 different.



How Do Court Orders Get Made?

There are lots of court dates in the system. Every time there is a court date the judge will have to make orders. There are different ways the court can make orders.

- Everyone agrees what the order should be.

- If people don't agree there are a few things that can happen to try to help everyone agree so that there doesn't have to be a trial: (a trial is sometimes called a contested hearing)
 - The lawyers and social worker talk to each other to work it out (your lawyer has to make sure you agree, too)
 - The judge tells everyone to come back to court for a Settlement conference
 - The judge tells everyone to come back to court for mediation

- If you all can't agree, the court will have a trial and listen to witnesses and decide what needs to be done.

I'll explain what a settlement conference and mediation is all about in another part of this handbook.

So, don't trip 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, there are some things that are the same:

1. Before EVERY hearing is a good time for you to talk with your lawyer and the child welfare 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 talk about what the report means and if you need to come to court;
4. You should come to court for EVERY hearing unless your lawyer tells you that you don't need to come.

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

Detention Hearing

If your child was taken from you (sometimes called "detained") your first court date will be the detention hearing. This hearing is only for families whose children were taken from them. When you come to court you need to go into the courtroom and check in. THIS IS NOT A CRIMINAL CASE.

When you go to the court hearing you will get an attorney that the court pays for, like I told you before. He or she will give you a piece of paper to read. This is called a Petition. The Petition will have a list of things that are numbered, like A-1 or B-1. These are called allegations and they say what the worker thinks is going on with you and your kids.



If your child has been taken from you, the court will decide at the first hearing whether your child should go home right away or not. This is the first time the court will be asked to make sure that your kids are safe. It's also the time that the court will make orders about when you can visit your child and where.

■ It is **very, very, very important** that you come to this hearing so that the court hears what you think about:

- Who your child should live with, if they can't be with you right away (bring names and phone numbers of people you want them to stay with) and
- How often you should visit and talk with your children

Since this court date happens right after your child is taken from you, the court will make another time to take a closer look at what's happening. The next 2 dates in court will be very important because that's when the court will decide whether or not your child needs to stay in the system and where your child should live.

“At the detention hearing, the court will decide whether your child should go home right away or not.”

That's why, as soon as court is over you should talk with your social worker right away so you can know what you need to be doing for the next court date. IT IS REALLY, REALLY IMPORTANT TO START DOING THE THINGS THE WORKER SUGGESTS RIGHT AWAY. It will make a big difference in how soon you can get 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 very confusing and it's hard to understand, especially if you're stressing.

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 right in the courthouse). They will help explain to you, and help you with, child support questions. It's really important to take care of this as soon as possible!

Jurisdictional Hearing

If your child was removed from you, the next time you come to court the judge will decide if the allegations in the Petition are true or not.

If your child is at home with you, this hearing will probably be your first time in court. Like I said before, the first time you come to court you will get an attorney that the court pays for. You'll meet your attorney before the hearing. She or he will give you a piece of paper to read. This is called a Petition. The Petition will have a list of things that are numbered, like A-1 or B-1. These are called allegations that say what the worker thinks is going on with you and your kids.

***“Being in the system
does not necessarily
mean that your child
will live with
someone else.”***

Whether your child is living with you or not, if the judge decides any of the allegations are true, and your child isn't safe, 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 court is allowed to make orders about your child's care.

If the judge decides none of the allegations are true then the case will be dismissed and you're finished with the system. This court hearing is called a jurisdictional hearing.

A lot of times it happens at the same time as the dispositional hearing. I'll explain disposition next.

Dispositional Hearing

If the court has taken jurisdiction it's because the court believes that your child would benefit from your handling some things differently. At this hearing (called the dispositional or dispo hearing) the court will decide what things you should do to make things better for your family and your child. (Sometimes the dispo hearing happens the same time as jurisdiction).

What Will the Court Do at the Dispo 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, who should the child live with?
- Decide when, where and how you can visit with your child
- Decide what services might help you to make your child safer
- Decide what services the Department should provide for your child



Bring the names and contact information of any relatives or other people you think could possibly care for your children.

I know it can be hard to tell people your business, especially family, but it could keep your kids out of foster care. It's the social worker's job to call them and do a background check, so it's a good idea to talk to your relatives first to ask them if they're interested in keeping your kids.

If your child is ordered to live with someone else (this is called out of home placement) you will need to take care of some things to have your child returned to you. Those things are called reunification requirements. They are the things like attending a drug program, parenting classes, counseling, etc. This is also called a case plan.

If your child is living with you (this is called in-home placement), you will need to take care of some things to get out of the system. Those things are called dismissal requirements. They are the things like attending a drug program, parenting classes, counseling, etc. This is also called a case plan.

The case plan is 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 come home or to dismiss your case if your child is already at

If your 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 WORKER. Show that you are responsible by taking care of business.



home. That's why it's so important to talk to your social worker way before you come 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.

If your 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 WORKER. Show that you are responsible by taking care of business.

During the time your child is out of home, visits are very important. Be on time and go to every visit. If there's an emergency and you can't visit, be sure to call the worker ahead of time so that everyone knows why you're not visiting. 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 will think it's because you don't care about him or her.

If your 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 worker. Show that you're responsible by taking care of business.

I know it can be really hard to visit, knowing your child is going to get upset when you leave. But you gotta do it. I can't tell you enough times that it's one of the most

***“...it can be
really hard to
visit...But you
gotta do it.”***

important things you can do. If you need help figuring out how to help your kids with saying goodbye after a visit, talk to your social worker, your lawyer, or whoever you trust.

The number one thing to get your kid back is for you to take care of yourself by following the case plan and visiting your child. Don't be trippin just do what you need to do.



If your child was taken from you sometimes the court will make orders for a permanent plan at this hearing. But this doesn't happen very often. What's a permanent plan? I'll tell you in a different section.

What's Reunification?

If your child was taken from you one of the words you will hear a lot is reunification. Like I told you, reunification has to do with getting your child back. To get your child back you have to successfully complete all of the reunification requirements that the court ordered at the dispo hearing. Also, the court has to be sure that if your child is returned to you, that he or she will be safe and well cared for. "Successfully complete" means you have to really pay attention and be involved in the programs you are required to do. It's not enough to just show up. Actually, I found a lot of these programs helpful. Since you need to go anyway, see what you can get out of it.

The time you have to take care of business is really short so you need to get on it right away. If your child is under 3 years old you only have 6 months to be doing your case plan. The Judge will only continue to offer you the chance to reunify if you're doing what you need to do. IT'S ON YOU!

Ask your attorney about all these rules about time. They are really important. You need to know that if you don't take care of business your child can be adopted by someone else.

***The time you
have to take care
of business is
really short so
you need to get
on it right away.***



Review Hearings

During the time your child is in the system (whether your child is living with you or someone else) the court will have a hearing every 6 months. Those court hearings are called dependency status review hearings (sometimes called "DSR"). Here's what they're about.

Why is there a review hearing?

- To make sure that you are working on your case plan
- To make sure that the Department has referred you to the services you need to do your case plan
- If your child is living with someone else, to decide if your child can be returned to you
- If your child is living at home, to decide if the case can be dismissed
- To make sure that your child is being well taken care of

When do Review Hearings Happen?

The first review hearing will be about 6 months after the dispositional hearing. Other review hearings will be about 6 months after the first one. The purpose of these review hearings is pretty much the same: it's to have the court decide if you've been really working your case plan and if it's safe for your child to be returned to your care, or if your case can be dismissed (when your child is living with you).



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

- Your child could remain out of home and you might have another 6 months to reunify; or
- Your child could return home to you; or
- The court can terminate your reunification services if you're not doing what you're supposed to be doing. THIS DOES NOT MEAN YOU'VE LOST YOUR PARENTAL RIGHTS. If the court decides to terminate your services it can make what's called a permanent plan for your child.

So wake up and do the right thing for your child's sake. Remember you're not alone. And stay focused.

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

- If you have successfully finished all of your dismissal requirements the court can dismiss your case and you'll be out of the system; or
- If the court believes that you have some more things to do to get everything together, the court can order that you have more services. Another review date will be set for 6 months later to see how you're doing.

So wake up and do the right thing for your child's sake. Remember you're not alone and stay focused.



What Happens if...

You're in Reunification and you successfully complete your case plan

When you finish the services the judge told you to do in the time you're allowed, your child may be returned to you, if the judge thinks it's safe. The court calls this an in-home placement. Your case will stay in the system until the court is satisfied that everything is going well and that your child is safe at home. You will be able to show the court everything is OK by completing your dismissal requirements. The court will have 6 month reviews every six months to decide if your case should be dismissed, just like I talked about before. Once the court is satisfied that everything is OK the case will be dismissed. That means you and your child are out of the system.

**Termination of your
reunification services
does NOT mean
you've lost your
parental rights, SO
DON'T GIVE UP.**

As soon as the court sends your child home you should contact the child support bureau right away so that you are not ordered to pay child support anymore. Ask your lawyer to help or go to the Family Law Self Help Center at the courthouse, where they will help you for free.

At the end of this handbook I'll tell you some things about reunification that I learned the hard way. Maybe some of it will be helpful to you so that things can go more smoothly for you.

What Happens if...

*You're in Reunification and you **don't** successfully complete your case plan*

If the court thinks that you're not participating in the services you were ordered to do, or if time runs out in the reunification period, the court will order that the Department



does not have to provide any more services for you. This is what's called termination of services. You can continue in the services you want but the Department won't have to pay for them anymore.

Do not confuse this with termination of parental rights! Terminating your parental rights only happens if the court decides that your child should be adopted by someone else.

What is a Permanent Plan and What Does it Mean?

Once the court terminates reunification services (this is only for kids living out of your home) it means that the reunification time has ended and the court must make a permanent plan for your child.

Sometimes people get frightened when they hear the word permanent. Even though the court calls this a permanent plan, sometimes it can be changed. But you need to know upfront that it's harder to have your kids returned to you after a permanent plan has been made. So, do what you gotta do upfront.

The permanent plan will be either:

- adoption;
- legal guardianship; or
- long term placement (foster care).

Adoption is always the court's first choice! Legal guardianship is the second choice.



What is a .26 (Two-six) Hearing?

If the court stops your reunification services and the Department 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 2-6. (On the court papers it looks like .26 or 366.26).

At the .26 hearing the court can order a permanent placement that will be:

- Adoption;
- Legal Guardianship; or
- Long Term Placement

What is Long Term Placement?

Long term placement just means that your child's placement will continue in foster care (it's still called foster care even if your child is living with a relative). The case stays in the system and the court will have reviews every six months (called PPH reviews). I'll tell you more about that later.

What is a Legal Guardianship?

“Your rights as a parent are not terminated but are on hold during the time the guardianship is in place.”

A Legal Guardian is like a substitute parent. A Legal Guardian has all the 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 time the guardianship is in place. Usually the case will be dismissed from the system and you may have certain visitation rights with your child.



Sometimes people get frightened when they hear that word “permanent”. Even though the court calls this a permanent plan, a guardianship or long term placement can sometimes be changed and your kids might be returned to you. 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 harder to have your kids taken out of a stable placement to be returned to you after the reunification time has passed.

What is Adoption?

This is when the court terminates your parental rights. That means that you are no longer legally your child’s parent: his or her adoptive parents are his legal parents. Not only that, your family is no longer related to your child either, unless they are related through someone other than you.

There is one other thing you should know about adoption. It might be possible for you to have some kind of contact or information about your child after the adoption if the people adopting your child agree to what’s called a post adoption contact agreement. But you need to know this does not happen in every case.

ONCE AN ADOPTION HAPPENS IT CANNOT BE CHANGED NO MATTER WHAT YOU DO! If your parental rights are terminated you need to let the child support bureau know right away so that you are not ordered to pay child support anymore. Ask your lawyer to help or go to the Family Law Self Help Center at the courthouse for help.



PPH reviews (Post Permanency Hearing)

The court will have a hearing every 6 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 at; and (3) make sure that the permanent plan is the right one and (4) consider visits with you, and whether the case should be dismissed.

OTHER WORDS YOU'LL HEAR

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388

This is a legal paper (also called a 388 petition) to ask the court to change any order already made by the court. Like, if you think that you've done everything you were ordered to do, you can ask the court to return your children to you. Or if your visits are supervised, your attorney might file a 388 to ask the court to change your visits to unsupervised. Anybody in the case can file a 388 through their attorney.

387

This is also a legal paper (also called a 387 petition) to ask the court to change the place where your child lives because it's no longer a safe place for him or her. Only the Department can make this request. A 387 is only used to request the court to change your child's placement to what's called a more "restrictive" placement. This means if your child is living in your home as a dependent, a 387 would be used to ask the court to place your child out of your home. If your child is living with a relative, a 387 could be used to request placement of your child in a foster care home of a non-relative.

CASA

A CASA (Court Appointed Special Advocate) is a volunteer who is hooked up with some kids in the system. They get special training to work with children. They write reports for the court that has information they get from teachers, parents, the children and other people. These reports help the judge make decisions that are in your child's best interest. The law requires a CASA volunteer to report any suspected child abuse or neglect if it comes up.



Settlement Conference

This is a time when you, all the other parties, and everyone's lawyers come to court to try to make an agreement. All of the lawyers and the social worker go into the courtroom to talk with the judge to see if they can work things out. You have to wait outside while they're talking.

Your attorney will come out of the court to talk with you to see what you think about the ideas that came up in the court. If everyone agrees, including you, the court will order everyone to do what the agreement says.

If there's no agreement, the court will order everyone to go to mediation or will set a trial date.

Mediation

Mediation is when you, the social worker, your child's other parent and all the attorneys sit down together to talk about what's working and what's not working.

Sometimes other people might come, too. For example, your child's caretaker or other relatives.

Each person has a turn to say what's on their mind about what's best for your child.

The goal is to try to help everyone work together to make things work for your child and you.

You will have a chance to help make that plan. A lot of things can get cleared up when everyone is included in the discussion. It can help stop the confusion.



Dismissal

Dismissal can go in a couple of ways:

- if the court orders a legal guardianship, the case is usually dismissed;
- if your child is living with you or his or her other parent, the case will be dismissed when all dismissal requirements are done.

Exit Orders

When your case is dismissed the court will make exit orders, if your child's other parent and you are not living together. An exit order will include custody and visitation orders.

There are two kinds of custody: one is called physical custody and the other is called legal custody.

Physical custody means who your child lives with most of the time. Legal custody means who makes important decisions, like medical needs, school, and religion.

Parents can share physical or legal custody. If you share custody it's called joint custody. Parents can also have what's called sole custody.

You and your ex can make any combination of custody agreements. For example, you can have joint legal custody with sole physical custody to you. Or you could have joint legal and physical custody.

The way you and your child's other parent share time with your child affects child support. This can all be very complicated, so ask your lawyer to break it down. That's what they're for.

WHEN YOUR CHILD COMES HOME

When you hear your kids are coming home you feel a big relief. But what you need to think about is how overwhelming it's going to be even if you just have one child. It's been a while since you last took care of your child and it's going to be different because you've been through changes and so has your child.

Find out all you can about changes in your kid's life like school stuff, counseling, and behavior issues. Also, what kinds of new goals does your child have and what activities does he or she like? It will make things easier if your kid has the same schedule in your home as he or she had while out of home cause there's no way that a child can make such a big change without that structure. If you can't talk to your kids' caretaker, then PLEASE get this information from your worker or your kids' lawyer. If I had known all this before my kids came home it would have been a lot easier.

Expect challenges. You know you're going to get tested. This is because the kids have been gone from home and it's all about getting to know mom and dad all over again. Think about how to plan for them coming home so you don't get overwhelmed by it

***Get a support
system set up for
yourself before your
kids come home.***

all. For example, if you have more than one child you can request that one or two come at a time, not all of them at once.

Get a support system set up for yourself before your kids come home.

Don't forget that you should also let the child support bureau know right away when your children are back with you so that the court doesn't keep ordering you to pay child support. Ask your lawyer for help or go to the Family Law Self Help Center at the courthouse where they will help you for free.

YOUR RIGHTS AS A PARENT



Parents, be aware that you have rights, and here are some of them:

You have a right to a lawyer. If you cannot afford a lawyer the court will appoint one for you; You have a right to be present and to participate in all court hearings; You have the right to understand what is going on and what you need to do in order to get your children back home with you and to get help with doing it.

One last thing to know: there's sometimes going to be some different ways the court does things. This includes that the laws might change. This handbook gives you the basics. The rest, don't trip, just ask your lawyer to explain what's up. And don't feel foolish if you don't understand them...insist that they explain it to you until you really understand what's going on...this is deep stuff and you need to understand what's happening.

I hope that this little book has been helpful to you. My final words to you....Keep focused, get back on track, and don't stress. Do your best and don't be afraid to ask for help.

Remember, don't trip and do what you gotta do.

IMPORTANT INFORMATION



My Attorney's Name: _____

Phone number: _____

Address: _____

My Social Worker's Name: _____

Phone number: _____

Address: _____

New Worker's Name: _____

Phone number: _____

Address: _____

Next Court Dates: _____

Other Appointments: _____

Things to Do: _____

NOTES

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