

# WOOD COUNTY JUVENILE COURT

COURT INFORMATION GUIDE FOR FAMILIES



David E. Woessner, Wood County Juvenile Court Judge

## YOUR CHILD IS IN FOSTER CARE OR PLACED WITH SOMEONE ELSE...

### What Is The Juvenile Court And What Will Happen There?

If the Wood County Juvenile Court places your child with another caregiver, either through foster care or with a friend or relative, you will be appearing at the Juvenile Court at certain times.

This appearance is required because, after your child is placed in foster care or with another caregiver, the Children's Services Division of the Wood County Department of Job and Family Services must file a **court complaint** saying that your child has been abused or neglected, or is "dependent".

- A "dependent" child can mean a child has not had proper care, but it is not the parent's fault (for example, because a parent is mentally ill or hospitalized).
- An "abused" child can mean a child has been subjected to physical, sexual or emotional abuse.
- A "neglected" child can mean a child has not properly received certain essential things such as medical care, education, or a healthy and safe environment.

You will be given notice of hearings at the Juvenile Court. Please read all paperwork from the Court carefully as it will contain important information on your rights and Court decisions. If you do not appear at court hearings, decisions by the Court may be made without you. These decisions may directly impact your ability to have or maintain contact with your child.

During hearings at the Juvenile Court, you have the right to have an attorney. You may hire your own attorney or you may request the Court consider appointing an attorney for you if you are unable to pay for an attorney.

Make sure you contact and talk with your attorney before each Court hearing. A suggestion: write your questions down in advance before talking with your attorney.

Some suggestions and information on Court hearings follow:

- Be in court at least 15 minutes before each hearing. Dress as nicely as you can.
- The Judge **may** want to talk to you about what you are doing to help keep your child safe and well cared for.
- The Judge **may** decide your child is not in danger, and that the child can come home.
- Children's Services will have a lawyer from the County Prosecutor's office representing the "interests of the state".
- Your child will have a "Guardian Ad Litem." The Judge will appoint either a lawyer or a citizen volunteer for your child to act as a guardian ad litem. Volunteer guardian ad litem are called "**Court Appointed Special Advocates**"(CASAs). The Guardian Ad Litem's job is to investigate all sides and recommend to the Court what is in your child's best interests.
- Although the public may attend court hearings, the Judge can decide to keep the public out. It is very rare for any hearing to be attended by anyone other than those involved in the case.
- If one of the lawyers asks, everyone who is not involved in the case may be asked to leave the courtroom.

## What Are the Different Hearings That Are Held?

Your case probably will go to court several times while your child is placed with another caregiver or in protective supervision, and you should go to every hearing.

At times, there may be delays and re-scheduled hearings, called “continuances”. Your lawyer may be able to help speed up your court case.

You should find out from your lawyer what kind of hearing you are going to. The following are examples of different kinds of court hearings:

- **“Emergency Pick-up” Hearing**- held no later than the next business day after a child is “picked up” (removed) by a Children’s Services caseworker. The Judge reviews the reasons for the “pick up” (removal); your child’s overall current situation; and whether your child should remain out of the home.
- **“Shelter Care” Hearing**— held within 72 hours after your child is removed from the home. The Court will determine whether your child should continue to be removed from the home. If your child **must** continue to be removed, the Judge may ask about relatives who may be able to take your child in temporarily. You should give your caseworker information on any relatives or close friends who may be able to care for your child.

- **“Adjudicatory” Hearing**— this must be held within 30 days after the case first comes to Court, unless there is a good reason for a delay. If you and your lawyer do not agree that your child is abused, neglected, or dependent, then the “adjudicatory” hearing will be a **trial**, where both sides present witnesses and the Judge hears from both sides about what the decision should be. The Judge then decides whether or not your child is abused, neglected or dependent.
  
- **“Dispositional” Hearing**— if your child is determined (or found) by the Judge at the adjudicatory hearing to be abused, neglected or dependent, a Dispositional Hearing **must be held within 30 days** after the Adjudicatory Hearing. At the Dispositional Hearing, the Judge decides what will happen next with your child. This is where the Judge may order you to participate in treatment or services. Decisions the Judge might make at the Dispositional Hearing may also include—
  - Returning your child home under the “Protective Supervision” of Children’s Services.
  - If your child is returned home, the Judge may order an adult to leave your child’s home and/or to stay away from your child.
  - Continue your child’s foster care.
  - Give temporary legal custody to a person other than the parent (such as a relative).
  - Terminate your parental rights, so your child can be adopted.

This can happen only if Children’s Services asks for termination of parental rights in advance. Ask your lawyer whether this is a possibility.
  
- **“Dispositional Review”**— these are held by Children’s Services at **least every 6 months** while your child remains in foster care or placed outside of your home. Every 12 months the review will be heard in Juvenile Court. At these reviews, your case plan is discussed with you, including

how your child is doing, how you and Children's Services are working together to carry out the Case Plan, whether that Plan needs to be changed, when your child might return home, and what will happen if your child cannot safely return home.

- After this review, the court will get a written progress report about the case. Make sure you talk with your lawyer about what to do if you do not agree with the case plan or Children's Services' progress report to the court.
- **“Permanency” Hearing**—this is a hearing that must happen if your child **remains in foster care for 12 months**. It could be held much sooner if a child was a victim of severe physical or sexual abuse and the Judge has ruled that “reasonable efforts” to reunify a family do not have to be made.
  - The Judge may decide your child should come home, have some other permanent living arrangement, or there needs to be another hearing for the court to decide whether parental rights should be permanently terminated.
  - If parental rights are terminated, the child may either be 1) adopted, 2) put in a “legal guardianship” with another person, or 3) put in another legally permanent home.

### When Your Child is in Foster Care, the Clock is Running and the Law Sets Time Limits for You to Make it Possible

If 12 months have passed and your child is **still** in foster care, the Court must hold an Annual Hearing as explained above. At the Annual Hearing, the Court must decide the child's **permanent plan**, which could include return home, adoption or some other permanent living arrangement for your child. If your child cannot come home at this point, this might lead to a separate court hearing on whether to

**end your parental rights.** An extension allowing for more time to reunify is allowed in rare circumstances.

- It is **very important** that any problems leading to your child's foster care be solved within a year, and ideally **much sooner**.
- The problems of some families cannot be solved within one year— so what is most important is **how hard you are working on those problems**.
- After your child has been in foster care for 12 of the last 22 months, court action to terminate your parental rights may begin. That does not necessarily mean a Judge will terminate your rights; it simply means the Judge **must decide** whether or not to do so.

### If You Think the Judge's Decision Was Wrong, You Have the Right to File an Appeal

An "appeal" is when you ask a higher court to change the decision of the Juvenile Court. To win your appeal, your lawyer must show that the Judge's decision did not follow the law or got the facts wrong.

### What If I Am Not Able to Take My Child Back?

Not everyone who has children is able to raise them. Think about what is best for both you **and** your child. The law permits a parent to agree to give up their parental rights. If you think that is the right thing to do, here are some options to consider:

- Agree to have a relative or family friend, **with the Judge's approval**, raise your child. That person would become the child's "**legal guardian**".
- Agree to have your child **adopted**, possibly by their foster parents, a relative, or a friend of the family. Keep in mind that after a child is adopted your legal parental rights with that child will be ended forever.
- Sometimes, if a parent is unable to continue parenting, the parent can still have some contact with the child, such as sharing cards and letters. This requires a **voluntary agreement** approved by Children's Services or the Court, and the child's adoptive family). This agreement may not be legally binding.
- Talk to your lawyer about these things. Agreeing that you can no longer take care of your child is a serious decision, but sometimes it is the **right thing to do**.

## Where to Get Help

Parents who are involved with the courts are always under a lot of stress and pressure.

- Meet with, or at least contact, your lawyer frequently, and be ready to ask your lawyer all of the questions you have. Make sure your lawyer gives you answers that you understand.
- Talk about the court with others you are comfortable talking to, such as counselors, social workers helping you, your caseworker, CASA/GAL or family friends and relatives.



- Having a child who has been in foster care also can be stressful. Do not hesitate to talk with others who you are comfortable with about this transition.

Write any questions that you have here so that you may discuss them with your attorney or others that will be helping you with this situation:

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