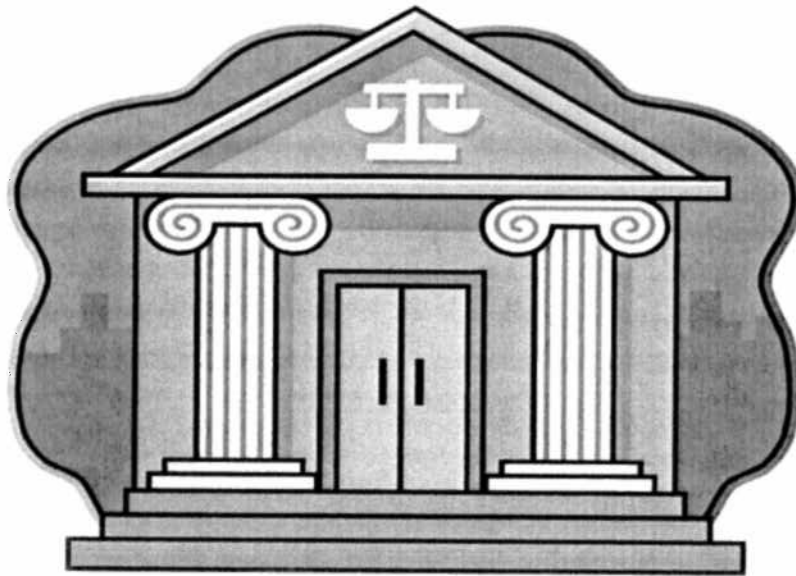


Child Protection Handbook

For Parents of Children in the Child Protection System

**What you need to know about the court process
and the people helping you with your case.**



Being involved in a child abuse, neglect, and foster care case can be very confusing and stressful for a family. Not knowing what to expect can make it even harder. This handbook will help you understand what will happen. Keep this handbook with you and write in it the names of the people who will be working with you, the dates of court hearings, and other important information.

MY CASE CONTACTS

Court Information

Case Number

Judge/Referee

Court Address

Phone Number

My Attorney

Name

Phone Number

Office Address

E-mail Address

My Caseworker

Name

Phone Number

Office Address

E-mail Address

My Service Providers

Name/Type of Service

Phone Number

Meeting Days/Times

Address

Name/Type of Service

Phone Number

Meeting Days/Times

Address

This Handbook is a Resource for You

This handbook briefly explains the process for child protective cases in Michigan courts. Please read the whole handbook so you understand what may happen in your case. You should also keep this handbook in case you have questions. While this handbook contains some suggestions, it is important that you do what is right for you and your child in the best way that you can.

Note: There is a glossary on page 9 if you are not familiar with a word or term in this booklet.

Parents Have Rights!

When you and your family become involved with the court system, you have certain rights to protect you, which include the following:

✧ **Attorney For You**

You have the right to be represented by an attorney at all stages of your court case. If you cannot afford an attorney, the court may appoint an attorney to represent you. Tell the court if you would like an attorney.

✧ **Participate in Your Court Hearings**

You have the right to participate in all of the court hearings for your case. You do not lose this right if you are in jail or prison. If you are in jail or prison, your participation may be by phone or another method.

✧ **Understand Your Case**

You have the right to understand what people are saying and what is happening in your case. If you do not understand something make sure you ask your attorney, the caseworker, or the court.

✧ **Parenting Time**

In most cases, you have the right to have parenting time with your child during your case. The amount and type of parenting time may be different throughout your case. Be sure to tell your attorney if you are denied parenting time with your child.

✧ **Trial by Judge or Jury**

You have the right to have the state prove that the allegations being made about you are true. You may ask that the state prove the allegations to either a judge or a jury.

✧ **Getting your Child Back Home**

You have the right to know what you need to do to have your child returned home to you. The state is required to work with you to develop a plan to address the issues you are experiencing that prevent you from having your child in your care. If you don't understand what you need to do, ask your caseworker and attorney.

✧ **Consider Indian Heritage**

Additional rights may apply if your child is enrolled or eligible to enroll in a federally recognized Indian tribe. Be sure to talk to your caseworker or attorney about this issue.

Where Will Your Child Live?

If your child must be removed from your home, the first decision is where the child will temporarily live. In most cases, the state (meaning the Department of Health and Human Services or a private agency) will choose where your child will live. Ideally, your child will be placed with a relative who is familiar to you and your child. If there are no appropriate relatives who can provide care for your child, your child may be placed with a foster family.

Relative Caregivers

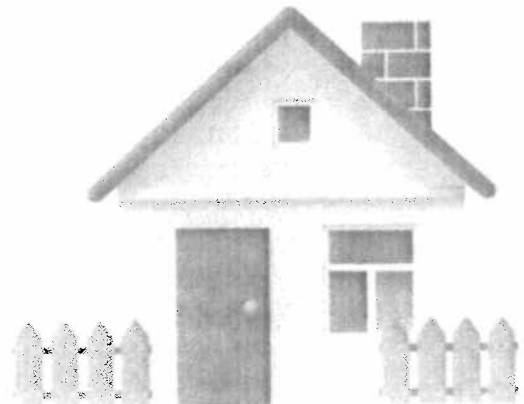
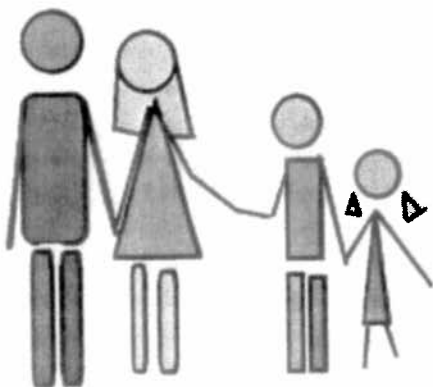
It is important for you to identify all of your child's relatives. The state is required to search for and contact your relatives to determine if they are interested and available to provide care for your child. It is important that you give your caseworker the names and contact information for your relatives as soon as possible. The state is required to consider relatives for possible placement before placing your child in a foster home. Delay in providing information about relatives may impact where your child lives.

If your child is placed with a relative, it is very important that you stick to the parenting-time plan and communication schedule that is agreed on with your caseworker. Failure to stick to the schedule may result in moving your child from your relative's home and placing him or her with other caregivers. Talk to your caseworker if you need to change the parenting-time plan.

Placement With Foster Parents

It is helpful to your child if you and your child's foster parents get along well. In some cases children can be returned home more quickly because parents and foster parents work together:

- ⇒ You can ask your caseworker to arrange for you to meet your child's foster parents.
- ⇒ You can let your child's foster parents know that you want to stay involved with your child and ask for their ideas about how they can help and how you can help them.
- ⇒ You may also tell your caseworker and your child's foster parents that you would like to talk to your child on the phone during the week. You may be able to establish certain days and times each week to call your child. If this is arranged it is very important for you to follow through with scheduled phone calls.



Parenting Time With Your Child



While your child is in the care of the state, parenting time with your child should be a top priority for you. Your caseworker will develop a plan for you to have parenting time with your child. Parenting time should be scheduled at times and days when you are able to attend. For example, if you have a job on weekdays from 9 a.m. to 5 p.m. you can request that parenting time be scheduled outside of your work hours. If parenting time is scheduled at a time when you are not available, be sure to let your caseworker know. If the caseworker

does not respond, contact your attorney to talk about the issue. As long as the goal is to return your child home, most parents have a legal right to have parenting time with their child.

The court may require that parenting time be supervised. If you have supervised parenting time someone else must be present with you and your child while you visit. This person could be a relative, caseworker, or a volunteer. Your caseworker may also observe some visits with your child. In the future the worker may testify at a court hearing about how you interacted with your child during parenting time. At the end of each visit and outside the presence of your child, ask your caseworker how you did and for suggestions on how the next visit might go even better.

Regular parenting time with your child is very important. It helps your child to feel close to you even when he or she is living with someone else. It also helps you to know that you are still a part of your child's life. It is important that you follow the approved parenting-time plan and schedule. Failure to follow the schedule and/or missing visits with your child may jeopardize your ability to have your child returned home to you. In addition to regular parenting time, you and your caseworker should also discuss opportunities for attending your child's medical, dental, and educational appointments.

“When do I get more parenting time?”

“When can I have unsupervised visits?”

“Can I have overnight visits?”

“What do I have to do!?!”

Progression of Parenting Time

In most cases, parenting time with your child will increase over time. You and your caseworker should talk about what you need to do to increase parenting time. Most cases start with supervised parenting time. As you begin to resolve some of the issues that brought your child into foster care you may be able to visit with your child unsupervised with privacy. It is important that you understand what needs to change in your home to have unsupervised parenting time. Talk to your caseworker or your attorney if you need help.

Why Do You Have to Go to Court?

Any allegation that a child has been or is in immediate danger of being abused, abandoned, or neglected is heard in civil court. The focus of this court is on making sure that children are safe and protected, and helping families address the problems that brought them into court in the first place. This court is not about punishing parents or handling criminal charges.

The Department of Health and Human Services (DHHS) (also referred to as DHS or the state) receives reports of suspected child abuse or neglect. A child protective services (CPS) worker investigates the report and if the report is true, the CPS worker, together with you and your family, will determine what help is needed. CPS will file a petition with the court asking that the child be removed from your home when the child is in immediate danger. The court's order gives DHHS emergency custody of the child.

- ◆ In deciding these cases, the actions of the court are intended to keep children safe, help families create a safe home for their children, and ensure that parents and children receive the help they need.
- ◆ The court can require you and your family to get help. Also, the court can order that your child stay in the custody of the state and be placed with relatives or a foster family. This means that the state is legally responsible for your child and—with the approval of the court—can make decisions about where your child should live and what you need to do to have your child returned to you. You remain financially responsible for your child and may be ordered to pay for the care of your child.
- ◆ The same problems that brought you to the court could also result in criminal charges against you, your partner, or someone else in your family. In that case, you may also have to go to criminal court on these charges and see another judge. This handbook does not discuss criminal cases.

What May Happen?

Children grow best in a permanent, safe, and loving family. When they are removed from their homes it is best for them to return as soon as possible. For your child to be returned to you, you must make your home safe. There are certain time limits for you to make your home safe, as explained in this handbook.

If you follow your case-service plan and make your home safe, the court may order your child be returned to your care. In some cases the court may order an additional period of supervision by the state after the child has been returned to your care. However, in cases of very severe abuse, or if you fail to make progress in resolving the issues that brought your child into care, the state may ask the court to terminate your parental rights.

What Happens Next?

One of the following events will happen:

- You have a trial, you win, and your case is dismissed.
- You have a trial, you lose, and the case continues.
- You admit some or all of the accusations in the petition and the case continues.
- Your case is dismissed without a trial.

Be sure to talk to your attorney about these procedures.



CHILD WELFARE COURT TIMELINE

Hearing Type	Timing	Purpose
Preliminary Hearing	<ul style="list-style-type: none"> - Within 24 hours (excluding Sundays and holidays) of a petition being submitted to the court that alleges your child is at a substantial risk of harm and removal is necessary to keep your child safe. 	<p>The court determines if there is enough evidence for your case to go forward, and if your child can safely remain in your home or if your child should temporarily live somewhere else during your case.</p>
Pretrial Hearing	<ul style="list-style-type: none"> - After the preliminary hearing but it must occur before the adjudicatory hearing. - Not all courts hold this type of hearing because it is not required. 	<p>This hearing provides an opportunity for the parties and the lawyers to gather more information prior to the trial and become more familiar with the issues in the case that need to be resolved. This hearing is a chance for everyone to touch base and discuss issues.</p>
Adjudicatory Hearing (Trial or Plea)	<ul style="list-style-type: none"> - Within 2 months of the preliminary hearing if your child is removed from your home. - Within 6 months of the preliminary hearing if your child remains at home. 	<p>The judge or jury will listen to the evidence and decide if your child has been abused or neglected. If the judge or jury finds your child was abused or neglected the judge will decide where your child will live until the next hearing.</p>
Initial Dispositional Hearing	<ul style="list-style-type: none"> - Within 1 month of the adjudication hearing if the child is in foster care. - If the child remains at home it is up to the court when this hearing will be held. 	<p>Before this hearing, you are given the opportunity to meet with the foster care worker and develop a case-service plan that will include various actions and services you must complete. The court can adopt the case-service plan and order you to comply with it.</p>
Dispositional Review Hearing	<p>First Year that Child is in Foster Care</p> <ul style="list-style-type: none"> - Within 6 months of removal and every 3 months thereafter. <p>Second Year or More that Child is in Foster Care</p> <ul style="list-style-type: none"> - Within every 6 months. 	<p>The court will review the child's placement and the case-service plan. The court will make sure you and the caseworker are doing what is required in the plan. The court will assess whether you have made progress in addressing the barriers to having your children in your care and making your home safe.</p>
Permanency Planning Hearing	<ul style="list-style-type: none"> - Within 1 year after the original petition has been filed in your case and once a year thereafter, unless the court holds the hearing sooner. 	<p>This hearing is to determine an appropriate permanent home for the child. The court will review your progress in completing the case-service plan. If there is not sufficient progress the court may consider long-term plans that may not include returning your child home.</p>
Termination of Parental Rights	<ul style="list-style-type: none"> - May be requested at any time. <p>The state must request termination of your parental rights if your child has been in foster care for 15 of the most recent 22 months. <i>Some exceptions apply.</i></p>	<p>The judge will determine whether your parental rights should end, such as the right to make decisions about your child, the right to visit, and more. If the judge finds that termination of your parental rights is in the child's best interests, the child will become a ward of the state and may be adopted by another family.</p>

MY CASE TIMELINE

Keep in mind that in your case you may or may not have all of the hearings listed below.

Hearing Type	Date	What to Prepare
Preliminary Hearing		
Pretrial Hearing		
Adjudicatory Hearing (Trial or Plea)		
Initial Dispositional Hearing		
Dispositional Review Hearing		
Permanency Planning Hearing		

Your Responsibilities

1. **Court hearings.** You have the right and the responsibility to go to all scheduled court hearings.
2. **Case planning.** Actively participate in the development of your case-service plan, which will help address the issues preventing you from caring for your child.
3. **Parenting time.** Attend all scheduled parenting-time visits with your child. If you have a conflict and cannot make your parenting-time visit, immediately discuss it with your caseworker.
4. **Treatment sessions.** Attend all scheduled sessions with your treatment providers.
5. **Be honest.** Be honest with your attorney, caseworker, and the court. Your attorney is required to keep your conversations confidential. An attorney cannot effectively help a client who hides information or lies. Being open and honest with your attorney can only help your case.
6. **Documents.** Review all documents with your attorney. Make sure your attorney knows about all the documents you have received, such as appearance notices, evaluations, case plans, or parenting-time schedules.
7. **Communication.** Maintain contact with your attorney. Discuss your case with your attorney. Trust your attorney's expertise but also realize that your attorney works for you. Make sure your attorney knows what you want to do.

Your Attorney's Responsibilities

1. **Meet with you before every hearing.** An attorney can only represent your interests if they have discussed them with you beforehand.
2. **Speak in court on your behalf.** Your attorney is your representative in court. Unless the judge asks you questions directly it is your lawyer's job to answer.
3. **Present information in your favor.** Your attorney will present evidence and respond to evidence presented by the other side. If you feel you need to add something let your attorney know and let them act on your behalf.
4. **Be in court with you.** In most cases both you and your attorney should be present at court. At each hearing the court will usually schedule the next hearing. If you were not present or forgot the date of your next hearing ask your attorney for the next court date.
5. **Ensure you understand the purpose of each hearing.** This guide provides a very basic explanation of each hearing. Your attorney will be able to give you a much more thorough explanation that is tailored to your specific circumstances.
6. **Explain the law to you.** Your attorney is your guide to navigating the legal system. Few people outside of the legal system have a good understanding of the law. Your attorney's job is to explain the law to you and ensure that you understand it.

COURTROOM ETIQUETTE



Going to court can be an intimidating experience. Strangers or people you have known only briefly will be arguing and making decisions about you and your child's future. You are still a part of this process and the things you say and do have an impact on the outcome. Following the rules below will help you make a good impression on the court:

- ✧ **Appear at all scheduled hearings.** Missing a hearing suggests that you do not care about the outcome of your case. Being present shows that you care about having a future with your child.

- ✧ **Arrive at the courthouse at least 15 minutes early.** Courtroom locations may be changed and hearings may be rescheduled. Arriving early gives you extra time to make it to court even if something unexpected comes up.

- ✧ **Dress appropriately and professionally.** This shows respect to the court. Do not wear any of the following:
 - Shorts
 - Hats
 - Halter tops
 - Torn jeans
 - Pajamas
 - Short skirts
 - Flip-flops
 - T-shirts with printing or logos (especially for alcohol, tobacco, or drugs)

- ✧ **Address the court as “Your Honor,” “Judge,” “Sir,” or “Madam.”** This also shows respect to the court.

- ✧ **Talk to the judge respectfully.** If you are talking to the judge make sure you are polite.

- ✧ **Answer yes or no questions out loud instead of nodding.** There is a person recording what everyone says. They need you to answer out loud in order to record it correctly.

- ✧ **If possible, make arrangements for someone to care for your other children who are not involved in the case.** The hearing requires your full attention. If you are looking after your other children during the proceeding you will likely miss something important.

- ✧ **Do not bring food or beverages into the courtroom.** This includes bottled pop or water, gum, and smokeless tobacco such as chew, dip, or snuff.

GLOSSARY

These are words you may either hear in court or read in this booklet.

Adjournment: Putting off or postponing of court proceedings; either temporarily or permanently.

Adjudication: The court has determined that as a result of your actions you are currently unfit to parent your child, either because you admitted this or there was enough evidence presented at a trial.

Allegations: Statements of what is believed to have happened and reasons why your child needs to be in the state's custody or the reason the state believes that it needs to be involved with your family.

Case Plan: The written plan for services to be provided to the family and includes conditions that must be met for the safe return of the child, if removed. The caseworker and family work together to create this plan. This plan is sometimes called the "Parent-Agency Treatment Plan," or "Case Service Plan."

Central Registry: A statewide list of individuals who DHHS has determined to have abused or neglected a child.

Court Order: A legal document reporting what happened at the hearing, including the judge's findings and orders. You must follow a court order.

Family Team Meeting: A meeting between you, your caseworker, and others working on your case to discuss safety planning, identify needed services, and assess your progress in the case.

Permanency Goal: A goal set by the judge concerning plans for your child's permanent living arrangement. This includes whether your child will be returned home, adopted, or placed in the custody of a guardian.

Petition: A formal written document asking the court to take action, including requesting that your child be found in need of protection by the state. The reasons why your child needs to be protected are listed in the petition.

Reasonable Efforts: DHS has a legal obligation to show that reasonable efforts have been made to provide the necessary help and services to keep your family together or return your child to your care, if removed.

WHO ARE THESE PEOPLE?

CASA: The Court Appointed Special Advocate is a volunteer who advocates for the child's best interests and safety. Not all cases include a CASA.

CPS Worker: The worker who investigates allegations of child abuse or neglect.

Foster Care Worker: The person assigned to your case when your child is removed from home. This person will work closely with your family to get you the help and services you need to provide a safe home for your child.

Lawyer Guardian Ad Litem (LGAL): This person is your child's lawyer. The court will assign this lawyer to represent the best interests of your child.

Judge: This person will oversee your case and make sure everyone does his or her job. The judge is responsible for making final decisions and orders in your case.

Referee: This person hears testimony, evidence, and arguments in your case and makes a recommendation to the judge regarding your case. You have a right to have the referee's recommendation reviewed by the judge.

FURTHER RESOURCES

Office of Children's Ombudsman

<http://www.michigan.gov/oco/>
1-800-642-4326

Foster Care Review Board

Website: <http://courts.mi.gov/administration/scao/officesprograms/fcrbp/pages/default.aspx>
313-972-3280

Michigan Department of Health & Human Services

<http://www.michigan.gov/dhs/>
A Parent's Guide to Working with Children's Protective Services:
http://www.michigan.gov/documents/dhs/DHS-PUB-0460_179772_7.pdf?20150624153538

Michigan Legal Help

<http://michiganlegalhelp.org/>

ACKNOWLEDGMENTS

Thank you to the following
Michigan Court Improvement Program
Court Process Improvement Committee Members:

Casey Anbender
Brenda Baker-Mbacke
Noah Bradow
Evelyn Calogero
Deborah Carley
Alicia Fabiano
Leigh Feldman
Bill Johnson
Joe Kozakiewicz

William Lansat
Julie McMurtry
Jenifer Pettibone
Jennifer Pilette
Vivek Sankaran
Eric Scott
Carol Siemon
Kristin Totten
Elizabeth Warner