

# Juvenile Court Parent Handbook



**Iowa Children's Justice**  
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## **Advice From a Parent Who Has Been There Before:**

Placeholder page for advice written by Kim, a parent who has been there and succeeded.

## **Are You Worried About Court?**

It is natural to feel nervous about coming to court. Indeed, important decisions about your family will be made at court.

- If you do not understand what is happening at any time, be sure to ask your lawyer to explain.
- You should know that most cases do not end up with terminating the parent-child relationship. In most cases, the family is able to fix their issues and the child returns home.
- Be encouraged by knowing this and do not give up! Reunification with your child is worth all of your hard work now.

## **Tips Before Your Next Court Hearing**

- You will receive a court order giving you the date and time of your next court hearing.
  - It is important to write this date in your calendar and do what you need to in order to ensure that you can be at the courthouse for your hearing.
  - This may include asking for time off from work, arranging for child care, and arranging for transportation.
- In the time between now and your next court hearing, it is important to keep in regular contact with your lawyer. Your lawyer's ability to represent you well depends on what he or she knows about you and your progress.
  - Be sure to update your lawyer if your situation changes or if you have questions about your case.
  - Make sure your lawyer knows what services you might need to be successful or if the current services you have are not the right services.
- It is also important to keep in regular contact with your social worker so that he or she can make recommendations to adjust your services or family visit schedule if needed.
- Keep in regular contact with your child's foster parent so you can be responsive to your child's needs as they adjust to living in their new foster home.

### Your Child's Guardian Ad Litem (GAL):

The judge will appoint a lawyer for your child to represent your child's wishes and will also appoint a GAL to represent your child's best interests. In some cases, these two roles will be played by one lawyer and in other cases your child will have one lawyer and one GAL.

- Your child's GAL reviews the allegations in the petition and meets with you, your child, and others involved in the case such as your child's teacher, doctor, or child care provider.
- The GAL creates a report for the court that states the GAL's recommendations based on your child's best interests.

### Court Appointed Special Advocate (CASA):

The judge may also appoint a CASA to your case. The CASA is a trained court volunteer who will meet with you and your child, as well as others involved in your case. The CASA gathers information and creates a report for the court that states how your child is doing and gives their recommendations based on your child's best interests.

## **Who Will Help?**

- Your lawyer will help you with the legal process.
- Your social worker will help you get family visits and will arrange services you need. You may also contact your social worker's supervisor if your social worker is not helping you.
- If your lawyer or social worker is not available when you call to ask for help, leave a message with your phone number and give some times when you are available to speak by phone.
- If you need help, it is important to ask for it. No one will know what you need if you do not speak up and ask.
- Family and friends and others close to you can help if you ask. It is important to find positive support for yourself as your case moves forward as it is often a stressful process. Make sure to find trusted people you can connect with – this may be family, friends, a therapist, or others.

- To receive written documents relating to your child, whether or not your child is living with you. This includes court reports, court orders, and any other reports on your child.
  - Talk to your lawyer if you are not receiving these documents or if you do not understand what they mean.
- To make important decisions about your child, such as medical treatment or consent to travel or obtain a driver's license, unless you do not have guardianship of your child.
- To suggest a relative or other good placement for your child, if your child cannot remain in your home.

## Tips for Successful Family Parenting Time

Your child wants and needs to see you regularly. A family parenting time schedule will be set up to ensure that you and your child have consistent opportunities to see each other. Follow these tips to make the most out of this important time with your child.

- Make your parenting time a priority and be on time. If transportation is a problem for you, ask your social worker to help. If you need to change or cancel your parenting time, call your social worker at least 24 hours in advance and explain why the change is necessary.
- Plan ahead for your parenting time and bring activities that you and your child can enjoy together. If your parenting time occurs during a meal, bring healthy food for your child.
- Family parenting time is time that you can use to rebuild your relationship and practice new parenting skills with your child. Make sure that you are not on your phone during your parenting time so that you and your child can spend time together.
- During your parenting time, tell your child that you are glad to see him or her. Find nice things to say to encourage your child.
- Ask your child about school, any current activities they are involved in, and how things are going in their foster home.
- Reassure your child that you are OK and tell them that they do not need to worry about you. Help them to understand that you are working hard and you will get through this.
- Show support and respect for your child's foster parents. Reassure your child that it is ok to like their foster parents and to enjoy spending time with them. If you feel that your child is not safe in their foster home, be sure to discuss your concern with your social worker or your lawyer during a time when your child is not there.
- At the end of your parenting time, reassure your child that you love them and that they are important to you. Keep a positive attitude for your child and tell him or her that you will see them again soon.

### Shelter Hearing:

- If your child was removed from your home, the court must hold a shelter hearing or issue a written court order authorizing the shelter care. This must occur within 48 hours of the child's removal.
- At the hearing, the judge listens to the county attorney's reasons for removing your child.
- You have the opportunity to tell the judge a safe place where you think your child should stay. This might be a safe relative of yours or a trusted friend.

### Removal Hearing:

- If your child is removed from your home, there will be an additional hearing within 10 days to discuss the removal.
- There are important timelines that start from the date your child was removed.
  - If your child is younger than 4 years old, you only have 6 months from the removal date to demonstrate you are able to care for your child and keep them safe. Once 6 months pass, the county attorney may ask for termination of parental rights.
  - If your child is 4 years old or older, you only have 12 months to demonstrate you are able to care for your child and keep them safe. Once 12 months pass, the county attorney may ask for termination of parental rights.
- Within 30 days of the removal, DHS must attempt to find and contact your child's adult relatives to inform them that your child has been removed. DHS will explain their ability to care for your child if they are interested in caring for your child and their home is safe.

### The Initial Hearing:

- The initial hearing occurs in all CINA cases and may be held at the same time as the shelter hearing.
- At the initial hearing, the judge will ask you to admit or deny the allegations that the county attorney has listed in the petition. It is important that you talk with your lawyer before you admit or deny the allegations.
- If the judge decides that your child should remain outside your home, make sure you tell your lawyer and DHS if there are any safe family members or trusted friends who may be able to care for your child.
- The court is required to place your child in the least restrictive placement, which means your child should be in a safe place that is the most family-like setting. The judge may also decide on a family visit schedule at this hearing.



### Review Hearing:

- If your child is removed from your home, a review hearing must be held within 6 months following the filing of the CINA petition. Additional review hearings should take place at least every 6 months after the first review hearing.
- It is important to tell your lawyer about any changes to your situation so that your lawyer can address them during the review hearing.
- At a review hearing, the judge reviews the case to see how you and your child are doing. The judge also reviews what progress has been made toward your completion of reunification requirements, and will decide if any changes need to be made to your requirements.
- The judge may decide that your child can safely be returned home, or may decide that it is in your child's best interest to stay in outside care.
- The court will expect you to keep working on your reunification requirements until your case is closed, so it is important that you ask any questions you have during the hearing so you understand what you still need to complete.

### Permanency Hearing:

- A permanency hearing must be held within 12 months of your child's removal.
- At the permanency hearing, the judge decides the best permanent plan for your child. The judge makes this decision by listening to recommendations from your lawyer, the county attorney, the GAL, and DHS.
- In determining permanency, the judge may decide that:
  - Your child should return home.
  - Legal guardianship of your child should be given to a relative, foster parent, or other non-relative.
  - The county attorney should file a petition for termination of parental rights.
- Your lawyer will ensure that best efforts are made to place your child in the right placement. If you do not feel best effort is taking place, be sure to talk with your lawyer.
- Your child should be able to participate in extra-curricular activities if they so choose, no matter where they are currently living. If your child is not getting the opportunity they need, be sure to talk with your lawyer.

### Appeal:

- After your case comes to a final decision, you have the right to appeal if you disagree with the court's decision. DHS or your child may also file an appeal.
- If you decide to appeal, you must file your appeal notice within 15 days of the date of the judge's final order.
- This notice must be signed with your attorney. During the appeal, the judge's final order is still effective and you must follow its terms.

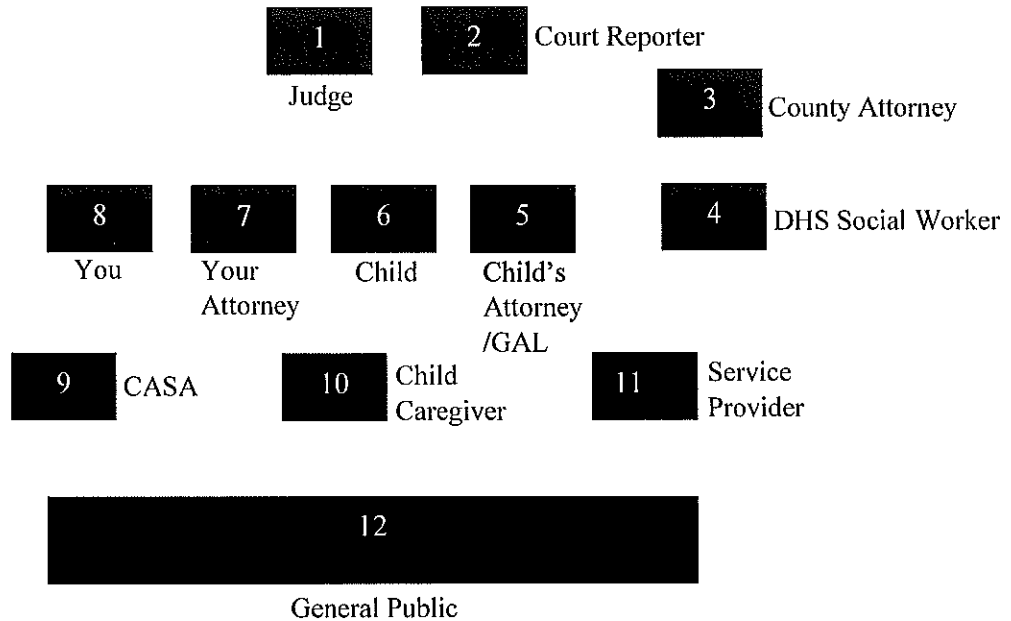
### Adoption:

- After termination of parental rights, your child is available for adoption.
- DHS must work to find a permanent and safe home for your child. DHS reports their progress on finding a home for your child within 45 days of the termination order.
- Additional review hearings are held every 6 months after the initial 45 day review until the adoption is finalized.

# Understanding the Courtroom Layout

You should note that not all courtrooms are set up the same and your judge's courtroom might be set up differently. The following is a general example.

1. Judge: decides the case.
2. Court Reporter: courtroom staff who creates a typed report of what everyone says.
3. County Attorney: the lawyer for the state.
4. DHS Social Worker: supervises the case.
5. Child's Attorney/GAL: lawyer who represents your child's wishes and best interests.
6. Child: depending on your child's age and situation, he or she may be encouraged to attend.
7. Your Attorney: speaks for you and represents your position.
8. You
9. CASA: court volunteer who reports on the child's best interests to the judge.
10. Child Caregiver: it is expected that your child's caregiver will be present at court and bring your child with them.
11. Service Provider: any agency that provides services to your family.
12. Public: the general public may attend, unless the judge closes the hearing.



## **Tips for Testifying**

- You and your lawyer will decide together if you will give testimony in your defense, but you may also be called to give testimony by another party to the case.
- You must tell the truth. You will be required to swear under oath that your words will be truthful before you can testify.
- Make sure you understand the question before you answer. Ask for the question to be said a different way if you do not understand.
- If you cannot remember something, say that you cannot remember.
- Talk in a clear, loud voice.
- Answer only the question you are asked. Do not give additional information outside the question.
- Do not nod or shake your head to answer. You must give a verbal answer.
- It is important to be polite and respectful at all times. Do not swear or lose your temper.

## **Next Steps After the Hearing**

- Make sure to write down the next court hearing date and time in your calendar.
- Also write down reminders of what the judge ordered you to do as well as anything you agreed to do so you can make sure to complete those items.
- After the hearing, the judge has 60 days to make a decision and write the court order. Your judge may make an immediate decision or may decide later. If you do not understand what happened in the hearing, be sure to ask your lawyer to explain it to you.
- If you do not receive the order within 60 days, be sure to call your lawyer.

**Case Permanency Plan:** The plan that DHS develops with the child's parents, which includes clear requirements and service expectations that need to be completed before the child can safely be returned home.

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

**Child Abuse:** Inflicting or causing physical injury, harm, or imminent danger to the physical health or welfare of a child other than by accidental means, including excessive corporal punishment. Physical injury can include bruising, bleeding, burns, fractures, or substantial malnutrition. Please talk with your lawyer for a complete definition.

**Child in Need of Assistance (CINA) Case:** The court can find that a child is considered to be a CINA, if that child:

- Has no caretaker or has been abandoned or deserted.
- Is or has been physically, sexually or emotionally abused.
- Is or has been neglected or denied medical, psychiatric or substance abuse treatment to drugs.
- Is or has been sexually exploited or encouraged to commit delinquent acts or exposed to drugs.
- Is unsupervised or has parents who are unable to care for the child.
- Wishes to be removed from his or her parents or has parents who no longer wish to care for the child with good cause.

CINA is the legal process for determining whether a child is the victim of abuse or neglect and is in need of the court's help. If the court finds the child is considered a CINA, the court will determine how the state should protect that child.

**Child Protective Worker:** This person is called a child protection worker or an Assessment Worker, and they complete an assessment of the family and the abuse incident when a child abuse report is filed.

**Concurrent Planning:** To work simultaneously toward the reunification of a child with his or her parents, while simultaneously developing another permanent plan for the child.

**County Attorney:** This person is the lawyer for the state of Iowa.

**Guardian ad Litem (GAL):** In Iowa, the GAL is a lawyer. The GAL and lawyer for the child can be the same person or two separate lawyers. The court appoints a GAL for a child in any case involving child abuse.

**Hearing:** A formal court meeting to determine the facts of the case and to finalize the 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:** A specially trained juvenile court lawyer who has been appointed to judicial office. The judge handles a juvenile court 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 parents and children who become involved in the juvenile court system.

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

**Party to the Case:** Also called a case party, this means that the person is affected by the legal action and has a legal stake in the outcome of the case. In juvenile cases, the county attorney, DHS, the child, and the parents are all considered parties to the case.

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

**Petition:** A formal written application to the court requesting judicial action that includes a request that your child be found to be a CINA and gives notice of the conduct or actions that give rise to the CINA action.

**Removal:** This occurs 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 placement.

**Reasonable Efforts:** This is the amount of effort that the state must put forth to prevent removal of a child from their family home or to reunify the family if the

