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## INTRODUCTION

### WHAT'S HAPPENING TO ME?

You may be confused about why a government agency has become involved in your relationship with your child and wonder what you're supposed to do. You may feel helpless, angry and alone. Indeed, if you are a parent with a child or children in the child welfare system, you may have a very difficult road ahead of you. This handbook was written to help you make sense of your new situation and to address the most commonly asked questions.

Throughout your time involved with the child welfare system it is important to focus on one goal: making your home safe for your child. If your child has been removed from your care, you must focus on being reunified. It may not always seem so, but these are also the goals of the child welfare system.

If it seems sometimes that your child welfare worker and the system are creating difficulties for you, keep in mind that goal of making a safe place for your child, and be strong: your child is counting on you! Families who have gone through the same troubles are sending you this message: *This may be the hardest struggle that you will ever face, but your life together as a family is at stake, and there are few struggles as important.*

One thing to remember is that, if you need help or have questions, you can ask someone and help is available. If you have a hard time dealing with the system or dealing with your emotions, there are people and organizations to advise you and to give you the help you need. Some of these organizations are listed at the end of this guide.

This handbook has been prepared with the guidance of parents who have been successful in working with the child welfare system and in building a stronger family. Many people have faced the same hurdles you are facing now. You are not alone.

## **WHAT IS THE CHILD WELFARE SYSTEM?**

The child welfare system is a branch of government which protects children from abuse or neglect, helps families stay together safely, and makes sure that children are cared for in temporary or permanent homes. In San Francisco County, the Family & Children's Services (FCS) Division of the San Francisco Human Services Agency (H.S.A.) is responsible for most of this system, working with the legal authority of the Courts.

The first contact between the child welfare system and families usually takes place when a report is received by the FCS Child Abuse Hotline. The Hotline receives reports from people like teachers, healthcare workers, police and others who are required to report any suspicion that a child may be being abused or neglected. The Hotline also receives calls from neighbors, family members and others who may be worried that a child they know is unsafe. When a report is received, a case is opened and a child welfare worker investigates by visiting the home and talking to the family.

Child welfare workers are responsible for making sure children are safe. If they do not find evidence of child abuse or neglect, the case is closed. If they find that there is a potential risk, but not an immediate danger to the child, they may offer the family services to help make the family stronger and a safer environment for children. These services may be voluntary, or they may be required in order to avoid the necessity of removing the children. If child welfare workers find that there IS immediate risk to the children, they will remove them to a safer environment. (Read Appendix B at the end of the booklet for a complete description of the system.)

Once a case is opened and a family is engaged with the child welfare system, there are legal procedures that must be followed that involve the Courts. This handbook will help guide families through the system that is designed to protect children by strengthening families.

## QUESTIONS AND ANSWERS ABOUT THE CHILD WELFARE SYSTEM AND THE COURT

### I. EMERGENCY RESPONSE INVESTIGATION

*How could someone think I am abusing or neglecting my child?*

Your child deserves to be kept safe from harm. According to California law, there are four ways a child is harmed: through neglect, physical abuse, sexual abuse, and emotional abuse. *If you have custody of your child, you are responsible for your child's safety.* If you have been reported to the Child Abuse Hotline for harming your child or for failing to protect your child, the child welfare system has become involved with your family. *(Appendix A has more detailed information about types of abuse or neglect.)*

*Who is it that takes a report of abuse or neglect?*

A report of suspected child abuse or neglect is made to the Child Abuse Hotline in Family & Children's Services at the Human Services Agency. A report may also be made directly to the police, who then contact the Hotline.

*What happens if I have been accused of neglecting or abusing my child?*

When a report is made, it is entered in a statewide database. It may be filed away and no other action taken if the Hotline believes your child is in no danger, or an emergency response child welfare worker from Family & Children's Services may be assigned to investigate the report. The worker may then do one of three things:

1. **Close** the case because there is no evidence of abuse or neglect. The emergency response worker may give you information about services that are available to you and your child.
2. **Urge** that you work with Family & Children's Services by voluntarily agreeing to participate in the services provided through **Family Preservation Services**. These services last six to 12 months and are designed to help you keep your child safely at home. Working successfully with this program avoids the necessity to make your child a dependent of the court. You sign a voluntary service agreement.
3. **Petition** to make your child a **Dependent of the Juvenile Court**, for the child's protection. The child welfare worker will petition for either **in-home dependency** (providing services to your family, leaving your child at home in your care) or **for out-of-home dependency** (removing the child from your care).

### II REMOVING YOUR CHILD FROM YOUR HOME

*Who can remove my child from me?*

If a child welfare worker believes that your child is being abused or neglected and it is unsafe for the child to remain with you at home, the worker can ask the police to remove the child to a safe placement without your permission. The child can be removed without your knowledge if you are not present at the time. If only the police are called,

and they believe that your child is being abused or neglected, they can also remove the child without a child welfare worker being present.

*Can my child be removed from me if I am using drugs or drinking alcohol?*

If there is concern that your child is in danger as a result of your drug or alcohol abuse, your child could be removed.

If you are pregnant and use drugs or drink alcohol, your baby may be born prematurely or ill. If so, the hospital may not release the baby into your custody. It is very important—for your baby's health as well as your own—to have medical care during your pregnancy.

*Can my child be taken away because I'm homeless?*

Your child will not be removed from your care *only* because you are homeless or living at a shelter. The child welfare worker will check to see if you are trying to use resources available such as homeless shelters, food boxes, etc. If you are using these services, it shows that you are making a good effort to provide for your child and are making every effort to make sure your family is safe. If your homelessness makes you unable to care for your child, however, the child could be removed from you.

*If my child is removed, what happens to my child next?*

First, your child will be taken for a few hours to the **Child Protection Center** where he or she can eat, rest, play, and have a medical exam. Then your child will be placed in one of the following places:

1. the home of the other parent, if you do not live together
2. the home of a responsible relative
3. a foster home or group home

**NOTE: If you are present at the time your child is removed, you can tell the child welfare worker or police officer about any relatives who would be willing to take care of your child. You can also tell them that you want to see your child as soon as possible.**

*If I wasn't present at the time my child was removed, when is the child welfare worker required to notify me?*

If you were not present at the time of your child's removal, the worker should notify you immediately after the removal, making every effort to find you. Once you are contacted, you should tell the worker that you want to see your child as soon as possible.

*What happens to me and my child next?*

**Day One:** Your child is removed. The worker assigned to your case has 48 hours (2 days) to gather facts about you and your child and to prepare a **Petition for the Juvenile Court**. This will include statements from you, relatives, school, police, doctors and observations from others about you and your child.

Day Two: If they know where to find you, you will be notified about the date and time of your child's **Detention Hearing**. Every effort will be made to locate you and give you this information.

Day Three: Based on the facts gathered, Family & Children's Services will submit a petition to the Juvenile Court explaining why your child was removed from your care and why the child welfare worker is requesting that the court protect your child.

Day Four: A Detention Hearing will be held by the court within 72 hours (3 days) of removal to decide where your child will stay. (These are working court days; the hearing could be postponed due to a weekend or holiday.)

*Can I visit my child at the Child Protection Center?*

No, but you have the right to contact your child by telephone an hour after your child has been taken into custody. You can visit with your child within 5 days unless the judge orders otherwise at the Detention Hearing. The child welfare worker will set up a visiting plan.

*Does CalWORKs stop if my child is removed?*

Each case is different. Contact CalWORKs as soon as possible.

### **III. JUVENILE DEPENDENCY COURT AND DETENTION HEARINGS**

*What courts may be involved in child abuse and neglect cases?*

Two types of courts can be involved in a child abuse and neglect case – **Juvenile Court** (civil court) and **Criminal Court**.

Juvenile Court is not designed to punish anyone, including parents. Its role is *to protect children and help families* with the problems that have brought them before the court. In deciding how best to protect your child, the judge has significant authority. The judge may require you to get help. The judge may order your child removed from your home and will decide what requirements you must meet in order to be reunified with your child.

The Criminal Court is used when police have filed criminal charges against the adults responsible for injuring children in cases that involve assault, battery, sexual abuse, child endangerment, or homicide. These proceedings are separate from the Juvenile Court.

*What happens at Juvenile Court hearings?*

A series of hearings will take place during your involvement with the child welfare system. These include:

- Detention Hearings
- Jurisdictional Hearings
- Dispositional Hearings

- Dependency Review Hearings

**You should try to attend all hearings, even if you are told you are not required to attend.**

*What is a Detention Hearing?*

A Detention Hearing is held when the child welfare worker files a petition with the Juvenile Court and your child has been removed from you without a court order. At the Detention Hearing, the court will decide whether your child can safely be:

1. released to you
2. placed with the child's other parent
3. placed with a relative
4. placed in a temporary foster home or group home

This may be the first in a series of hearings. You have all normal trial rights during all court hearings. The court will advise you of your rights and your attorney can explain them to you. (See Appendix C for information about how to get referrals to an attorney.)

*How will I know when a petition is filed?*

The Emergency Response child welfare worker will make all efforts to tell you about the filing of the petition and the date and time the Detention Hearing will be held. You will also be sent a letter telling you about the next hearing (Jurisdictional Hearing) that will be held about 3 (three) weeks after the petition has been filed with Juvenile Court.

*How do I know when the Detention Hearing will be held?*

You have the right to be notified of the hearing. The child welfare worker may do this in any number of ways:

1. by phone
2. by mail
3. in person
4. in a note left at your home
5. by Mailgram
6. through your relatives

This is the first opportunity for the judge to determine if your child needs the protection of the court. **You should attend this hearing.**

*Why should I attend the Detention Hearing?*

At this hearing, decisions will be made about your child. If you attend, you can participate in making these decisions. Your attendance also shows the court that you are interested in what happens to your child. Before the hearing begins, you should be given the opportunity to read the petition and ask questions about its allegations. (The allegations are statements the child welfare worker believes can be proven by evidence in court.)

#### **IV. PETITIONING FOR IN-HOME DEPENDENCY**

*What is a petition for in-home dependency?*

If the child welfare worker believes your child can remain living at home but needs court protection, a petition for in-home dependency is filed with the Juvenile Court and a Jurisdictional Hearing is scheduled. *(Read part VIII for more information.)*

You will be notified by mail about the hearing. **If you don't come to court, your child may be removed from your home.**

#### **V. ATTORNEYS – LEGAL REPRESENTATION**

*Do I have the right to an attorney?*

Yes, the court will appoint one at your first hearing or you can hire your own attorney.

*What if I can't afford an attorney?*

If you can't afford an attorney, the court will appoint one free of charge. If you have the money, you may have to repay all or part of the cost to the court.

*Why do I need an attorney?*

The attorney represents you in court to get the dependency dismissed, and will answer questions about your rights.

*What if my attorney doesn't represent me the way I want?*

First try talking to your attorney. If it doesn't work, tell the judge or your child welfare worker. You have the right to an attorney who will represent you in the way you want.

*What if I disagree with what the things that the child welfare worker is saying happened to my child?*

You have a right to *deny the allegations*. It is more effective if you can provide your attorney with documented proof.

#### **VI. VISITING YOUR CHILD**

*If my child is removed, when do I have the right to visit?*

Visitation is an important part of family reunification. You and your worker should immediately create an ongoing visitation plan, unless your visit would be considered harmful to your child. You have the right to visit your child within five (5) days - including Saturday and Sunday - after your child has been removed. At your first court hearing, your attorney will advise you of your visiting rights. You always have the right to disagree with the decision and appeal it to the court.

*Who will provide me with information about visiting?*

Your child welfare worker should provide you with that information.

*Where will I visit my child?*

Most visits take place at the visiting rooms of the Department of Human Services offices at 225 Valencia Street and 3801 Third Street. Visits may be supervised, so Family & Children's Services staff can observe the interaction between you and your child. If your child is placed with a relative, you may be able to visit your child at that relative's home if the relative and your worker agree.

You should visit consistently and keep all of your visits. Call the child welfare worker immediately if you cannot visit as planned. If you have a problem with transportation tell your child welfare worker or your attorney.

## **VII. RELATIVES**

*Is there a requirement that the child welfare worker consider my relatives for the temporary placement of my child?*

Yes, your child welfare worker must *first* look for family members with whom to place your child. The worker will first look for the child's other parent (if that parent is not living in your home) and then will consider other family members.

*What is needed in order to place my child with relatives?*

The worker will interview relatives and conduct an investigation considering four aspects.

1. RAP sheets (police records) and reports from the Child Abuse Index will be examined to check if the relatives or anybody else living at their home has ever been accused of child abuse or neglect, or of other dangerous behavior.
2. The home environment is assessed to see if there is a place for the child to sleep and the home is safe for children.
3. The location of the home is considered to see if it is too far away from you, making visiting difficult.
4. The relatives are assessed to make sure they are physically and emotionally able to care for your child.

The child welfare worker must also discuss with relatives whether they are prepared to offer a permanent home for the child if your child cannot be returned to you in the future.

*If the child welfare worker does not place my child with my relatives, do I have the right to disagree and appeal this decision?*

Yes. If you feel that your child should be placed at your relative's home and your child welfare worker does not, you should tell your attorney you want to appeal the decision or tell this to the judge at any of the court hearings

*If my child is placed in foster care, do my relatives have the right to visit?*

Usually grandparents have the right to visit. Other relatives may come on a visit with you, but you need to notify your child welfare worker well ahead of time.

### **VIII. SETTLEMENT CONFERENCES, MEDIATION, FAMILY MEETINGS AND COURT HEARINGS**

*What is a settlement conference?*

A **settlement conference** is held to settle issues you need to address to care for your child. This is an way to avoid more formal hearings in the future. You, your attorney, your child welfare worker, the city attorney, and any other attorneys involved in the case will discuss differences, reach an agreement, and go in front of the judge for a decision. If you don't reach an agreement on the issues at this conference, your case will go on to further hearings (also known as a **trial**).

During a settlement conference that is held early in the case, the petition may be amended to include facts which you believe are true and things you are willing to admit and address.

Also, if after further investigation the child welfare worker believes that the petition is not accurate or that with some help - which you agree to use - you can protect and care for your child, there may be an agreement at this time to *dismiss the petition*.

A settlement conference can also be held at any time during the child's dependency to try to resolve questions or conflicts.

*What is mediation?*

The **Juvenile Court Dependency Mediation Program** is used to try to avoid trials, because trials can be stressful and destructive. The judge must refer a family for mediation, but anyone can request it. The judge may refer a family even if no one requests it. A family can be sent to mediation at any time during the child's dependency to resolve issues that may come up. You will be ordered to attend mediation as any other court hearing.

**Mediation** is a process of finding areas you can agree to, even when you begin by disagreeing, with the help of an impartial person called a mediator. The mediator does not take sides and is not a judge. The mediator does not make decisions or recommendations. The mediator's job is to help everyone have an equal say in a discussion about your children's needs, to see if an agreement can be reached.

What is discussed in a mediation session is absolutely confidential, unless there is information that might be the basis for a new allegation. Parents, child welfare workers, attorneys, and sometimes relatives, or children themselves (if they are old enough) have the chance to say whatever is on their minds. It is a chance to have all kinds of questions answered.

*What is a family meeting?*

Family and Children's Services can call all people involved with you and your child to meet together at a **family meeting** to create a plan for your child and your family. The

plan needs to address the concerns and questions raised in the original report and the investigation of your family situation. Ask your child welfare worker for information.

*What is a trial or contested hearing?*

If there is disagreement over any issue concerning your child, there is a court session called **trial** or **contested hearing** in which the judge has the final say. It is best to try to deal with this completely but quickly because your child is waiting for you to resolve the issues that brought your family to the court, and there are time limits for the services and requirements for reunification.

*What is a jurisdictional hearing?*

At the **jurisdictional hearing** you admit or deny the statements in the petition. The court may also decide if some or all of the petition is true. If the court finds the petition not true, the case is dismissed and your child will be ordered returned to you. If the court finds the petition true, the court will go on to a dispositional hearing, which occurs at the same time as the jurisdictional hearing.

*What is a dispositional hearing?*

At the **dispositional hearing**, the court considers the child welfare worker's written report and any other evidence and arguments offered by any party. You are entitled to receive and read the written report before the hearing is conducted. The court will decide if your child becomes a dependent of the Juvenile Court. If so, your child could be:

1. Placed in your home (in-home dependency).
2. Placed in the home of the other parent.
3. Placed in the home of a relative.
4. Placed in a foster home or facility providing your child with specially needed help.

The court will order a plan for you to follow, or could also dismiss the case. *If you don't show up at this hearing, the court will proceed in your absence!*

*If my child is not returned to me, what happens to my child?*

Your child will be placed in the home of the other parent, a relative or in foster care. Most likely, your child is already in one of these placements. The goal is to keep your child safe and stable in one placement until reunification can occur.

## **IX. CASE PLANS AND SERVICES**

*What is a case plan?*

A **case plan** is a plan for services for you to help you with the problems that brought your family to the attention of the child welfare system and the court. You and the child welfare worker will develop an initial case plan within the first few weeks of your contact with child welfare, but this plan will be updated periodically, depending on what services are later ordered by the court.

The services are designed to help you get your child back and have the dependency dismissed if the child has been removed, or to have the dependency dismissed if the child is remaining in your home as an in-home dependent. The services may include attending parenting classes, drug treatment or therapy, as well as visiting with your child or getting housing.

By signing the case plan, you do not lose rights or make any admission of guilt. The case plan is a Department of Human Services document reflecting the problems in your family that must be resolved. The case plan is not a court document, but at the dispositional hearing the court will make orders for you to participate in any specific services listed in the plan. The case plan can be changed to ensure all the problems that need to be addressed are included.

*Your child welfare worker should assist you in your efforts to follow the case plan.* Be sure to *ask for help*--and don't get discouraged.

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*How can I get in touch with my child welfare worker's supervisor?*

You have the right to ask your child welfare worker for the supervisor's name and telephone number. If your child welfare worker is not available, listen carefully to your child welfare worker's telephone message, which should indicate the duty child welfare worker's number. The duty child welfare worker should give you the supervisor's name and number.

If the supervisor is not available or doesn't address your complaint to your satisfaction, you can call the section manager – the supervisor's supervisor - by following the same process.

*How can I be taken seriously?*

1. *Keep a written record.* It is helpful to have specific information, especially if you make a complaint. Keeping track of the day and time of phone calls, meetings, letters, etc. in a written or recorded journal is a good method. It helps keep things organized and you will remember better what was said and done for future reference.

2. If you have a complaint about your child welfare worker, contact the FCS Ombudsman, and/or your child welfare worker's supervisor, your attorney and the other services listed in **Appendix C**. Then inform your child welfare worker or the supervisor that you have contacted other people about the issue.

Read **Appendix C**, at the back of this pamphlet, for a list of services that you may contact about your problems and for other needs.

he Dispositional Hearing when your child is declared a dependent of the court.

If you do not obey the court orders, follow the case plan, and/or visit with your child, the court will order to stop services and will order a **permanent plan** for your child. That plan could be adoption, legal guardianship, or long term foster care - depending on what is determined to be the best way to provide a stable and permanent home for your child. *If the court orders adoption as the best plan for your child, your parental rights will be terminated!*

*What resources are provided by the Family and Children's Services and the Department of Human Services?*

Some of the services at DHS include:

1. **Family and Children's Services:** referrals to and payment for community services, according to your case plan and family needs, such as parenting classes, drug treatment, therapy, etc. You should discuss all your family needs such as food, furniture, transportation, child care, or health care with your child welfare worker.
2. **CalWORKs** (California Work Opportunity and Responsibility to Children): financial aid, Food Stamps, and employment assistance.
3. **CAAP** (County Adult Assistance Programs): financial aid employment assistance, and other services for single adults.
4. **MediCal:** health care coverage for families.
5. **Adult Services:** protective services and in-home support for seniors and disabled adults.
6. **Housing and Homeless:** emergency shelter and other housing services for families, adults, and teens.

Talk to your child welfare worker about other services offered by DHS. You should also ask your child welfare worker for referrals to other community services.