

FOSTER PARENTS AND JUVENILE COURT

Court Proceedings

Mediation

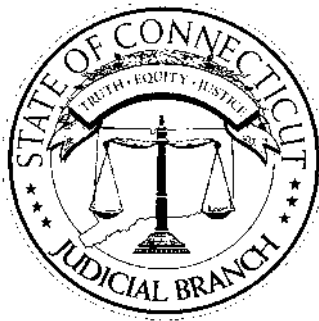
Information

Staff Roles and Responsibilities

Types of Proceedings

Court Contacts

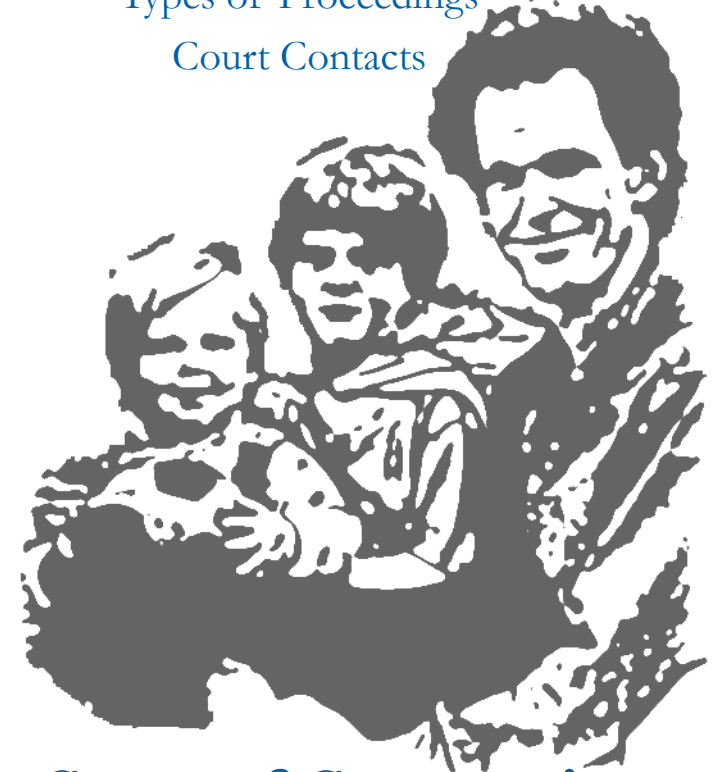
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This booklet includes information to assist you as a foster parent, when a child you are caring for has a case in the Juvenile Court. It describes your rights including the right to be heard in court proceedings regarding a child in your care, the role of the Judge, court personnel and attorneys, and the type of proceedings typically convened as a child's case progresses through the Juvenile Court.

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Foster Parent's Role in Court Proceedings

Under federal law, a foster parent shall be notified of and have a right to be heard at any proceeding held concerning a foster child living with such foster parent.



IN OTHER WORDS:

- 1 A foster parent will receive notice of the **date and time** of any court proceeding to be held with respect to the child.
- 2 A foster parent has the **right to go to court and comment on** the child in their care.
- 3 A foster parent may be unable to attend a proceeding for which they received notice. If they are not represented by an attorney, the foster parent may **contact the child's attorney** or DCF social worker to express their thoughts and ideas about the child.

Foster Parent's Role in Mediation

As a foster parent you may also be invited to participate in **mediation**. The **Child Protection Mediation Program** is voluntary. Parties to a particular case may ask that their case be referred to mediation as an alternative to having a contested hearing or trial. You may be invited as a child's foster parent to participate in the mediation. The types of concerns which are often referred to mediation include visitation, open adoption and placement issues. Other participants in the mediation might include the child's biological parents and their attorneys, the child's attorney and guardian ad litem, the **Department of Children and Families (DCF)** social worker and supervisor and DCF's attorney, the Assistant Attorney General (AAG), and others who might have an interest in the child, such as therapists, parent aides, and other relatives.

A team of highly skilled mediators who are invited by the parties to assist them in the mediation facilitate the mediation sessions.

Your participation in mediation is completely voluntary. However, in mediation, foster parents often play an important role in resolving permanency issues on behalf of children. If the mediation session is convened to discuss the possibility of you entering an **open adoption agreement**, you may then be able to have an attorney provided to represent you through the **Connecticut Association of Foster and Adoptive Parents (CAFAP)**. The attorney can provide you with advice and attend the mediation with you.

Open adoption is a term used to describe the status that allows biological parents to have continued contact with their children after they have been adopted. Open adoption can be created by an informal agreement between the adoptive and biological parents or by a legal contract. Post adoption contact may take many forms from exchange of progress reports and/or photos of the child through a third party to agreed upon visitation with the child. The Judge cannot order an open adoption unless all parties entering into the adoption agree to it. More information about open adoption is available from the DCF social worker or from the **CAFAP** at (800) 861-8838 or at www.cafap.com

Any discussion at the mediation is held in the strictest confidence. If an agreement is reached at mediation, that agreement is presented to the Judge for approval.

If the parties wish to have you participate in the mediation, a member of the Clerk's Office, usually a Court Services Officer (CSO), or DCF social worker assigned to the case, will contact you, explain the process to you and invite you to attend. The mediation sessions are held at the court where the child's case is being handled.

If you have any questions about the court or a child in your care you should first contact the **DCF social worker** or supervisor. If you still have questions, contact your CAFAP liaison. To find the number for your liaison, you may contact **CAFAP at (800) 861-8838 or at www.cafap.com**

So, How can Foster Parents be Most Informed?

1. **Contact the DCF social worker** to get the information you are entitled to. If you have no success, contact the supervisor or Program Supervisor.
2. Contact your **CAFAP liaison**.
3. **Contact the child's attorney** and let him/her know you plan to attend a particular court proceeding.
4. Contact the court **Clerk's Office**, identify yourself as a foster parent and provide your name, the child's name and date of birth. You can ask to **speak to the CSO** or any other staff member who may be able to help. They cannot give you case specific information. They may be able to give you general information, scheduling information, or referrals.
5. **Appear at court** on the date indicated in the notice you received. Report to the Clerk's Office reception area, identify yourself, and indicate the specific proceeding you are there for and that you want to be heard. Be sure to ask that the Judicial Marshal and CSO be notified.
6. When you are before the Judge, be prepared to speak about things such as how the child is doing at home, in school, with visits with parents and any special services that are provided to the child.
7. **Remember** to be aware of the **other individuals who are present in court**. For example, most likely the child's parents will be in the courtroom and will be represented by an attorney.
8. If invited, attend a mediation session and participate in the discussions.

Roles and Responsibilities of People You will Encounter in the Court

JUDGE: The Judge seeks input from all of the parties and their attorneys by hearing testimony and reviewing written materials, including DCF reports, regarding the child's situation. The Judge makes findings and rulings according to law.

CLERK'S OFFICE: Each Juvenile Court has a Clerk's Office. The Clerk's Office is responsible for case processing and for maintaining official court records. There are a number of people who staff the Clerk's Office. The Deputy Chief Clerk for Juvenile Matters is in charge of the office. Other staff includes the CSO, Deputy Juvenile Matters Clerk, Courtroom Clerk and various administrative/clerical staff. If you contact the Clerk's Office you may speak to the Deputy Chief Clerk or one of the other staff. In the courtroom, you will encounter a Courtroom Clerk who is responsible for assisting the Judge in the courtroom and will produce written documents related to each court hearing including scheduling continuances.

The Court Services Officer (CSO): assists the court and the parties by providing case management, and convenes and facilitates/mediates conferences held at various stages in a case.

ATTORNEYS:

Child's Attorney: Each child is appointed an attorney, who is also likely to serve as the child's guardian ad litem, regardless

of the child's age or how long the child has been in foster care. If the child is adopted, there is a transfer of guardianship or the child returns home, the case is then closed and the attorney's involvement usually ends. The child's attorney is required by Connecticut law to see the child and report the child's wishes to the court.

To find the name of your foster child's attorney, contact the DCF social worker or supervisor or your CAFAP liaison. If you are still unable to get the information, you can contact the court. Be sure to identify yourself as a foster parent and provide your name, the child's name and date of birth. The clerk's office can then give you the name of the child's attorney.

Guardian ad Litem (GAL): If there is an identified conflict between what the child's wishes are and what may be in the child's best interest, the Judge may appoint a person as GAL to speak in court as to the best interests of the child. In Connecticut, the GAL is not required to be an attorney.

Parent's Attorney: Parents are entitled to have an attorney represent them in their case. If the parent is unable to afford an attorney, the court will arrange for state paid representation through the Chief Child Protection Attorney. The parent's attorney is responsible for representing the parent's legal rights and interests in the case.

Assistant Attorney General (AAG): The AAG is the attorney who represents the interest of the DCF in Juvenile Court cases. The AAG will speak on behalf of the DCF social worker in court hearings and conferences.

What Kind of Proceedings Take Place?

ORDER OF TEMPORARY CUSTODY (OTC) PRELIMINARY HEARING: Children are sometimes removed from their parents' care because DCF has sought and been granted an **Ex-parte (without a hearing) OTC**. A preliminary hearing must be held **not later than 10 days** after a Judge grants such an order. A **case management conference** is conducted, usually by the CSO, on the day of the preliminary hearing. At the case management conference the attorneys, and, if appropriate, their clients, the AAG and the DCF social worker will discuss the circumstances of the case. Their goal is to discuss possible settlement options and to set court case management dates. If no agreement is reached at the conference, a contested hearing is held before the Judge. The contested hearing can occur either that day or not later than 10 days after the preliminary hearing. At this hearing the Judge hears the evidence about why a child should remain in the temporary custody of DCF while the child protection case is resolved.

PLEA HEARING: At this hearing the **parents are advised of their rights and may deny or admit the facts on the petition** against them. If an OTC has been granted, the plea is usually entered on the day of the OTC preliminary hearing.

ADJUDICATION: In this phase of a case, the Judge will determine **the validity of the facts presented in the petition** against the parent(s). The Judge makes findings related to the case and determines whether the child has been neglected and/or abused.

DISPOSITION: At this hearing the Judge may hear testimony and read reports and evaluations. The Judge will determine what course of

action will be best for the child. The **disposition may include commitment to DCF, with DCF becoming the child's legal guardian** and placement in the home of a foster parent or relative. The Judge will **order specific steps** that serve as a road map for parents and DCF to resolve the issues which brought the case into court. Usually, the **specific steps** include **visitation and services**, such as parenting classes, therapy or substance abuse treatment.

PERMANENCY REVIEW HEARINGS: A Permanency Review hearing must be held **12 months after the child has entered care**. At this hearing, the Judge reviews DCF's proposed permanency plan for the child, including placement. The Judge will also receive information about the parent(s) progress with regard to the plan. The Judge **makes findings and rules on whether there have been "reasonable efforts" to achieve a permanency plan**.

REVOCATION HEARING: A revocation hearing takes place when either DCF or a party to the case believes that the child's stay in DCF care should end. At the hearing the **Judge determines whether the current placement of the child can be changed**. This may include returning the child to the parent(s) or transferring care and custody to a relative.

MOTIONS: Motions are filed and scheduled for a hearing when a **request is made by a party asking the Judge to hold a hearing on a particular matter**. This might include hearings regarding requests for evaluations or some type of relief that cannot be obtained through an administrative process at DCF.

CHILD PROTECTION MEDIATION: Mediation is a form of alternative dispute resolution. The court-connected program is voluntary and confidential. Mediators who are neutral and impartial are available to assist the participants in a mediation session.

