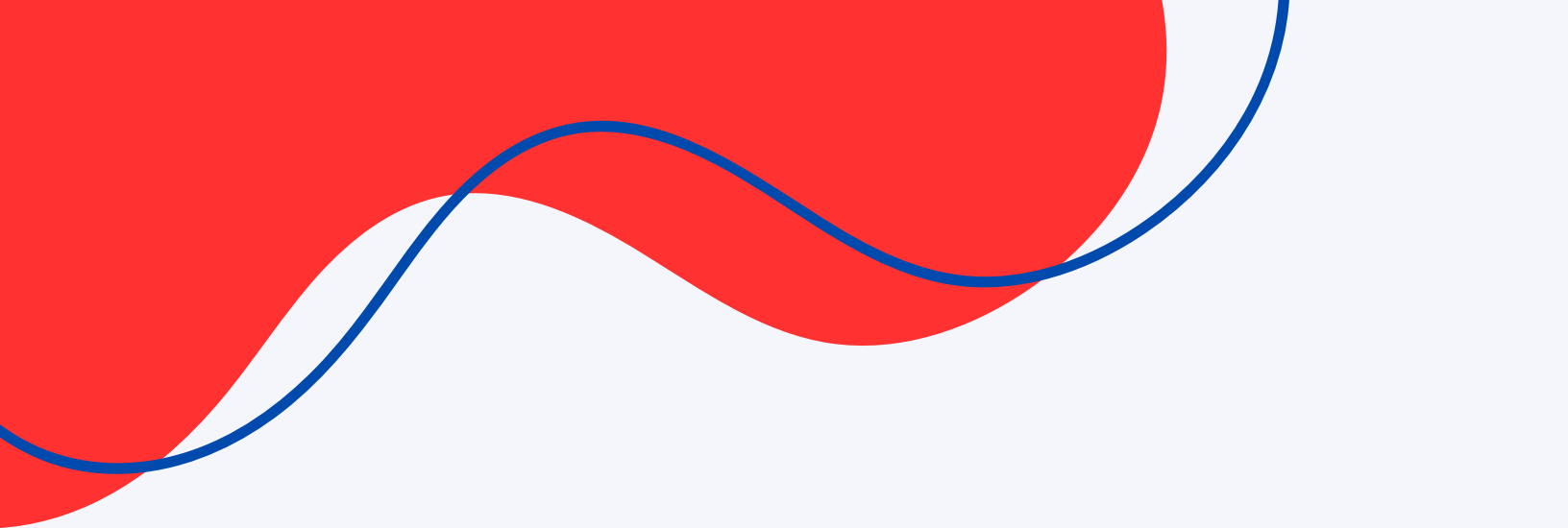




GUIDEBOOK FOR FAMILIES

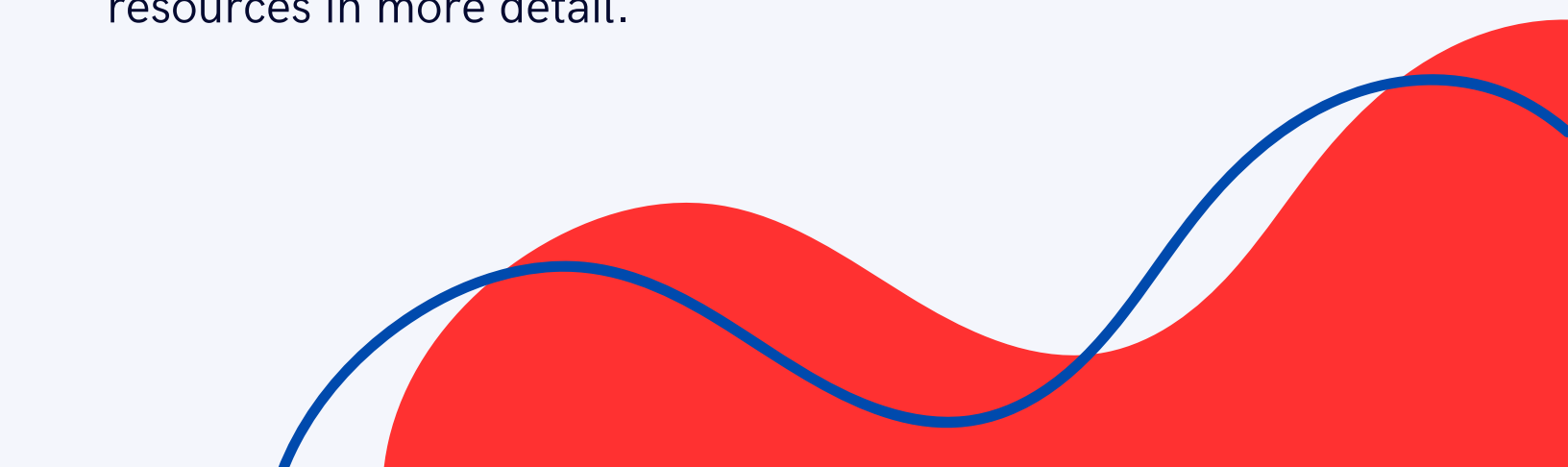
Understanding Dependency Neglect Court



GUIDEBOOK FOR FAMILIES

Understanding Dependency Neglect Court

This book will guide you throughout the case involving your family. It will help you in understanding the people involved, the different types of court hearings, and the steps you will take throughout the process. There is a calendar to keep important dates, as well as areas to keep notes that you think are important. This is only an overview as there are additional resources in more detail.



The original Guidebook for Parents was written in 2000 by the Honorable Joyce Williams Warren, Sixth Judicial Circuit Juvenile Judge, to support the Arkansas Court Improvement Program of the Administrative Office of the Courts. With her blessing, the Arkansas Court Improvement Program and the Administrative Office of the Courts updated the Guidebook, along with a separate digital toolkit, to expand support to the children and families in Arkansas.

Recognizing the Honorable Joyce Williams Warren

Judge Warren was Arkansas' first Black female judge, the first Black person elected to an Arkansas state-level trial court judgeship, the first Black female graduate of the UALR William H. Bowen School of Law, the first Black law clerk for the Arkansas Supreme Court, and many more firsts then can be named here. However, Judge Warren is most recognized for her dedicated and tireless work as a juvenile judge who formed, joined, and led collaborative efforts—both on and off the bench—to improve the lives of Arkansas' children and families. Judge Warren served on the juvenile division bench until her retirement on December 31, 2020, after serving the public for over 31 years on the state bench and 6 years on the county bench. She was inducted into the Arkansas Women's Hall of Fame in 2023 and the Arkansas Black Hall of Fame in 2023.



Also, special thanks to the following for their contribution to this Guidebook: DCFS, The Commission for Parent Counsel, The Attorney Ad Litem Program, Arkansas CASA, and the DCFS Parent Advisory Council.

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This guidebook is not an advisory opinion of the Supreme Court of Arkansas or any other court.

Use this calendar to keep track of all important dates

It is important to keep track of all dates when you are supposed to be somewhere related to your case. There will be court dates when the judge will make decisions on what is necessary to keep your children safe. The court will also schedule meetings (sometimes called staffings, facilitations, or family team meetings) to discuss your family's needs. You may also have appointments and meetings for different services, as well as specific days to spend time with your children.

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Things to know at the beginning of your case

Immediately do these things-- At your first chance, tell someone if:

- (1) You or your child have any major medical problems or are on any medications;
- (2) You or your child need help hearing or understanding English;
- (3) You or your child are or might be a member of an Indian tribe;
- (4) There is any other urgent information.

Court documents: You will receive documents (called pleadings – make up your case file) which will tell you when to go to court and will include information about your family’s situation. Pay special attention to court documents called “orders” as they say everything the judge is requiring you to do.

Court date: You should dress neatly and arrive early to all court dates and other appointments. Be respectful of others in the courtroom, be honest, and remain calm. Turn off your cell phone before court begins and remain quiet until you are asked to talk.

Attorney: If you cannot afford an attorney, the judge may order one to represent you. When you meet your attorney at your first hearing, you should ask the best way to reach him or her to keep them updated with important information concerning your family. You also should give them your contact information so they can reach you with case updates. If your contact information changes give your new information to your attorney immediately.

Prepare: Begin thinking about relatives who could keep your children safe if they are temporarily not able to live at home. Write down things your family needs to improve, take notes when needed, participate in the process, work towards improving your living situation, and get help where needed.

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People who may be involved in your case or in the courtroom during your case:



Juvenile Judge

Juvenile judge: The judge listens to everything and everyone. The judge will make decisions after hearing what is said and after considering the documents and evidence presented during court. The Judge must decide what is best for the family while ensuring all children are safe.



DHS Attorney or OCC

Attorney for Department of Human Services (DHS attorney or OCC): This attorney brings the case about your child to court. DHS is the state agency whose job it is to make sure that children are safe and that child protection laws are enforced.



Parent Counsel or PC

Attorney for the parent (Parent Counsel or PC): Your attorney will speak for you at court, ask questions of people who come to court on your case, present evidence on your behalf, and will protect your rights. Your attorney will help you at every stage of your case and will make sure you understand what is happening.



Caseworker or FSW

Caseworker for the Division of Children and Family Services (DCFS – a division of DHS): A DCFS caseworker will be assigned to work with your family. The caseworker will work with you and everyone involved in your case to develop a “case plan.” The case plan outlines the services and changes needed for your child to be returned to you. The case plan will have a back-up plan called concurrent planning. You should work with the caseworker. He or she will let the judge know what you have done well, will make suggestions as to where your child should live, and will recommend the amount of family time you get with your child.



Attorney Ad Litem or AAL

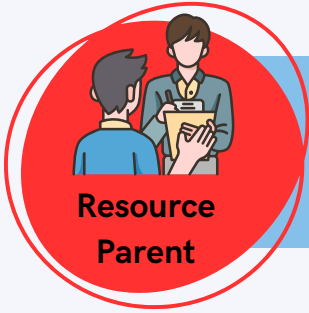
Children’s attorney (Attorney Ad Litem or AAL): This attorney will talk to the child and with others who are close to the child. The AAL looks out for the best interest of the child and will communicate that to the judge. If your child wants something different than what the AAL recommends, the AAL will also make sure the judge knows what your child wants.



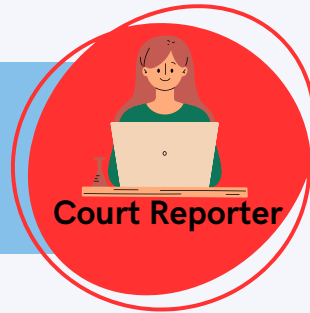
CASA

Court Appointed Special Advocate (CASA): If a CASA volunteer is assigned to your child (will not be appointed until later in the case), he or she will meet with your child and with other people who are close to your child. They will be a “voice” for the child and will let the judge know what he or she thinks is best for your child. CASA does not work for the judge or any others involved in your case.

People who may be involved in your case or in the courtroom during your case:



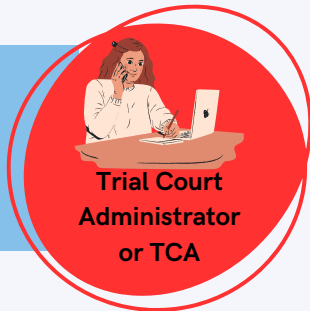
Resource parent (foster parent): This is a person who will provide temporary care for your children if they cannot live with you and cannot temporarily live with a relative or close friend.



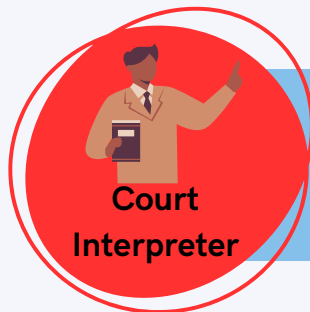
Court reporter: Records everything said in court by typing or speaking into a mask that records what is said.



Bailiff (court officer): Makes sure everyone in the courtroom is safe.



Trial court administrator (TCA) or clerk for the court: Sets the date and time of each court date (the court's schedule is also known as a docket) and helps prepare and distribute court documents during court hearings.



Court interpreter: Helps when someone needs assistance with understanding the English language. The court interpreter also provides assistance to individuals who are deaf, hearing impaired or unable to speak.

Social workers, mental health providers, teachers, or other service providers may also be present at court dates, family team meetings, or other appointments.

NOTES

The court hearings in your case

Probable cause hearing (PC) - This will be your first court date if your child has been removed from your home. The PC will take place within days of your child being removed from your home so the Judge can decide whether there is a safety reason to keep your child in foster care until the trial (the date will be provided at PC). The PC is usually a short court appearance where the court will also consider the amount of time you will have with your children for visits and may order immediate services needed before the next court date.

Adjudication hearing (the trial)—This will be your next court date after the PC. The judge listens to evidence about why the case first came to court and will hear from witnesses who know about your family's situation. The judge will decide if your child is abused or neglected. If the Judge decides that your child is not abused or neglected, he or she will be returned to your custody immediately. If the judge decides that your child is abused or neglected, the judge will decide what needs to happen with your family so that your child can be returned to you (this decision is called the disposition). Often, the disposition hearing is at the same time as the adjudication hearing, but it may also be held at a later time.

Disposition hearing- The purpose of the disposition hearing is for the judge to decide if it is in your child's best interest to stay in the temporary custody of DHS, be placed in the custody of someone else, or be returned to you. The judge will approve a case plan which will require the caseworker to arrange services to help your family. It is very important that you work with your caseworker and follow the judges' orders. For your child to be returned to you and for the case to be closed, you must show that you have improved the issues in your home to safely care for your child.

The court hearings in your case

Review hearing – The purpose of this hearing is for the court to review how your family is doing and to determine whether any changes need to be made in the services provided to your family. The judge will make sure that everyone is following the case plan and the court's orders. You may need to attend more than one Review Hearing during your case.

Permanency planning hearing (PPH) and 15-month Review Hearing- These hearings are for the judge to review the goal of the case and decide if a new plan is needed for a permanent home for your children. The judge will hear what has happened since the case first came to court. The caseworker will say what he or she thinks is the best plan for a permanent home for your child, and the judge will decide which goal is in your children's best interests. Some common goals:

- Return your child to your custody.
- Continue with the goal of returning your child to your custody but recognize there is more work to be done to ensure that the child can be returned safely.
- Approve a plan for your child to be placed in the guardianship or custody of someone else.
- Decide if adoption should be the goal (see TPR hearing below).

Termination of parental rights hearing (TPR)- TPR only occurs if the Judge decides it is not going to be possible to return your child to your custody because your child cannot be safe in your home. TPR ends the legal relationship between a parent and child so the child can have that legal relationship (through adoption) with someone else. The court action to terminate parental rights starts with the filing of a petition to terminate parental rights which is usually filed after the judge decides at the PPH that the child's goal should be adoption, but the petition can be filed at any time. A TPR hearing is a very serious hearing, as you could lose your rights to your child if the judge decides that the legal relationship must end.
