

A Handbook for Parents & Guardians in Dependency Cases

Case No.: _____

Being involved in a dependency case can be very confusing and stressful for a family. Not knowing what to expect can make it even harder. This handbook tells you what you need to know about the court process and the people helping you with your case. Keep this handbook with you and write down the dates of the court hearings.

How Does Arizona Law Define Abuse, Neglect and Abandonment?

An abused or neglected child is a child whose parent or caregiver negligently or intentionally creates, inflicts, allows or threatens physical or mental injury to the child. In addition, abuse or neglect can occur when the parent or caregiver does not provide the care necessary for the child's health or allows a sexual act to be committed against the child. A child can be considered abused or neglected even if it is not clear who injured the child. An abused or neglected child may also be a child whose caregiver abandons the child or who is mentally or physically unable to care for the child. A parent abandons a child by failing to maintain regular contact with the child.

These are Your Rights:

1. You have the right to an attorney. If you cannot afford to pay for an attorney, the Judge will appoint a lawyer to represent you, if you qualify based on your income.
2. You have the right to admit or deny or enter a plea of "no contest" of the allegations made about you and your family.
3. You have the right to be notified of all court hearings. You must keep your attorney informed if you move. Your attorney cannot notify you of court hearings unless she/he knows your current mailing address.
4. You may have an interpreter appointed by the court if you do not understand English or cannot hear. **El Tribunal le puese asignar un(a) interprete si usted no comprende el idioma ingles a si no puede oir bien.**

5. You have the right to talk to your caseworker and your attorney. But remember, they may be busy with someone else when you call. Be sure to leave a message with a phone number and time where you can be reached or call them again. Keep track of the best times to call them.

These Are Your Responsibilities:

1. Take this seriously. You are ultimately responsible for the outcome of your case.
2. Attend all the court hearings.
3. Attend case plan staffings, Child Family Team meetings, Foster Care Review Board meetings, and other any meetings about your case.
4. Do what the case plan says you have to do. If you do not understand what is required, ask your attorney to explain what you need to do. You must complete all the ordered tasks in the case plan within the time frame set by the Court.
5. Stay in touch with your attorney and caseworker. Be sure they always have a current address and telephone number for you.
6. Be sure that you know what you are supposed to do and when, and then do it. Things move very quickly in dependency cases. It will make a difference in whether your child is returned to you.

Unless you do what the court requires, you could lose custody of your child forever. Start working now on the things you need to do.

Your Own Notes:

Why Do You Have To Go To Court?

- Child Protective Services (“CPS”) receives reports of suspected child abuse, abandonment or neglect. If, after investigation, CPS decides that the reports are true, then CPS determines what help the family and the child need. CPS files a petition with the Superior Court (“court”) seeking temporary custody of children when CPS has reason to believe that the situation is severe, or services cannot be provided while leaving the children in the home.
- The Judge makes decisions intended to keep children safe, to help families create a safe home for their children, and to ensure that both families and children receive the help they need.
- The Judge can require you and your family to get help. Also, the Judge can order that your child stay in the custody of CPS and be placed in foster care. This means that CPS 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 child support.
- 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 other hearings to attend. This handbook does not deal with criminal cases. You should be advised that choices you may make in your criminal case may affect the outcomes of this dependency case.

How Do You Get Your Child Back Home?

- Children need a permanent, safe and loving family. When children 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 and ensure proper care of your child within certain time limits, as explained in this handbook.
- When children cannot return to their families, another permanent, safe home will be found for them-often through adoption or guardianship.
- If you believe that your children should not have been removed from your care, you should discuss this matter with your attorney to see what options you should pursue.

Who Will Help You?

Your Caseworker

CPS will assign a caseworker for your child and family. When you go to court, you should be given that person's name and phone number. Your caseworker should:

- Help you understand the problems that brought you to court.
- Help you work on the steps you must take to have your child returned to you.
- Maintain regular contact with you and your child.

Your Caseworker will need the following information to care for your child:

- Birth certificate * Medical insurance
- Immunization record * Family medical history
- Social security card * Your wage and income.
- Names, addresses and telephone numbers of relatives who might be able to take care of your child. Even relatives who live out of state.
- Identifying information for both parents including names, addresses, social security numbers, birth dates and phone numbers.

Tell your caseworker how you can be contacted. Notify your caseworker whenever you change your address or telephone number. If you do not hear from your caseworker for awhile, or if you have questions or problems, call your caseworker.

Write the name of your **caseworker**, address and phone number:

Name: _____ Phone: _____

Best time to call: _____

Things you want to discuss or ask about:

Your Attorney

When a Dependency Petition is filed, the court will assign an attorney for you. The Order Setting Hearing on Dependency Petition and Temporary Orders identifies the name, address and telephone number of the attorney assigned to represent you. You may want to hire your own attorney. In any case, you should meet with your attorney before your first court hearing. Your attorney will further explain your rights and let the Judge know your wishes in the case. Your attorney should:

- Talk with you before every hearing and speak for you in court
- Help you understand your rights
- Tell you about the hearings you will attend and what to expect at each hearing.

You must let your attorney how you can be reached. When you have questions or problems, call your attorney. Let your attorney know every time you change your address or telephone number.

At your first hearing, the court will review your financial situation and determine whether or not you qualify for a court-appointed attorney. Your attorney should provide you with a financial questionnaire to fill out. This will be reviewed by the Court. If you do not qualify, you should consider hiring your own attorney to assist you in your case.

Write the name of your **attorney**, address, and phone number here:

Name: _____ Phone: _____

Address: _____

Best time to call: _____

Date & Time of Appointment: _____

Place: _____

Things you want to discuss or ask about: _____

Others Who Are Involved In Your Case

Your Child's Attorney or Guardian ad Litem (GAL)

The court will appoint an attorney to represent your child in court. You need to cooperate with your child's attorney by letting him/her visit your child. The attorney represents your child, not you. Since these cases involve your children, the Court may want to hear from them to make sure that his/her best interests are being served.

Your child's attorney will also be identified in the Order Setting Hearing on Dependency Petition and Temporary Orders.

Write the name of your child's attorney here:

Name: _____

Court Appointed Special Advocate (CASA)

The court may also appoint a Court Appointed Special Advocate (CASA) for your child. The CASA is a trained volunteer who will meet with you and your child, as well as others involved in this case. The CASA reports to the judge about how your child is doing and what the CASA believes is best for your child. You need to cooperate with the CASA by answering the CASA's questions and letting the CASA visit with you and your child.

If you have any questions about the CASA Program or the volunteer that is assigned to your child you may contact the CASA Program at (928) 753-0795, ext. 4412 (in Kingman) or (928) 453-0705, ext. 3730 (in Lake Havasu City or Bullhead City).

Write the name of the CASA volunteer, address and phone number here:

Name: _____ Phone: _____

Casa Office
Address: _____

Best time to call: _____

Things you want to discuss or ask about: _____

CPS Attorneys

The Attorney General's Office of the State of Arizona provides attorneys to represent CPS. The Assistant Attorney General assigned to the case will tell the Judge what CPS believes the court should do.

When Will You Have to Go to Court?

The court will require you to attend several court hearings so that the Judge and others may listen to all sides and decide what is best for your child. Most dependency cases have at least six different court hearings during the first year.

- 1. Pre-Hearing, Mediation Conference & Preliminary Protective Hearing**
- 2. Initial Appearance Hearing**
- 3. Contested Dependency Mediation**
- 4. Contested Dependency Trial**
- 5. Disposition Hearing**
- 6. Report & Review Hearing**
- 7. Permanency Planning Hearing**

Each hearing has a different purpose. They are all described in this handbook so that you will know what to expect at each hearing, when and where it will be held, and why it is important for you to attend.

The goal of the Court is to keep children safe and help families create a safe home for their children. If you do not understand the purpose of any of the hearings you are asked to attend, talk to your Attorney. Unless you improve the conditions that brought your child into foster care, the Court may terminate your parental rights and **your child may be placed for adoption.**

Step 1: Pre-Hearing Conference, Mediation Conference & Preliminary Protective Hearing

Part A: Pre-Hearing Conference

The Pre-Hearing Conference is scheduled to begin immediately before the Mediation and is another opportunity for you to meet with your attorney.

Part B: Mediation Conference

The Mediation Conference will normally take place at the Superior Court in Kingman, in the Family Court jury room (second floor of the courthouse). The following people will also attend the Mediation Conference:

- Mediator (to run the meeting)
- Your Attorney and Attorneys for any Other Parents, Attorney for your child and Attorney for CPS
- Director of Court Appointed Special Advocate (CASA) Program
- CPS investigator
- CPS ongoing Case Manager

The purpose of the Mediation Conference is to find out what everyone agrees about and what everyone disagrees about. At the Mediation Conference, we will discuss custody (where your child should stay temporarily), visitation (when, where and how you see your child), and services (what you need to do to get your child home and what CPS has to do to help you). At the end of the Mediation Conference, the mediator will draw up an agreement to show to the judge.

It is very important for you to attend the Mediation Conference. If fail to appear for this hearing without good cause, you will be defaulted, and the Judge may rule that you admit the allegations in the petition.

Part C: The Preliminary Protective Hearing

The Preliminary Protective Hearing takes place right after the Mediation Conference. The Judge reviews the Pre-Hearing Conference Agreement and schedules your next court hearing. If you want your child returned immediately, the Judge will also schedule a Temporary Custody Hearing within five (5) days.

At this hearing, you will be asked whether you admit, deny or not contest the allegations of the dependency petition. If you deny the allegations in the dependency petition and refuse to agree to the case plan, then the Judge will set a date and time for your contested dependency trial within 90 days from the date you were served papers in this case.

It is very important for you to attend the Preliminary Protective Hearing. If fail to appear for this hearing without good cause, you

will be defaulted, and the Judge may rule that you admit the allegations in the petition.

Write the time and place of the **Mediation Conference & Preliminary Protective Hearing** here:

Time & Date: _____

Place: _____

Things you want to discuss or ask about: _____

Step 2: Initial Appearance (Only if you were not served earlier)

If you could not be located and served in time for the Mediation Conference and the Preliminary Protective Hearing you will be notified to attend the Initial Appearance Hearing. At this hearing, you will be asked whether you admit, deny or not contest the allegations of the dependency petition. If you deny the allegations in the dependency petition, the judge will set a date and time for your contested dependency trial within 90 days from the date you were served papers in this case.

It is very important for you to attend the Initial Appearance Hearing. If fail to appear for this hearing without good cause, you will be defaulted, and the Judge may rule that you admit the allegations in the petition.

Write the time and place of the **Initial Appearance Hearing** here:

Time & Date: _____

Place: _____

Things you want to discuss or ask about: _____

Step 3: Contested Dependency Mediation (Only if you deny the allegations and disagree with the case)

The Contested Dependency Mediation is another chance to settle your case before trial. Generally, the same people attending the first mediation will be present at this mediation.

It is very important that you attend the Mediation. If fail to appear for this hearing without good cause, you will be defaulted, and the Judge may rule that you admit the allegations in the petition.

Write the time and place of the **Mediation** here:

Time & Date: _____

Place: _____

Things you want to discuss or ask about: _____

Step 5: Contested Dependency Trial (Only if you deny the allegations and ask for a trial)

The purpose of the trial is to allow the Judge to consider whether or not the allegations in the dependency petition are true. CPS has the burden of proving these allegations. You (through your attorney, if you have one) will have the chance to present your own evidence and witnesses and the chance to cross-examine the State’s witnesses. The Judge will decide whether or not your child is a dependent child and in need of the State’s protection. (Again, trials only occur if the case has not already settled at Mediation.)

It is very important that you attend the Contested Dependency Trial. If fail to appear for this trial without good cause, you will be defaulted, and the Judge may rule that you admit the allegations in the petition.

Write the time and place of the **Contested Dependency Trial** here:

Time & Date: _____

Place: _____

Things you want to discuss or ask about: _____

Step 6: Disposition Hearing

The purpose of the Disposition Hearing is to determine the plan for your child. The Disposition Hearing must be held within 30 days from the date the court finds that your child is in need of the State's continued protection. However, it is normally held at the same time as the court's ruling on the dependency.

- The Judge will review the Case Plan prepared by CPS for you and your child.
- The case plan will state what you and others must do to help solve the problems that brought you and your child into court.
- The Judge will tell you exactly what you need to do to get your child home. If your child is already home, then the Judge will tell you exactly what you need to do to get the case closed or dismissed with the court.
- It is very important that you attend the Disposition Hearing so that you completely understand what you need to do in order to have your child returned to you.
- The Judge will set a Report and Review Hearing to be held in about 3 to 6 months to let all the people involved in your case tell as how you are doing.

FOLLOWING THE CASE PLAN IS THE KEY TO GETTING YOUR CHILD BACK HOME. UNLESS YOU DO WHAT THE JUDGE ORDERS, YOU COULD LOSE YOUR RIGHTS TO YOUR CHILD.

Write the time and place of the **Disposition Hearing** here:

Time & Date: _____

Place: _____

Things you want to discuss or ask about: _____

Step 7: Report and Review Hearing

- Within 3 to 6 months of the Disposition Hearing, there will be a Review Hearing in court. The Judge will review your case to make sure that you are doing what the case plan requires. Are you completing the tasks in your case plan (UAs, counseling, parenting classes)? The Judge will also make sure the caseworker and others are doing what is ordered in the plan. Are you and your child receiving all needed services (counseling, help in school, etc.)?
- If the case plan needs to be changed, the Judge will order those changes.

It is very important that you contact your attorney several weeks prior to the Report and Review Hearing and that you attend the hearing.

Write the time and place of the first **Report and Review Hearing** here:

Time & Date: _____

Place: _____

Things you want to discuss or ask about: _____

- There may be more than one Report and Review Hearing before the Permanency Hearing.

Write the time and place of the second **Report and Review Hearing** here:

Time & Date: _____

Place: _____

Things you want to discuss or ask about: _____

Step 8: The Permanency Planning Hearing

- The Permanency Planning Hearing must be held within 12 months after CPS removed your child. The hearing will normally be held between months 9 and 12, but CPS could ask for an earlier hearing.
- At the Permanency Planning Hearing the Judge will decide whether or not your child can be safely returned home.
- If the Judge decides that your child cannot be safely returned home, the Case Plan goal will be changed to adoption or some other permanent arrangements outside of your home.

It is very important that you attend the Permanency Planning Hearing.

Write the time and place of the **Permanency Planning Hearing** here:

Time & Date: _____

Place: _____

Things you want to discuss or ask about: _____

THIS BOOKLET IS NOT INTENDED TO PROVIDE YOU LEGAL ADVICE. IT IS ONLY INTENDED TO HELP YOU UNDERSTAND THE PROCESS AND STEPS INVOLVED WHEN A CHILD IS TAKEN INTO CUSTODY BY CPS.

IF YOU HAVE ANY QUESTIONS OR NEED LEGAL ADVICE, PLEASE ASK YOUR ATTORNEY TO EXPLAIN YOUR RIGHTS, RESPONSIBILITIES AND OPTIONS TO YOU IN MORE DETAIL.

