

WHEN YOUR CHILD IS IN FOSTER CARE



A HANDBOOK FOR PARENTS AND GUARDIANS



The foster care system was created to provide children with safe, temporary homes when they are at risk of neglect or abuse in their own homes.

When a child is removed from their home and placed in foster care, parents and guardians may feel overwhelmed, stressed or angry. This is understandable.

To help you better understand the court and social services processes, the Court Appointed Special Advocates, or CASA, programs serving South Hampton Roads are happy to provide this handbook.

In it you will find important information. Please use it to organize and keep your notes together in one place. This includes:

- ✓ Names, phone numbers and email addresses
- ✓ Dates and times of hearings and appointments
- ✓ Questions and concerns
- ✓ Notes on conversations

This handbook provides a general overview of the Juvenile and Domestic Relations Court process in child abuse and neglect cases. **It does not offer legal advice.** If you are facing criminal charges, you will be required to appear in Circuit Court before a different judge. This handbook does not explain the process in criminal cases.



WHAT ARE YOUR RIGHTS?

As the parent or guardian of a child in foster care, you have the right to:

- Know the reason your child was removed.
- Know and understand what you must do to have your child returned to you.
- Be represented by an attorney.
- Be notified of the date and time of all court hearings.
- Have an interpreter if your first language is not English. This includes foreign languages and American Sign Language.
- Receive updates from your social worker on your child's health, development, behavior and progress in school.

WHAT ARE YOUR RESPONSIBILITIES?

As the parent or guardian of a child in foster care, it is your responsibility to:

- Keep up with dates and times.
- Arrive at appointments on time and prepared.
- Let your attorney and social worker know if your address or phone number changes.
- Ask your attorney or social worker if you do not understand something.
- Read, or have read to you, any document you are asked to sign. Make sure you understand it before signing. Get a copy of any document you sign.

WHAT INFORMATION DO YOU NEED TO PROVIDE?

You will be asked to provide the following documents and information:

- The name, address, phone number, date of birth and social security number of both parents.
- The birth certificate of each child.
- The social security card of each child.
- The immunization record of each child.
- Medical insurance coverage.
- Family medical history.
- Your wage and income.
- Names, telephone numbers and addresses of relatives who might be able to take care of your child or provide family support.

WHO WILL HELP ME AND MY CHILD?

YOUR SOCIAL WORKER

The Department of Social Services will assign a social worker. It is important that you work as a team with the social worker. This person is your link to your child. Your social worker should:

- Explain why your child is in foster care.
- Identify and schedule services for you.
- Arrange visits with your child.
- Work with you to develop a plan for the long-term care of your child.

My Social Worker: _____

Telephone: _____ Best time to call: _____

Email Address: _____

Address: _____

My questions and concerns: _____

Your social worker and attorney are very busy. If they are unavailable when you call, ALWAYS leave a message with the date, time and purpose of your call. Keep a record of your phone calls in this handbook. Return all calls from them as quickly as possible.

YOUR ATTORNEY

You may hire an attorney to represent you. If you cannot afford an attorney, and you meet the qualification for Court Appointed Counsel, the judge will appoint one for you.

Your attorney should:

- Answer your legal questions.
- Tell you what to expect at each hearing.
- Speak for you in court.

My Attorney: _____

Telephone: _____ Best time to call: _____

Email Address: _____

Address: _____

My questions and concerns: _____

THE GUARDIAN AD LITEM (GAL)

The judge will appoint an attorney for your child. This attorney is called a *Guardian ad Litem* or GAL. The GAL will meet with your child and others involved with the case.

The GAL will tell the judge what they believe is best for your child. Because the GAL is appointed by the judge, you are required to answer their questions and allow them to visit your home.

My child's GAL: _____

Telephone: _____ Best time to call: _____

Email Address: _____

Address: _____

My questions and concerns: _____



THE COURT APPOINTED SPECIAL ADVOCATE (CASA)

The judge may appoint a Court Appointed Special Advocate, or CASA, for your child. The CASA is a volunteer who has received special training to advocate for your child. They will meet with you, your child, and others involved with the case.

Like the GAL, the CASA will tell the judge what they believe is best for your child. Because the CASA is appointed by the judge, you are required to answer their questions and allow them to visit your home.

The CASA may submit a report to the judge regarding your child. You may talk with the CASA about any concerns you have.

My child's CASA: _____

Telephone: _____ Best time to call: _____

Email Address: _____

Address: _____

My questions and concerns: _____

If you have other children in your home, remember they need your care and attention.

WHEN AND WHY DO I HAVE TO GO TO COURT?

You will be required to attend several court hearings before a judge. Each hearing has a specific purpose. The judge wants to hear from everyone before making decisions about your child.

It is important that you arrive on time and prepared for court. Dress appropriately. For men, a suit and tie or a nice pair of slacks and a shirt with a collar is appropriate. For women, dress slacks or a skirt are appropriate. No blue jeans, short skirts or tank tops.

Your case may not be called right away. Be prepared to wait.

If you do not understand what is being said at a hearing, ask your attorney or social worker. At the end of each hearing, the judge will set a date for the next hearing.

Step 1. What: The Emergency Removal Hearing.

When: Within 5 business days after physical removal of the child.

Issue: Will my child remain in a foster home?

If there is an imminent threat to the child's life or health, Child Protective Services may take a child into custody without a court hearing.

The attorney for the Department of Social Services will present information to the judge. The judge will decide if your child will stay in foster care until the next hearing.

Date and time: _____

My questions and concerns: _____

Step 2. What: The Adjudicatory Hearing.

When: Within 30 days of the Preliminary Removal Hearing.

Issue: Was my child abused or neglected or at risk of abuse or neglect?

The judge will listen to the evidence and decide if your child was abused or neglected. If the judge decides your child was abused or neglected, and there is no family member approved to take your child, he or she will remain in foster care.

Date and time: _____

My questions and concerns: _____

Step 3. What: The Dispositional Hearing.

When: Within 60 days of Preliminary Hearing.

Issue: What is the plan for my child and me?

The judge may return custody to you with certain conditions and requirements, place your child with a relative, or keep your child in foster care.

If your child stays in foster care, the judge will review a Foster Care Plan prepared by your social worker. The Foster Care Plan will state what you and others must do to help solve the problems that brought you and your child into court. This plan should have been discussed with you before it was submitted to the court. The plan will include how long you have to complete what you must do to get your child back.

Date and time: _____

My questions and concerns: _____

Step 4. What: The Foster Care Review Hearing.

When: Within 4 months of Dispositional Hearing.

Issue: How am I doing?

The judge will review your case to make sure that you are doing what the Foster Care Plan requires of you. The judge will also make sure the social worker and others are doing what is ordered in the plan. If the Foster Care Plan needs to be changed, the judge will order those changes.

Date and time: _____

My questions and concerns: _____

Reach out to family and friends for support. Take care of yourself. Get the rest you need and eat healthy foods.

Step 5: What: The Permanency Planning Hearing.
When: Within 5 months of Foster Care Review Hearing.
Issue: Will I lose my child forever?

The judge will decide if your child can be safely returned home. If the judge decides that your child cannot be safely returned to your home or the home of a relative, the Foster Care Plan will be changed to some other permanent arrangement outside your home or adoption.

Date and time: _____

My questions and concerns: _____

HOW DO I GET MY CHILD BACK HOME?

You must complete the requirements of the Foster Care Plan as ordered by the judge. You may be asked to complete classes, improve your home's safety or provide a higher standard of care for your children. Make sure you know how long you have to complete the requirements.

If you are unable or unwilling to do what is required, you may lose custody of your children. Your parental rights may be terminated and your child may be moved into permanent foster care or adopted.

WHEN CAN I SEE MY CHILD?

Remember, even while your child is in foster care, you are the most important person in their life. Your social worker will make arrangements for you to visit with your child if or when visits are allowed by the judge.

Visiting is one of the best ways for you to stay connected to your child. Make sure you arrive on time. During the visit, your focus is on your child.

If you must cancel a visit, let your social worker know as soon as possible. Failure to show up or being late is often viewed as a lack of interest in your child.

WHAT IS MY RELATIONSHIP WITH MY CHILD'S FOSTER PARENTS?

It is better for your child if you and their foster parents build a working relationship based on mutual respect. Tell them about your child's likes and dislikes, eating and bedtime habits. Work with them to make sure your child is as comfortable as possible. Your social worker will provide guidance on what is allowed.



Think of a fun activity to do with your child during visits. Play a game, work on a project together or read to your child. It is up to you to make it a good visit.

COMMONLY USED TERMS

Adoption and Safe Families Act (ASFA) Adoption and Safe Families Act (ASFA) Federal law that requires Child Protective Services to provide timely assessments and services to children and families.

Case Closure The process of ending the relationship between Child Protective Services and a family. Cases are often closed when families have reached their goals and the risk of harm to a child has been reduced or removed.

Case Plan A written document prepared by the social worker that describes the behaviors and conditions that must change to reduce the risk of child abuse or neglect.

Central Registry An electronic database that contains information on all valid reports of child abuse or neglect in every state.

Child Protective Services (CPS) The agency that receives reports of possible child abuse or neglect, investigates the reports, and provides services to children and families in which child abuse or neglect has occurred. CPS is part of the Virginia Department of Social Services.

Concurrent Planning The process of identifying two plans for moving forward in a child abuse or neglect case. This is typically done in the event the first plan is not successful.

Family Assessment The process in which the social worker, community service providers, and family members reach an understanding about the behaviors and conditions that must change to reduce the risk of child abuse or neglect.

Family Partnership Meeting A meeting of the family, relatives, and other people close to the family, such as friends, clergy, or neighbors to help make decisions about what is best for the child.

Foster Care Refers to a variety of living situations in which a child may be placed outside of the home because the family living situation is unsafe. Typically, it is a safe, stable, temporary and caring home with an adult who has received specialized training.

Full Disclosure The requirement that the social worker inform the family of each step in the planning process and ensures that each step is understood by the family. This includes the goals for the family and the consequences if the family does not meet the goals.

Home Visitation Programs Programs that help pregnant mothers and families with new babies by sharing information on important issues and resources in visits to the family's home. Topics may include positive parenting, safe discipline and child development.

Immunity Law that protects people who report suspected child abuse or neglect from lawsuits and criminal prosecution.

COMMONLY USED TERMS

Intake The first step in the Child Protective Services process when a social worker screens and accepts reports of child abuse or neglect.

Juvenile and Domestic Relations Court Court established to resolve conflicts in the lives of families. Matters such as child abuse or neglect, domestic violence, juvenile delinquency, divorce, and child support are heard in this court.

Kinship Care Legal placement of a child in the home of a relative of the child.

Mandated Reporter A person legally required to report suspected child abuse or neglect to the proper persons. Mandated reporters typically include educators and other school personnel, health care and mental health professionals, social workers, childcare providers, and law enforcement officers.

Neglect Failure to provide for a child's basic needs. Neglect can be physical, medical, educational, or emotional. Physical neglect can include not providing suitable food or clothing, proper medical care or supervision.

Parent or Guardian The person legally responsible for the care of a child.

Physical Abuse Causing physical injury to a child. This may include burning, hitting, punching, shaking, kicking, beating, or otherwise harming a child.

Risk Factors Behaviors and conditions that are present in the child, parent, or family that will likely contribute to child abuse or neglect happening in the future.

Safety Plan A written document prepared by the social worker when a child is at risk of serious harm. The safety plan is prepared with family members and identifies the steps to take that help make sure the child is safe.

Service Plan A written document prepared by the social worker that identifies the services a family will be provided. The service plan also includes the goals and deadlines for the family.

Sexual Abuse Inappropriate adolescent or adult sexual behavior with a child, including fondling a child's genitals, making a child fondle the adult's genitals, exhibitionism, sexual exploitation, and or exposure to pornography. To be considered child sexual abuse, these acts must be committed by a person responsible for the child's care. If these acts are committed by a person not responsible for a child, it is considered sexual assault and handled by the police and criminal court.

Substantiated A sufficient amount of evidence exists that child abuse or neglect has taken place.

Treatment The stage in the CPS process when services are provided to help the family meet the requirements of their service plan and to address the effects of abuse or neglect.

Unsubstantiated or Not Substantiated A sufficient amount of evidence does not exist that child abuse or neglect has taken place.

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The Handbook for Parents and Guardians was created by the Court Appointed Special Advocates programs that serve Chesapeake, Franklin, Isle of Wight, Norfolk, Portsmouth, Suffolk, and Virginia Beach. A grant from the Sue Cook Winfrey Memorial Fund of the Hampton Roads Community Foundation made it possible. We express our heartfelt thanks to the following individuals for their support and guidance.

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The Court Appointed Special Advocates (CASA) programs responsible for this handbook are part of a network of more than 1,000 programs nationwide. We recruit, screen, train and support volunteers to advocate for child victims of abuse and neglect.

CASA volunteers' primary responsibility is to promote safe, nurturing and permanent homes for all children. While the work is challenging, research shows that CASA volunteers make a difference in children's lives.

The Virginia Department of Criminal Justice Services provides oversight for CASA programs in the Commonwealth. Programs also must meet rigorous National CASA Association accreditation standards. For more information visit www.CASAForChildren.org.

