

A Parent's Guide to Juvenile Court

Parent Advocates Office
Allegheny County Bar Foundation
Juvenile Court Project



“Sometimes we feel that we have no voice or opinion to express our concerns. Therefore we stay quiet and before we realize what has happened the clock continues to tick and we have not accomplished our goals. We now have to take the necessary steps in order to rebuild our families and restore a sense of self pride. This is where the responsibility becomes yours.”

—*Anonymous Former Client*

**Allegheny County Bar Foundation
Juvenile Court Project
Parent Advocates**

Your Judge or Hearing Officer:

Your Attorney:

Phone: (412) 391-4467

Your CYF Caseworker:

Name: _____

Phone: _____

Other Important Phone Numbers:

Introduction

You have completed the Juvenile Court Project intake process and have been assigned an attorney to represent you. Now what? This booklet is written to help you understand your rights in the Juvenile Court Dependency and Termination of Parental Rights process. This guide also provides information about the different agencies and individuals you will come in contact with as well as your responsibilities and the responsibilities of your attorney.

It is important for you to understand the Court process and actively work toward reunifying your family because, under the law in Pennsylvania, if your child is out of your care for 15 out of the last 22 months, a petition to terminate your parental rights may be filed. If the petition is granted, your legal rights as a parent end and your child can be adopted.

What is the Juvenile Court Project?

The Juvenile Court Project consists of attorneys, referred to as Parent Advocates, who represent parents who can not afford an attorney in dependency and termination of parental rights cases in Juvenile Court.

People Involved in your Case

A. The Judge is responsible for deciding:

1. Are the children Dependent?

The Judge listens to the evidence presented at the petition hearing and decides if the children's education, health, safety or welfare is at risk in the parents' home. The Judge considers the risk based on both the children's and the parents' behavior.

2. Can the children remain at home even if they are dependent?

The Judge will decide whether services could eliminate any imminent risk in the home and whether the parents are willing and able to work with services.

3. If the children cannot remain at home, can they be placed with a relative or family friend?

The Judge will want to know if the caregiver or any adult in the caregiver's home has a criminal record or involvement with CYFS concerning their own children. **Any relative or family friend willing to take custody of the children should attend the Court hearing.**

4. When will the children be returned to their parents?

The Judge will look at the progress the parents and children have made. The Judge will want to know if the parents have complied with Court orders concerning visitation, drug and alcohol treatment, mental health treatment, family counseling, parenting classes, anger management classes, etc.

5. How long will the Judge order CYFS to help the parents with reunifying their family?

The law requires the Judge to consider changing the goal from reunification to adoption or some other permanent living arrangement when the children are in foster care for 15 out of the last 22 months.

B. CYFS (Caseworker) is responsible for:

1. Conducting home safety assessments.

The Caseworker must physically inspect each room in the family home to see if there are any safety concerns that would put the children at risk. The Caseworker will check for structural problems such as exposed wires, leaks in the roofs, lead based paint, etc. The Caseworker will also check whether the utilities are working, whether the house is clean and whether there is sufficient food for the children in the home.

2. Making reasonable efforts to prevent placement of children into foster care.

The Caseworker makes reasonable efforts to prevent placement of the children by finding qualified service providers who can help the family address any issues identified during the home assessment as well as other family problems which place the children at risk.

Caseworkers can make referrals to assist a parent with issues such as drug and alcohol abuse, mental health, parenting skills, anger management and budgeting. The family's willingness to work with services may help prevent placement of the children in foster care.

3. Scheduling shelter hearings if children are removed from their parents or from a Court ordered placement.

The law requires a hearing be held within 72 hours of the removal of children from their parents' custody or placement in a new foster care placement. CYFS must provide parents with oral or written notice of the hearing stating the time, place and purpose of the hearing.

4. Providing parents with notice of all Court hearings.

CYFS must provide parents with written notice of all hearings except shelter hearings. The notice will be mailed to the parents' last known address.

5. Developing a Family Service Plan with the parents.

Within 60 days of the family's acceptance for service CYFS is responsible for drafting a Family Service Plan. The plan must identify the safety concerns and the services being offered to address them. The parents are permitted to participate in the development of the plan and are entitled to a written copy of the final plan.

6. Arranging visitation for parents when children are placed in foster care.

CYFS must provide parents and children with the opportunity to visit as frequently as possible but not less than once every 2 weeks unless so ordered by a Judge. When parents disagree with CYFS over the frequency, duration or location of visits, the Judge will decide.

7. Implementing the Judge's orders.

CYFS must refer the family to service providers who are qualified to provide the Court-ordered services. The parents may follow through with the referrals provided by CYFS or find appropriate services on their own.

8. Testifying and making recommendations in Court.

The Caseworker will testify at court hearings about the family's progress addressing all issues which have been identified. The Caseworker will also make recommendations about what the goal for each child should be, where the child should be placed and what kind of visitation should be permitted with the parents.

C. The County Solicitor, attorney for CYFS, is responsible for:

1. Presenting CYFS's case at Juvenile Court dependency hearings.

The County's attorney will call the Caseworker and other witnesses to testify about the services being provided to the family and the family's compliance with the services.

2. Questioning witnesses for the parents or children.

The County's attorney will cross-examine the witnesses who testify on behalf of the parents or children.

3. Presenting motions to the Court.

The County's attorney will present motions to the Court asking the Judge to enter orders concerning specific issues identified in the motion.

D. The Guardian Ad Litem, attorney for the children, is responsible for:

1. Meeting with the children.

The law requires the Guardian to meet with the children on a regular basis and to explain the court proceedings to the children. If the children live with their parents, the parents must permit the Guardian to visit the family home.

2. Obtaining the children's medical, psychological and school records.

The Guardian can obtain the records from CYFS or may contact the doctors, therapists or school personnel directly.

*If the parents have signed releases of information for CYFS concerning the **parents'** medical, psychological or drug and alcohol treatment, the Guardian will be able to obtain that information from CYFS.*

3. Making recommendations to the Court that serve the best interests of the children.

The Guardian must make specific recommendations to the Court about the appropriateness and safety of the children's placement and the services necessary to address the children's needs and safety.

4. Presenting the wishes of the children to the Court.

The Guardian must advise the court of the children's wishes concerning their case goals, their placement and their treatment plans. The law requires the Guardian to present whatever evidence exists to support the children's wishes.

5. Deciding whether the children must attend court hearings.

The Guardian is the only person who may tell the children that they do not need to attend a court hearing. Unless the Guardian has waived the children's attendance, the children must be brought to the Court hearing.

E. The CASA, court appointed special advocate, is responsible for:

1. Reviewing records.

The CASA volunteer has access to the CYFS file and has the authority to obtain medical, psychological, treatment and school records of the children.

*If the parents have signed releases of information for CYFS concerning the **parents'** medical, psychological or drug and alcohol treatment, the CASA volunteer will be able to obtain that information from CYFS.*

2. Interviewing children, parents and service providers.

The CASA volunteer must interview the parties to gather sufficient facts to make recommendations they believe are in the children's best

interests. If the children live with their parents, the parents must permit the CASA volunteer to visit the family home to assess its safety.

3. Making recommendations they believe are in the best interests of the children.

Like CYFS and the Guardian Ad Litem, the CASA volunteer is required to make recommendations to the Court that protect the best interests of the children as they relate to their health, safety and welfare.

4. Submitting written reports to the Court and the other parties.

The law requires the CASA volunteer to provide a written report to the Court detailing their investigation and stating their recommendations for each member of the family.

5. Testifying in Court.

The CASA volunteer receives notice of all court hearings and motions so they may attend and testify about their investigation, concerns and recommendations.

YOUR RESPONSIBILITIES

1. Make sure your Parent Advocate has your current address and telephone number, as well as the name and telephone number of a contact person who will always know how to reach you on short notice.
2. Always talk to your Parent Advocate before you sign releases of information for anyone.
3. Make sure you sign releases of information at your treatment programs so your doctors, therapists and/or counselors may speak to your Parent Advocate about your treatment plan.
4. Make sure you report any changes to your treatment plan to your Parent Advocate.
5. Make sure you report any relapses to your Parent Advocate as soon as possible.

6. Whenever you complete a program (drug & alcohol, parenting, anger management, domestic violence, etc.) make sure you let your Parent Advocate know.
7. If you receive a certificate for completing a program, keep it in a safe place and bring it to the next court hearing.
8. Maintain contact with your Caseworker at least once a month, letting them know your progress and any changes in address or telephone numbers.
9. Visit your children regularly if they are in foster care.
10. Report any problems with visitation (such as the children not being brought or being brought late) to your Parent Advocate and your Caseworker.
11. Attend and participate in all medical, psychological and school appointments for your children because it is your duty to be aware of your children's needs and their treatment plans.
12. Attend all hearings and permanency planning conferences concerning your children.

YOUR PARENT ADVOCATE ATTORNEY'S RESPONSIBILITIES

1. Advise you about the issues in your case and explain the law as it relates to the issues in your case.
2. Counsel you about the likely consequences of the choices you make about your level of participation with court-ordered services & your family service plan goals.
3. Develop a case plan with you and a strategy for implementing the plan.
4. Arrange for relevant testimony from witnesses on your behalf.
5. Present relevant documentary evidence on your behalf to the Court.

6. Cross-examine witnesses presented by the County Solicitor, the Guardian Ad Litem and any other attorneys.
7. Make legal argument to the Court based on case law and witness testimony to support your position regarding the dependency of the children, placement of the children, the case goal and any other issues before the Court.
8. File necessary motions on your behalf to advance the case plan.
9. Return your calls in a timely fashion.
10. Keep all conversations with you confidential except those facts needed to present your case to the Court.

The Court Process

- If CYFS removes your child from your care or moves your child from one placement to another, they must schedule a hearing before the Judge or Hearing Officer within 72 hours. This is called a shelter hearing.

- You are entitled to representation by an attorney at shelter hearings. You should ask your Caseworker and the Judge for an attorney if you have not contacted our office before your shelter hearing.

- If at the time of the shelter hearing your child is not returned to you and your child is not dependent, CYFS must file a petition for dependency with the Court and schedule a hearing within 10 days. In most cases, the Court will ask the parents to agree to the hearing taking place in 30 days instead of 10 days due to the Court's crowded docket. You should discuss this option with your attorney as it is often to your advantage to agree.

- If the Court finds your child is dependent, it basically means the Judge believes your child lacks proper parental care and control or is incorrigible and beyond your care and control. If the

Court orders your child to remain in your care, the Court will require you and/or your child to complete certain goals before your case is closed. If the Court orders that your child be placed, the Court will require you and/or your child to complete certain goals before your family can be reunified and your case closed.

- If the Court orders your child should be placed outside your care, you will have the opportunity to recommend a placement for your child. You may propose relatives or friends as placements for your child. It is helpful if the person or persons you want to care for your child can come to Court so the Judge can ask them about their background and interest in caring for your child.

- If the Court finds your child is dependent, your case will be reviewed approximately every ninety days. These hearings may take place before the Judge or the Hearing Officer assigned by the Judge.

- The Hearing Officer is an attorney who is highly experienced in Juvenile Law. Hearings held before Hearing Officers are conducted in various locations in Allegheny County.

- If you disagree with the Hearing Officer's order, you are entitled to ask for a new hearing before a Judge. You should immediately discuss with your attorney whether to ask for a new hearing because you must ask for the new hearing within 10 days of the initial hearing.

- Review hearings are held so the Court can hear evidence about the progress your family is making toward your Family Service Plan goals. The progress made will be the basis for determining if you can be reunified with your children and/or your case be closed.



Time is of the Essence

Under the law in Pennsylvania, referred to as the Adoption and Safe Families Act (“ASFA”), you have a limited time to achieve the goals in your Family Service Plan. If your child has been in foster care for 15 out of 22 months and the Court finds that you have not made sufficient progress to reunify with your child, the goal in your case can be changed to adoption and CYFS will in most cases file a petition to terminate your parental rights. ASFA is real and no matter how frustrated you might become at the system, you cannot ignore the Court’s orders concerning your Family Service Plan goals.

- If you have completed your goals, the Court will consider whether your child should be returned to your care.

What if a Termination case is filed against you?

- If the goal for your child is changed to adoption, CYF will file a petition to terminate your parental rights.

- Once a termination petition is filed, an attorney from our office will contact you to see if you want the Juvenile Court Project to represent you in the termination case. You must respond to the attorney in order to be represented. Our office will **not** represent you and will **not** fight against the termination case unless you instruct us to do so.

- You must keep in contact with the attorney and help prepare for the termination case. It is important that you always keep our office advised of your current address and telephone number so we can get in contact with you.

- If your rights to your child are terminated, it means you will no longer have the right to see your child and the child will be free to be adopted.

- If your rights are terminated, you will have 30 days to appeal. Your attorney will try to help you decide whether to appeal and might recommend that you do not appeal if no legal issues exist which would help you to win the appeal.

Ten Key Points to Remember

1. Stay in touch with your attorney and keep the attorney advised of your current address and telephone number.
2. Be honest and open with your attorney.
3. Contact your attorney if you have a question about anything concerning your case or if you are unsure whether you should or shouldn't do something.
4. Actively work toward completing your FSP goals because ASFA is REAL. If your children are out of your care there is a limited period of time to complete your Family Service Plan goals or your rights may be terminated.
5. Attend all Court hearings and arrive on time for hearings.
6. Dress appropriately for Court—as if you are attending a job interview.
7. Listen to what is being said and, if you disagree, let your attorney know.
8. Attend all scheduled visits with your child.
9. Be on time for all meetings with your CYF Caseworker or service provider and call 24 hours in advance to confirm or cancel.
10. Keep a journal of important dates and events and a folder of important papers concerning your case which you can review with your attorney.



Juvenile Court Project

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MISSION STATEMENT

The Juvenile Court Project is a legal assistance program of the Allegheny County Bar Foundation. Our mission is to advocate for the interests and protect the legal rights of indigent parents whose children are the subjects of Juvenile Court dependency and termination of parental rights proceedings.