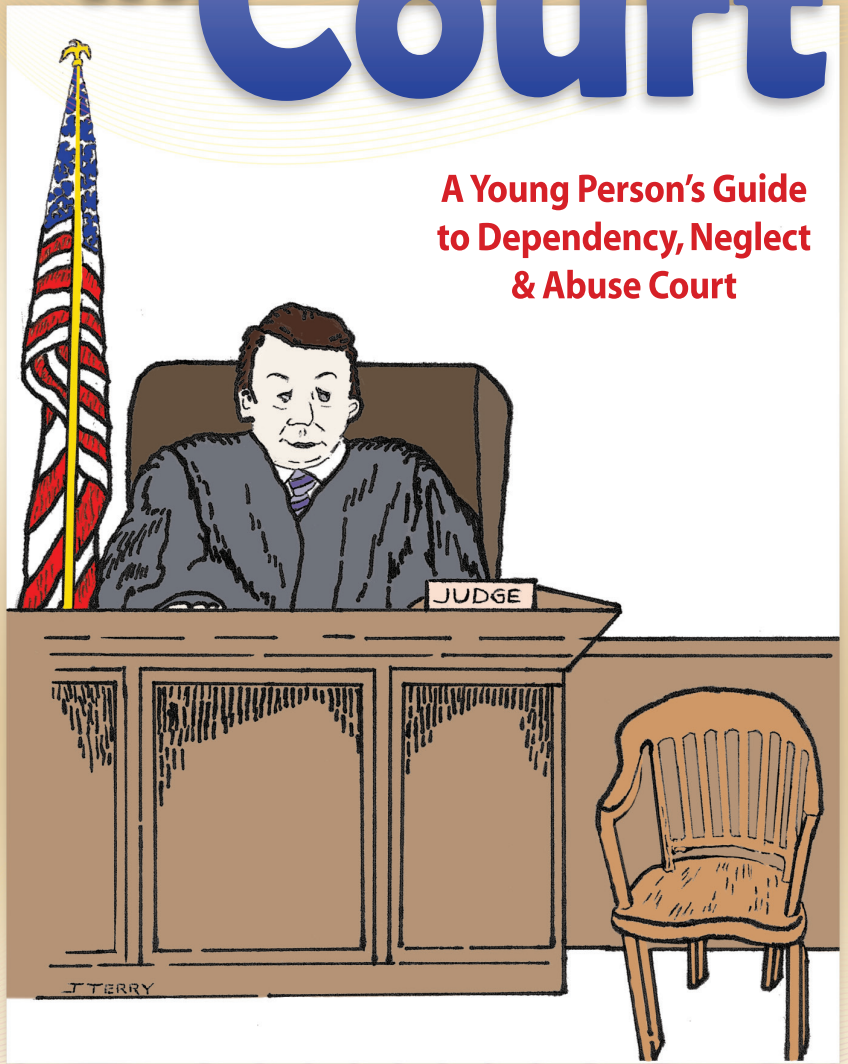
Kids in Court

A Young Person's Guide to Dependency, Neglect & Abuse Court



Kids in Court

A Young Person's Guide to Dependency, Neglect & Abuse Court

This guide to the court system is for those of you who have been placed in the custody of or under the supervision of the state until a judge decides if it is safe for you to return home.

This resource will help you understand who is working on your behalf, what rights you have and what steps will be taken within the legal system to ensure you are placed into a safe and permanent home. The Department of Family and Juvenile Services of the Administrative Office of the Courts is pleased to provide this guide in conjunction with the Kids in Court Committee of the Fayette County (Ky.) Model Court Project.

ACKNOWLEDGEMENTS

The Department of Family and Juvenile Services of the Administrative Office of the Courts appreciates the Fayette County (Ky.) Model Court Project and the Kids in Court Committee for making "Kids in Court" possible.

We would also like to thank Florida's Children First program and the American Bar Association for allowing Kentucky to model its "Kids in Court" booklet after Florida's guide, "Hearing Your Voice: A Guide to Your Dependency Court Case."

We appreciate artist James Terry of Frankfort, Ky., for providing the illustrations used on the cover and inside pages of this guide.

DISCLAIMER

This publication is intended for use as a general reference for children who have been placed in the custody of the state and is not meant to provide legal opinions or advice. This publication is not a substitute for the advice of an attorney.

My Court Dates

MY NAME _____

MY COURT DATES:

Date _____

Time _____

Location _____

Date _____

Time _____

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Location _____

Contact List

Take a minute to ask the people involved in your case for their contact information and write it down here so you have it in one place.

Judge _____

Phone Number _____

Guardian ad Litem (GAL) _____

Phone Number _____

Email _____

DCBS Social Worker _____

Phone Number _____

Email _____

Independent Living Caseworker _____

Phone Number _____

Email _____

Therapist _____

Phone Number _____

Email _____

CASA Worker _____

Phone Number _____

Email _____

Guidance Counselor _____

Phone Number _____

Email _____

Other _____

Phone Number _____

Email _____

Other _____

Phone Number _____

Email _____

Other _____

Phone Number _____

Email _____

Words To Know

The words people use in court can be new to you and confusing. Also, some people who work with you may use acronyms, which are abbreviations made from the first letter of words. An example of an acronym is using GAL for guardian ad litem. If you don't know what the words mean, please ask. To make them easier to understand, we have defined some of the words you are most likely to hear.

Best Interests

Best interests is the term everyone uses to describe what they believe is the right thing for you. This term means what people think will keep you safe and well.

Cabinet for Health and Family Services

The Cabinet for Health and Family Services — also called the Cabinet — provides most of the human services and health care programs that help families and children in Kentucky. If the judge decides it is not safe for you to live at home, he or she will place you into the state's custody. A social worker for the Cabinet will help you and your family complete a case plan and make sure you receive proper care. If your parent(s) cooperate with the social worker and the Cabinet, the judge will decide if you can go home.

Court Appointed Special Advocate

Court appointed special advocates (CASAs) are trained volunteers who support you and help you communicate to those making decisions about your care. CASA volunteers get to know you so they can tell the judge your needs and wants and make sure you are in a good living situation while you are away from your home.

Case

Case is what we call the information and papers about you, your family and your situation.

Case Plan

A case plan is a list of what needs to happen to help you and your family. Much of the case plan is aimed at what your family needs to do for you to safely return home. The case plan helps your family ensure your safety, permanency and well-being.

The steps in the case plan must be carried out so the judge can decide if it is safe for you to go home. If it is not safe for you to go home, the case plan will be about what you need and who should help you.

Commitment

A commitment is an order by the court that places a child under the custody or supervision of the Cabinet for Health and Family Services.

County Attorney

The county attorney represents the state of Kentucky in your case. Remember that the county attorney is not your attorney and cannot keep what you say private. However, he/she is important in presenting all of the facts to the court. The county attorney advocates for what he/she believes is in your best interests.

Court Hearing

The judge listens to the people and attorneys involved with your case and decides what should happen to help you.

Department for Community Based Services

The Department for Community Based Services (DCBS) is part of the Cabinet for Health and Family Services. The DCBS provides services to you and your parent(s) by working with local community partners. Social workers and others who work for the DCBS are responsible for making sure you are in a safe home where you will be taken care of.

Division of Protection and Permanency

The Division of Protection and Permanency is part of the Department for Community Based Services and provides services to ensure your safety, permanency and well-being.

Extended Commitment

Although many parent(s) complete their case plans and their children are allowed to return home, some parent(s) are not able to keep their children safe. In those situations, the case will stay open until a permanent placement is found or until the youth turns 18. If you are turning 18 and are still in out-of-home care, you can ask the court to extend your commitment to help you participate in an educational program or to move toward the goal of independent living. After you turn 18, you may ask the court to extend your commitment at any time before you turn 19.

Extended commitment allows the court to continue to review your case and allows your attorney (also called a guardian ad litem or GAL), caseworker or

CASA worker to stay active in your case. You may also be able to continue to receive services that are helpful to you. Ask your GAL, caseworker or CASA worker for more information about the extended commitment option.

Family Team Meeting

A family team meeting involves those who work together with you and your family to make important decisions that are in your best interests. In many jurisdictions you have the right to a family team meeting. You should ask your GAL if a family team meeting is available in your case.

Foster Parents

Foster parents are trained adults who care for youth and keep them safe until they can return home, live elsewhere or live independently.

Guardian ad Litem

A guardian ad litem (GAL) is a trained attorney appointed by the court. He/she gathers information about you and tells the judge what he/she thinks is in your best interests. The GAL also informs the court about what you want, so it is important to tell your GAL what your wishes are. You are supposed to have a GAL, so let the judge or your social worker know that you need a GAL if you do not already have one.

Independent Living Skills Classes

Independent Living Skills classes are available to youth ages 16 and older. These classes teach skills to help you become more independent and be successful as an adult.

Judge

The judge is an attorney who has been elected by his or her community to make decisions in legal disputes. Judges work to figure out what is in your best interests and how to keep you safe. Judges decide what should happen after listening to everyone involved in your case.

Parent

Many children are cared for by people other than a parent(s). In this guide, the term "parent" refers to the individual who was legally responsible for caring for you when the court decided it was best to place you under the custody or supervision of the Cabinet. The word can refer to a parent, relative, legal guardian, custodian or anyone else with whom you were living.

Attorney for the Parents

The attorney for your parent(s) – sometimes called court-appointed counsel (CAC) – is a person who provides legal advice and guidance to your parent(s) at every stage of the court process. The CAC tells your parent(s) about court hearings they must attend and what to expect. The CAC tells the judge what your parent(s) want and what your parent(s) think is in your best interests. Remember that the attorney for your parent(s) is not your attorney and cannot keep what you say private.

Permanency

Permanency is used to describe the relationship between a child and an adult that is intended to last a lifetime. This connection is meant to bring you a sense of belonging with a person with whom you have an ongoing, committed relationship.

Everyone involved with your case is working toward the goal of permanency. Permanency often means that you can return home once it is safe for you to be there. But if it isn't safe for you to ever return home, permanency could mean being adopted by someone else, living with a relative or having someone become your legal guardian. If none of these options are possible, permanency could mean living on your own as an adult.

Social Worker

The social worker works for the Cabinet and is responsible for providing protective services — a safe environment for you — while staying in regular contact with you and your family. It is important for you to work well with the social worker and tell him/her what you want and need. The social worker prepares reports for the court, attends all hearings, and tells the court what kinds of services you and your family need and receive.

Common Questions

Why was I removed from my home?

The law requires parent(s) to take care of their children. This responsibility includes protecting you from harm, providing you with enough food, making sure you have clothing, taking you to the doctor and making sure your home is safe.

If your parent(s) have not provided you with what the law requires or have not properly supervised you, the court may decide that you need to be removed from your home until your parent(s) can properly care for you. If you are removed from your home, you will have a social worker and other professionals to help you.

What happens after I am removed from my home?

Within 72 hours after you are removed from your home, your parent(s) will be asked to appear in court. The judge will decide at the first hearing if you can safely return home or if you must stay somewhere else for a time while your parent(s) learn how to adequately care for you and keep you safe. In most instances, your parent(s) will have an attorney to help them while the case is in court.

In all cases, the judge will appoint an attorney, called a guardian ad litem (GAL), to help the court understand what you need and want and what is in your best interests. You are encouraged to ask the GAL questions about what is happening in your case.

Where will I live now?

If a relative — such as your grandparent, aunt or uncle — or a family friend can take care of you, you may be able to live with them. If you know a responsible relative or other adult who might let you stay with them, tell your social worker or the judge. If that is not possible, another place, such as a foster home, will be found for you to live.

What is a guardian ad litem?

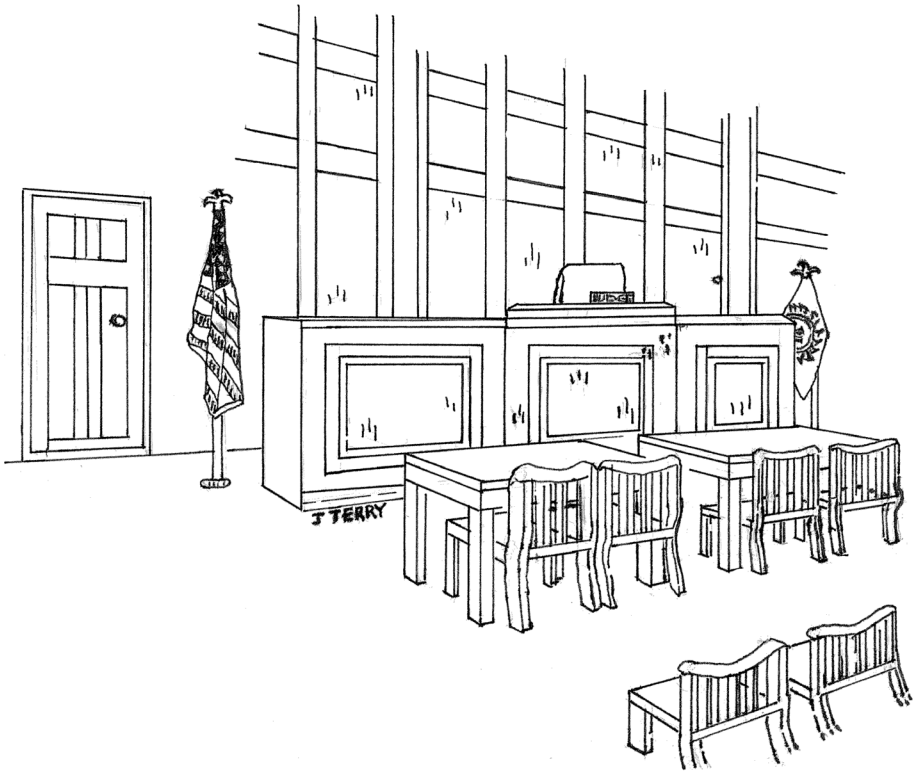
The court will appoint an attorney called a guardian ad litem (GAL) to represent your best interests. The GAL will help the judge make informed decisions on how to keep you safe, meet your needs and decide what is best for your future. The GAL will meet with you to learn about your family and personal history. The GAL will also talk with others to learn more about you.

The GAL will make recommendations to the judge and work to get you the help you may need. The GAL is a good person to talk with about how you like the place where you are staying and how school is going. If you are having any problems at your placement or at school, let your GAL know and ask for help.

Please note that the GAL does not have to keep what you say private and may have to share what you tell him/her with others in the case. The GAL may let the judge know your wishes, so make sure you tell the GAL what you want. While respecting your wishes, the GAL must say what he or she believes is in your best interests.

Will I get to see my parent(s)?

In most cases you can have contact with your parent(s). Sometimes your parent(s) must do certain things before you can have contact with them. The judge will decide when, where and how often you get to see your parent(s). You may visit with your parent(s) alone or other people may also be there. As things get better in your case, you may get to see your parent(s) more often.



Will I get to see my brothers and sisters?

In most cases you will be able to have contact with your brothers and sisters and, in most cases, you should be in the same placement with them. One exception is if one of you has hurt the other. Be sure to tell your social worker, GAL or CASA worker if contact with your brothers and sisters is important to you so they can inform the judge.

If you cannot see your brothers and sisters for some reason but you want to stay in touch with them, ask if you can contact them by phone or email. The judge will consider your wishes when making a decision on visits and contacts.

Will I get to stay in my same school?

Your education is very important and everyone involved with your case needs to know how much it matters to you. Make sure to tell your social worker, GAL and the judge if you want to stay in your same school. Also, if you must change schools for some reason and have not yet been enrolled, you need to let the judge know right away.

If you are having any problems at school, be sure to tell the people involved in your case so they can get you any help you need. If the problems continue, you may want to ask your GAL, social worker or school personnel to help you get things worked out with the school.

Why do we keep going to court?

The judge wants to help you return home as soon as possible. If that is not possible, the judge wants to help you find a permanent home (permanency). The law requires the judge to hold regular court hearings so he/she can check on everyone's progress on the case plan and encourage your parent(s) to carry out the steps in the plan.

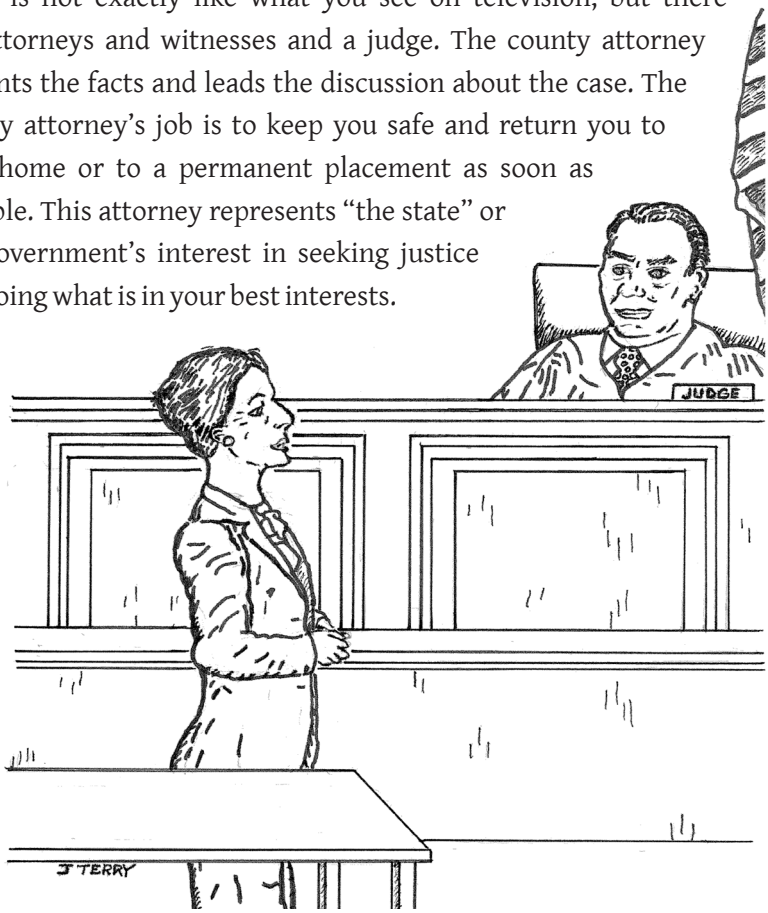
What Happens in Court

What are the different court hearings?

There are several different kinds of court hearings and it is important for you to know what happens at each one. There are descriptions about the types of hearings at the end of this guide. If you attend the different hearings, be sure to tell the judge what you want. If you will be attending a hearing, your social worker is responsible for making sure you have a way to get to court. You will be assigned an attorney called a guardian ad litem (GAL) to help look out for your best interests, so let the judge or your social worker know if you have not been contacted by a GAL.

Who is in court?

Court is not exactly like what you see on television, but there are attorneys and witnesses and a judge. The county attorney presents the facts and leads the discussion about the case. The county attorney's job is to keep you safe and return you to your home or to a permanent placement as soon as possible. This attorney represents "the state" or the government's interest in seeking justice and doing what is in your best interests.



It is likely that your parent(s) also have an attorney. Often an attorney will be appointed if your parent(s) cannot afford one. The guardian ad litem is an attorney who advocates for your bests interests in court. There is a judge, usually a court clerk and a bailiff (law enforcement officer) to assist the judge. Sometimes there are also social workers, therapists, foster parents and residential staff. It can get to be a real crowd of people who are all working to determine what is best for you! Remember that it is the judge who finally decides what is best for you.

Can I go to court?

You have the right to attend certain court hearings unless the judge determines that it will cause a delay and you should be notified when those hearings are to take place. You should always try to attend the court hearings. If you want to talk to the judge, tell your social worker and your GAL. If you do not want to go to court for some reason, you can write a letter to the judge and give it to your caseworker or GAL. They will give the letter to the judge for you. You know best what you want and need and can help the judge understand your wishes. Going to court and speaking with the judge can be a good thing for you to do. Sometimes a judge will meet with you in his or her chambers or office.

While you might not get exactly what you want from the judge, the judge will consider what you have to say as he/she determines what is best for you.

Can I talk with the judge?

Yes, you can talk with the judge. Speak to your GAL, social worker or CASA worker to schedule a court hearing.

What should I say and how should I act in court?

Dress for court. It is important to be neat and tidy when you go to court. Most people in court will be dressed up and you may feel more comfortable if you dress up a bit as well. It is all right to wear school clothes to court.

It is all right to be nervous. It is common for people to be nervous when they go to court. Think about what you want to say in advance. Write down your questions to remind yourself what worries you and what you want to ask.

Be on your best behavior. Court is very formal and no one speaks unless the judge gives permission (like a strict teacher!). If you have something to say, ask your GAL, social worker or CASA worker about when you will have permission to speak or raise your hand.

Speak respectfully. When speaking to a judge, people say "Your Honor" as a show of respect. It is important to address the judge with respect and to be on your best behavior while in court.

Do not be afraid to ask for what you want. While in court, you can ask about what is happening in your case and anything that is bothering you.

Tell the truth. When you are called on to speak, the judge may ask if you know the difference between the truth and a lie. He or she may ask you to promise to tell the truth, the whole truth and nothing but the truth. The truth is always important and never more important than when you are in court.

You will help yourself and everyone in court by sticking to the facts. Do not exaggerate the good or the bad. Stick to what you know, not what someone has told you. No one expects you to know everything! If you are asked a question and do not know an answer, it is fine to say "I don't know."

Make sure you understand what happened in court. After the court hearing is over, ask your GAL, social worker or CASA worker to explain what happened and what the judge decided. You can ask them for their phone numbers so you can contact them if you think of a question later.

How does everyone know what the judge decides?

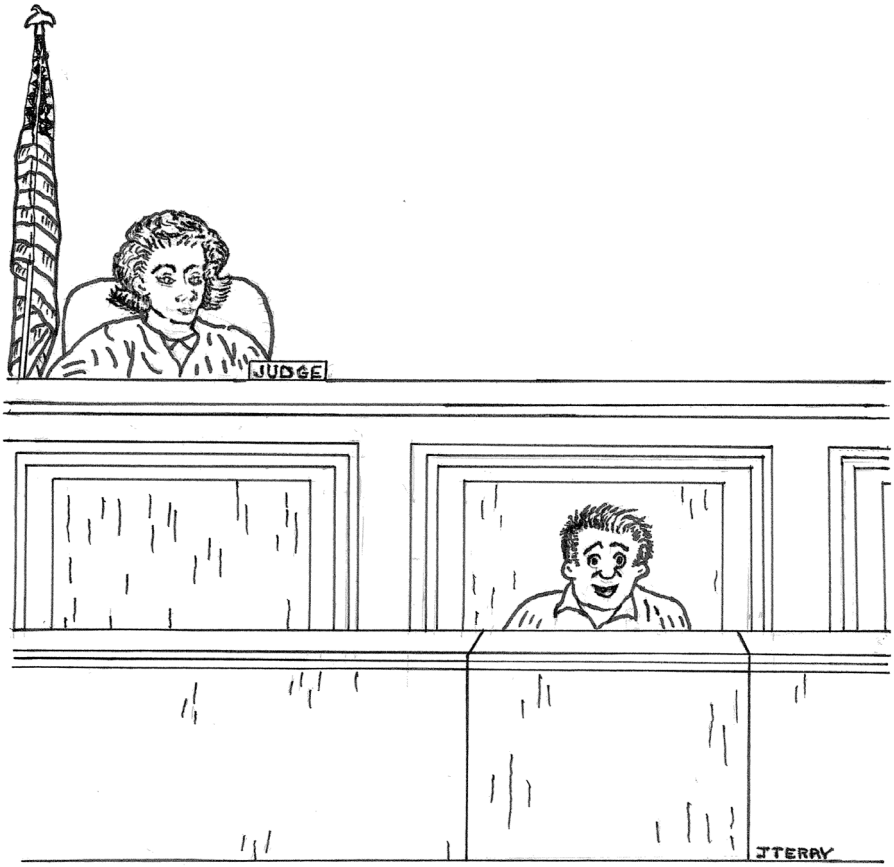
When a judge decides someone has to do something and writes it down, it is called an order. The order will say what has to be done, who will do it and when it has to be done.

If someone named in an order does not do as the court said, he/she can get into trouble. Therefore, if a judge orders you to do something, be sure to do it. If someone is ordered by the judge to do something for you and it is not being done, tell your GAL, social worker or CASA worker.

How does the judge decide if I should go home?

The judge's job is to decide what is in your best interests and make sure you are always safe. Before making a decision, the judge will listen to what your social worker has to say. The judge will also listen to you and the reports from your GAL, your parent(s) and the attorney for your parent(s).

After hearing from everyone, the judge will decide where you should live. Remember that the judge will make a decision based on what everyone says and what he/she believes is best for you.



Things to Remember

You have the right to go to court hearings (unless the judge determines that it will cause a delay) and you should always try to attend. Ask your social worker to help arrange for you to get there. If you cannot attend for some reason or you do not want to go, then you should ask your GAL, social worker or CASA worker to communicate your wishes to the court. You can also write a letter to the judge asking questions and explaining what you want. Remember that this letter will not be private.

The judge should assign an attorney called a guardian ad litem (GAL) to help you work with the court to decide what is in your best interests. If you have not spoken to a GAL, you should let the judge or your social worker know. Your social worker, GAL and CASA worker are there to help you in any way they can. Do not be afraid to ask them questions about what is happening. You can also tell them what you want included in their reports to the court. Remember that your GAL, social worker and CASA worker cannot keep what you say private.

School is important! Go to school and do the best you can. If you are having trouble in school, ask for help. Talk to your GAL, social worker, CASA worker or counselor about it.

If you are put into a living situation away from your brothers and sisters and you want to stay in contact with them, ask your social worker to arrange for you to stay in touch.

The judge in your case works very hard to make decisions that are in your best interests. Let the judge know what is important to you.

If you have any concerns about how you are feeling or if you are unsure about what is going to happen to you or your family, talk to someone who is working with you in your case. If you do not have anyone in your case who you want to talk to, find a friend, trusted adult, teacher or guidance counselor. Ask the people involved in your case for their contact information and write it on the Contact List page in the front of this guide.

Things to Know About Court Hearings

There are several different kinds of court hearings and it is important for you to know what happens at each. The hearings take place on a schedule that is based on the law.

Temporary Removal Hearing

If you are removed from your home, a temporary removal hearing (TRH) will be held within 72 hours. At the TRH, the judge will decide if:

- You can safely return home, possibly with services to help your family; or
- You should stay with a relative or another adult who is able to care for you; or
- You need to be in foster care for the time being.

If it is not safe for you to return home, the judge will decide if you can see your parent(s) and/or brothers and sisters and how often. Tell your social worker and the judge if you know a relative or adult who could provide you with a safe place to stay.

Mediation

Mediation is not a hearing but a way of having everyone in the case talk and work together without having to go to court with the judge. This meeting gives everyone a chance to see if they agree on how to keep you safe. Often a case plan will be discussed during mediation. A case plan is a list of steps that need to be taken to help you and your family and to keep you safe. If everyone agrees during the mediation, then the judge can take what you agreed upon and make it into an order.

Adjudication Hearing

An adjudication hearing is a trial. At this hearing, the attorney for your parent(s), the county attorney and the GAL will present information (also called evidence) and call witnesses who will be questioned by each attorney.

After the hearing, the judge will decide if the state has presented enough information to prove your parent(s) could not keep you safe before you

were removed from your home. If the judge decides there was not enough information, the judge will close the case and you will go home. If the judge decides there was enough information to prove your parent(s) could not keep you safe, the case will stay open and a disposition hearing will be scheduled.

Disposition Hearing

At the disposition hearing, the judge will review the recommendations from everyone involved in your case. These recommendations help the judge decide what to include in your case plan, such as what services you and your parent(s) need, where you will live, and when and how often you can see your parent(s) and/or siblings. At the disposition hearing, the court may:

- Allow you to go home, with a social worker providing services to your family to make sure you will be safe and well cared for.
- Order that you live with your other parent, with a relative, with a non-relative or in a foster home until you can safely return home.
- Decide when, where and how often your parent(s) may contact you.
- Order other things to keep you safe and well while your parent(s) learn how to take better care of you.
- Order a termination of parental rights or another planned permanent living arrangement.

Annual Permanency Review Hearing

After the disposition hearing, the court may hold other hearings, which are called reviews. If you were under 16 when you were placed in the custody of or under the supervision of the Cabinet and the judge placed you in a foster home, in the care of a non-custodial parent or other person at the disposition hearing, a review hearing will be held within six months of your placement. Review hearings will then be held at least once every 12 months.

These hearings allow the judge to check up on how everyone is doing on the case plan and decide if anything else needs to be done. The judge will review where you are living, how often you are seeing your parent(s) and/or brothers and sisters and what services your family is receiving.

If you have any concerns, questions or needs that are not being met, you should talk to your GAL, social worker, CASA worker or counselor. The judge will also decide whether you can return home. You have the option of coming to court for this hearing. If you would like to attend, ask your GAL, social worker, or CASA worker to assist you in attending the permanency review hearing.

Termination of Parental Rights Hearing

If the judge believes you cannot safely return home and your parent(s) have not followed the court's orders or the case plan, the judge may hold a trial or hearing to decide if it is in your best interests not to return home.

If the Cabinet proves you cannot return home, the judge will end your parent's/parents' legal rights to you. The Cabinet will then work to find you another permanent home through adoption or living with a relative.

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