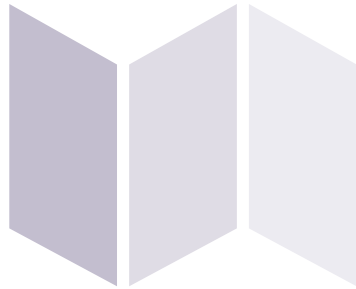
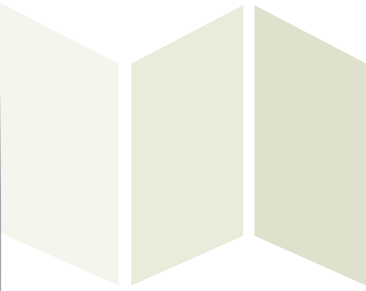


HEARING YOUR VOICE

A GUIDE TO YOUR
DEPENDENCY COURT CASE



ABA BAR-YOUTH EMPOWERMENT PROJECT
with FLORIDA'S CHILDREN FIRST, INC.



HEARING YOUR VOICE

A GUIDE TO YOUR
DEPENDENCY COURT CASE

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MY NAME: _____

MY COURT DATES:

DATE: _____

TIME: _____

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NAMES & NUMBERS

(Take a minute to ask the people involved in your case for their phone numbers and write them down here so you have them in one place.)

Judge/Magistrate: _____

PHONE NUMBERS: _____

Independent Living Caseworker: _____

PHONE NUMBERS: _____

E-MAIL: _____

Lead Agency Caseworker: _____

PHONE NUMBERS: _____

E-MAIL: _____

Child Protective Investigator: _____

PHONE NUMBERS: _____

E-MAIL: _____

Guardian ad Litem (GAL): _____

PHONE NUMBERS: _____

E-MAIL: _____

Attorney: _____

PHONE NUMBERS: _____

E-MAIL: _____

Therapist: _____

PHONE NUMBERS: _____

E-MAIL: _____

Education Advocate: _____

PHONE NUMBERS: _____

E-MAIL: _____

Children's Legal Services (CLS) Attorney: _____

PHONE NUMBERS: _____

E-MAIL: _____

Other: _____

PHONE NUMBERS: _____

E-MAIL: _____

COMMON QUESTIONS

Why was I removed from my home?

The law requires parents to take care of children. (Many children are cared for by people other than a parent. In this booklet, we use the term "parent" to refer to whoever was legally responsible for caring for you when the state took you from your home. We mean the word to include parent, relative, legal guardian, custodian, or anyone else with whom you were living.) 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 has not provided you with what the law requires or has not properly supervised you, you may be removed from your home until your parent can properly care for you. If you are removed from your home, you will have a child protective investigator, and later a caseworker, to help you.

What happens after I am removed from my home?

Within 24 hours after you are removed from your home your parent will be asked to appear in court. At the first hearing, the judge decides if you can safely be returned home or must stay somewhere else for a time while your parent learns how to adequately care for you and keep you safe. In most instances, your parent will have a lawyer to help him or her while the case is in court. In some cases, the judge will appoint a guardian ad litem (GAL) to help the court understand what is in your best interests, what you need, and whatever you may have told the GAL you want. Sometimes, the judge may also appoint an attorney to represent you. If you don't have your own lawyer, there will also be a lawyer from Children's Legal Services, who represents the state. You can also ask that lawyer questions about what is happening in your case.

Where will I live now?

If a relative, such as your grandparent or aunt/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 caseworker, the child protective investigator, or the judge. If that's not possible, another place will be found for you to live.

What is a guardian ad litem (GAL)?

The court may appoint a person called a guardian ad litem (GAL) for you to help the judge understand how to keep you safe, meet your needs, and decide what is best for your future. If you have a GAL, that person will meet with you, read your records, and talk with others to learn about you and make recommendations to the court. GALs can work to get help you may need. Your GAL is a good person to talk to about how your placement is going and how school is going. If you are having any problems at your placement or at school, let them know and ask for help. You should know that they do not have to keep what you say private. They may have to share what you tell them with others in the case. The GAL must tell the court your wishes, so make sure you tell the GAL what you want. If you and the GAL disagree about what should happen in your case, you can ask the judge to also appoint a lawyer to represent you and advocate for your wishes.

Will I get to see my parent?

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

Will I get to see my siblings?

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. The exception is if one of you has hurt the other. Always be sure to let your caseworker, GAL, attorney, or if you don't have an attorney, the Children's Legal Services (CLS) lawyer know that contact with your siblings is important to you so they can tell the judge. If there is some reason why you cannot see your brothers and sisters, think about asking whether you can contact them another way, like on the phone or through e-mail. The judge will consider your wishes when making his or her decision on visits or 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 caseworker, GAL, and the judge if you want to stay in your same school. Also, if for some reason you must change schools, and haven't been enrolled yet, 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 might need. If the problems continue, you may want to ask the judge to appoint an attorney 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. The law requires the judge to hold regular court hearings so he or she can check on everyone's progress on the case plan and especially encourage your parents to make progress.

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. For more information about the different kinds of hearings, please see the descriptions at the end of this guide. Always try to attend the different hearings, and make sure you tell the judge what you want. Talk with your caseworker about how to get to court—your caseworker is responsible for making sure you have a way to get there. You are supposed to be given a GAL to help look out for your best interests, so make sure to request one if you don't have one already. Also, you are always allowed to request an attorney to help you, but you may not always be given one.

Who is in court?

Court is not exactly like you see on television, but there are lawyers and witnesses and a judge. The lawyer for the state presents the facts and leads the discussion about the case. Their job is to keep children safe and get them home or to a permanent place as soon as possible. They “represent the state” or the government’s interest in seeking justice and doing what is in your best interests. Your parent likely has a lawyer—one will be appointed if your family cannot afford one. The GAL program has a lawyer who works with your GAL to advocate for your best interests in court. If you have a lawyer, he or she will advocate for what you want to see happen in your case. There is a judge, usually a court clerk, and a bailiff (a police officer) to assist the judge. Sometimes there are also caseworkers, therapists, and foster or group home parents. It can get to be a real crowd, all working to find what is in your best interests! It is important to remember that it is the judge who finally decides what is in your best interests.

Can I go to court?

- **Yes! You have the right to attend your court hearings, and you should be notified of your hearings.** If you want to talk to the judge, tell your caseworker 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 it to the judge for you. You might want to ask your caseworker, GAL, attorney, or the CLS lawyer if you could talk to the judge by telephone during the hearing if you are not able to take the time away from school or your job to attend the hearing in person.
- **You know yourself best.** You know what you need and want. You are the expert on yourself and can help the judge understand you and your needs, so going to court and speaking to the judge is always a good thing for you to do for yourself.
- **Remember:** You might not get exactly what you want from the judge, but the judge will consider what you have to say in determining what is in your best interests.

Can I schedule a court hearing if I want to talk to the judge?

Yes. You have the right to schedule a court hearing if you want to talk to the judge. If you have a GAL or attorney, they can schedule a court hearing for you. You can also call the judge’s office and ask the judge’s assistant to

please schedule a court hearing in your case. The judge's assistant will be able to give you a date and time when the judge is available. Ask the judge's assistant to please help you contact the other people involved in your case, as they need to know about the court hearing you schedule. If you do not know the name or contact information for your judge, then you can call your local GAL program or the office of your local court clerk. Let them know that you are a foster youth, give them your name and date of birth, and ask them to please give you the contact information for the juvenile court judge for your dependency case.

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

- **Dress for court.** Everyone in court will be dressed up. Lawyers wear suits to court, so you may feel more comfortable if you dress up a bit. School clothes are ok, but try to look as neat as possible.
- **It's ok to be nervous.** Everyone gets nervous the first time they go to court. Think about what you want to say in advance. Write down your questions to remind yourself what worries you or what you want to say.
- **Be on your best behavior.** Court is very formal and no one speaks unless the judge gives permission (like a strict teacher!) If you do not have your own lawyer, you should talk to your GAL, caseworker, or the CLS lawyer about when you can speak. If you have something to say and are afraid the judge won't get to it, ask for permission to speak or raise your hand.
- **Speak respectfully.** When speaking to the judge, people say "Your Honor" as a symbol of respect. Court is not the time to call people names or punish those people who have made you angry. Always be respectful!
- **Don't be afraid to ask for what you want.** You can also ask about anything that is bothering you and about what is happening in your case.
- **Tell the truth.** When you are called on to talk, 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. So help yourself and everyone in court by sticking to facts. Don't exaggerate the good or the bad. Tell what you know, not

what someone else has told you.

- **Stick to what you know.** No one expects you to know everything! If you are asked a question and do not know an answer, just say “I don’t know.”
- **Make sure you understand what happened in court.** After you are done with court, if you do not have your own lawyer, ask your caseworker or GAL about what happened. You can also ask the GAL lawyer or CLS lawyer for his or her phone number, to ask that lawyer questions. Make sure you understand everything, especially everything in the court order. Do not be afraid to ask questions so you understand what is going on and what the judge decided.

How does everyone know what the judge decides?

Judges write down their opinions, complete with the reasons for a decision, and give them to everyone in the case. (You can have a copy, just ask.)

When a judge decides someone has to do something and writes it down, it is called an order. It 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, they can get in trouble. So, if a judge orders you to do something, be sure to do it. If someone is supposed to do something for you in an order and it is not being done, tell your attorney, GAL, the CLS attorney, or the judge.

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 caseworker has to say. The judge will also listen to and read the reports from your GAL, your parent, your parent’s attorney, your relatives, and many other people who care about you. The judge will also listen to what you have to say. After hearing from everyone, the judge will decide where you should live. Remember, the judge will make a decision based on what everyone says and what is in your best interests.

REMEMBER

You have the right to go to court and should always try to attend. Ask your caseworker to help arrange for you to get there. If you cannot go for some reason, or you do not want to go, then you should ask your caseworker, GAL, attorney, or the CLS lawyer if you could talk to the judge by telephone during the hearing. You can also write a letter to the judge asking questions and explaining what you want. (But, remember that this letter won't be private).

You should be given a GAL to help you and help the court decide what is in your best interests. If you don't have one, you should request one.

You can also be given an attorney for your case. If you would like one, ask the judge.

Your caseworker and GAL are there to help you in any way they can. Don't be afraid to ask them questions about what is happening. You can also ask them to include things in their reports to the court. But remember, your caseworker and GAL 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 caseworker, GAL, attorney, or guidance counselor about it. Bring up your concerns in court if no one addresses them before you get to a hearing.

If you are placed away from your brothers and sisters and wish to keep in contact with them, your caseworker should arrange for you to keep 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 don't have anyone in your case who you want to talk to, find a friend or trusted adult who could give advice.

Take a minute to ask the people involved in your case for their phone numbers and write them on the first page of this guide.

WORDS TO KNOW

The words people use in court can be confusing. It would be better if everyone used simple words. Also, some people who work with you may use the first letter of words—called acronyms—(like “JR” instead of Judicial Review or “GAL” instead of guardian ad litem). If you don’t know what the words mean, ask. To help you out, we have defined some of the most used words for you.

Agency: A name used to refer to the Department of Children and Families or the private contract agencies who work for them.

Attorney ad Litem/Child’s Attorney: An attorney appointed by the judge to advocate for you and tell the court what you want and what you need. The Attorney ad Litem is your attorney, represents only you, and has a duty to keep what you say private, unless you say it is ok to tell. You can always ask the judge to appoint an attorney for you if you would like someone to help you or think you need one.

Attorney for the State/Children’s Legal Services (CLS) Attorney: The attorney who works for the Department of Children and Families. The attorney is usually called the Children’s Legal Services (CLS) attorney, but might also be called an Assistant Attorney General or an Assistant State Attorney. The attorney for the state files the legal paperwork and is responsible for starting the case about you and your family in court. They talk to the court about what the state thinks is in your best interests. Remember, the attorney for the state is not your attorney and cannot keep what you say private, but they are important in presenting all of the facts to the court.

“Best Interests”: The term everyone uses to describe what they believe is the right thing for you. The term means what people think will keep you safe and well.

Case: The name given to all information and papers about you and your situation. Remember, you are more than what some pieces of paper say.

Case Plan: A list of what needs to happen to help you and your family. Much of the case plan is aimed at what your parent needs to do for you to safely

return home, such as your parent going to counseling. Some of the case plan may talk about what you or the agency has to do, such as you attending school, or your caseworker visiting you and your family. Whatever is in the case plan should be completed so the judge can make sure you are safe and decide if you can go home. If you cannot safely go home, the case plan will be about what you need and who should help you. You should be asked to participate in writing your case plan, and if you are not asked, you can tell your attorney, GAL, or the CLS attorney.

Caseworker/Case Manager/Care Worker/ChildNet Advocate: A person whose job is to provide and coordinate services in your case and contact you and your family regularly. It is important for you to work well with the caseworker and tell her or him what you want and need. The caseworker attends all hearings and tells the court what kind of services you and your family need. Your caseworker also prepares most reports for the court (for example the case plan and judicial review report). You can tell them what you want to go into the court reports.

Community-Based Care Provider (CBC): The organization in your community that the Department of Children and Families has agreed will provide services to you and your family. Your caseworker may work for another agency that has a contract with the CBC.

Court Hearing: The judge listens to the people and attorneys in your case and decides what should happen to help you.

Department of Children and Families (DCF): The state agency responsible for child protection and many services for families and children.

Dependency/Dependent: The words used to describe what happens when a child has been abused, neglected, or abandoned and the state acts to protect the child and help the family.

Extended Jurisdiction: While most parents complete their case plans and children are allowed to go home, some parents are not able or willing to keep children safe. In those situations, the case will stay open until permanency is arranged 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 its jurisdiction to help you

move to independent living or if you are having problems with your citizenship papers. Extended jurisdiction allows the court to continue to review your case and your GAL or attorney to stay active in the case. Also, you may be able to continue to receive services that are helpful to you. Ask your attorney, GAL, caseworker, or CLS attorney for more information about this option.

Foster Parent: Foster parents are trained and licensed adults who care for youth and must keep them safe until they can return home or live elsewhere.

Guardian ad Litem (GAL): GALs are specially screened and trained adults appointed by the court. They gather information about you and tell the judge what they think is in your best interests. They also tell the court what you want, so be sure to tell them. Remember, the GAL is not your attorney and cannot keep whatever you say secret. You are supposed to have a GAL, so be sure to tell the judge that you need one if you don't have one already.

Guardian ad Litem (GAL) Program Attorney: An attorney assigned through the GAL program to work with your GAL. You may see the GAL program attorney in court or at other important meetings. Remember, like your GAL, this person is not your attorney and cannot keep what you say private.

Independent Living Program (IL): This term refers to services that help you learn what you need to know to become a successful adult. These services should begin when you are 13. For youth age 18 and older, the program is often called "Road to Independence." If you are 13 or over, you should have a transition plan, including a "teen plan" or "normalcy plan," as part of this program and the plan should be developed with you to help you become a successful adult.

Judge: The judge is a lawyer who has been elected by his or her community to make difficult decisions in legal disputes. Judges work very hard 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.

Judicial Review Report: This report is written by the agency to give to the court at judicial review hearings, which are held every six months. This report is about you. You should let your caseworker know what you think and what you want to go into the report. You can ask the caseworker to attach things to the report like certificates of achievement, letters, awards, and other impor-

tant items—but remember—everyone gets a copy of it. You should be given a copy of the report before the judicial review hearing, so make sure to ask your caseworker for it if you do not already have a copy. Also, if the caseworker does not give you the report, then make sure to tell the CLS attorney, your attorney or GAL, or the judge that you didn't receive a copy.

Protective Investigator (PI)/Child Protective Investigator (CPI): A person specially trained to spot abuse or neglect is called in the beginning of every case. The PI may work for the agency or for the local sheriff. The PI investigates what happened and reports to a team that decides if there is a big enough problem to remove you from your home for your safety. If there is a problem, the PI will take you to a safe place and help find a place to stay until a judge holds a hearing.

Parent: Many children are cared for by people other than a parent. In this booklet, the term parent refers to whoever was legally responsible for caring for you when the state took you from your home. A parent could include your birth parent, relative, legal guardian, custodian, or anyone else with whom you were living.

Parent's Attorney: A person who provides legal advice and guidance to your parent at every stage of the court process. The parent's attorney tells your parent about hearings they must attend and what to expect. They tell the judge what your parent wants and what your parent thinks is in your best interests. Remember, the parent's attorney is not your attorney and cannot keep what you say private.

Permanency: You will hear this word a lot during your court case, but it is sometimes not clear what it means. Everyone involved with the case is working towards permanency. Usually, permanency means you returning 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 adoption by someone else, living with a relative, or someone becoming your legal guardian. If none of these options are possible, permanency could be living on your own as an adult. If this option is the best one for you, the judge and others will make sure you have all the help you need to be a successful adult.

Time is of the Essence: These are words used to underline the urgency with which your case should be handled and your parent should complete his or

her case plan. Everyone is required to do things sooner rather than later so that you can go home safely or go to another permanent home as soon as possible. In fact, the law makes you part of the decision when someone wants to take more time to do something. You, or your attorney or GAL, can tell the court you do not want to allow more time in some situations. The law is so concerned with getting you home safely as soon as possible that the time for your parent to complete the case plan has been shortened to nine months unless there are special circumstances. Even in the beginning of a dependency case, you should be consulted about requests made for continuances or extensions of time.

Transition Plan: The transition plan helps you plan for your future. You decide what goes into this plan, with help from the people who are working with you and anyone else you choose. Many things should be in your transition plan, including your education and career goals. It should list everything you need to become a successful adult, including who will help you with those things. You can include a “normalcy plan” or “teen plan” to help everyone understand what you are allowed to do at home and school and with friends.

COURT HEARINGS TO KNOW ABOUT

There are several different kinds of court hearings and it is important for you to know what happens at each. The hearings happen on a schedule set in the law because everyone agrees that “time is of the essence” in providing you with the things you need, including a safe and permanent home.

Shelter Hearing

If you are removed from your home, a shelter hearing will be held within 24 hours. At the shelter hearing, the judge decides if you

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

If you cannot return home, the judge decides if you can see your parents and

siblings, and how often. If you know of a relative or a trusted adult who could provide you with a safe place to stay, let your caseworker and the judge know.

Arraignment Hearing

The arraignment hearing happens after the shelter hearing. At this hearing, your parent will tell the judge if they agree with the state that you aren't safe at home, or whether they want a full trial to decide this question.

Mediation

Mediation is not a hearing, it is 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 how to keep you safe. Often at mediation, a case plan will be discussed. A case plan is a list of things that need to be done to help you and your family. If everyone agrees during the mediation, then the judge can make this agreement into an order.

Trial (Adjudicatory Hearing)

If everyone in the case cannot agree during mediation, or if there was no mediation, then the case will go to trial. This trial is also called an adjudicatory hearing. At this hearing, your parents' attorney(s) and the attorney for the state (CLS attorney) will present information (called "evidence") and call witnesses who will be questioned by each attorney. Your GAL and your attorney may also present information and call witnesses. After the hearing, the judge will decide if the state has presented enough information to prove your parents could not keep you safe before you were removed from 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 parents could not keep you safe, the case will stay open and be scheduled for a disposition hearing.

Disposition Hearing

At the disposition hearing the judge reviews the case plan recommendations from everyone involved with your case. To determine what is in your best interests, the judge decides what services you and your parents need, where you will live, and when and how often you can see your siblings and parents. At the disposition hearing, the court may

- allow you to go home, with a caseworker providing services to your family to make sure you will be safe or cared for adequately;
- order that you live in the home of your other parent, with a relative, with a nonrelative, or in a licensed foster home until you can safely return home;
- decide when, where, and how often your parents may contact you;
- order other things to keep you safe and well while your parents learn how to take better care of you.

Judicial Review Hearings (JR)

This hearing is held at least every six months. These hearings happen after the disposition hearing. They allow the judge to check up on how everyone is doing on the case plan and decide if anything else needs to be done. At these hearings the judge will review where you are living, how often you are seeing your parents and siblings, and what services your family is getting. The judge will also decide whether you can return home.

Termination of Parental Rights Hearing (TPR Hearing)

In most cases, after about nine months, if the Department of Children and Families (DCF) believes you cannot safely return home and your parents 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 to never return home. If DCF proves you cannot return home, the judge will end your parents' legal rights to you. DCF will then work to find you another permanent home by being adopted or living with a relative.

Judicial Review Hearings for youth age 17 and over

If you are not returned home or adopted before you turn 17, there will be several hearings to make sure you have the skills to live on your own when you turn 18. The judge will want to talk to you about your plans, especially about finishing school, and getting a job and your own place to live. The judge also will talk to you about the Road to Independence program, which can provide you with some funding and services until you are age 23. Also, at one of these hearings, the judge can sign an order called "removing the disability of nonage." This order will allow you to set up a bank account, sign a contract for a lease, and sign up for utilities. Make sure you get a copy of this order. These hearings are especially important to help you successfully move out on your own! Remember that at these hearings you can ask the judge to

extend jurisdiction over your case until you are 19, so that the judge can make sure you are receiving the services you need to become an independent adult and have enough time to prepare to move on your own.

Hearing for change of placement

A special hearing is held when someone wants to change the place where you live. You should go to this hearing and speak to the judge about where you think it will be best and safest for you to live. If you are moving from one foster home to another, the agency may not need to have this hearing.

Hearing for placement in a psychiatric facility

A special hearing is held when someone working on your case recommends that you be placed in a residential treatment facility. If you do not agree with being placed in the facility, then the court must appoint an attorney to represent you. At the hearing, the agency must prove that you meet the requirements for placement in a residential treatment facility and that it is in your best interests to live in the facility. The judge will also listen to your opinion when making his or her decision, so be sure to tell the judge what you think, and make sure to cooperate with the attorney who is representing you. If you are placed in the facility, then you will continue to have review hearings every three months until you are removed from the facility. You have the right to participate in each review hearing and to have an attorney represent you if you disagree with your continued placement in the facility.

Hearing on psychotropic medication

If your doctor prescribes medication for your mental health, and you or your parent does not want you to take the medication, a hearing will be held. Remember, you can tell your GAL, attorney, caseworker, or CLS attorney that you want to speak to the judge at the hearing.

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The project partnered with Florida's Children First, Inc. (FCF) to guide our work in Florida and develop this product. Under their tremendous leadership, the project is building the capacity of organizations and individuals in Florida to improve outcomes for youth before and after they age out of foster care. For more information, see www.abanet.org/child/empowerment.

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AMERICAN BAR ASSOCIATION
BAR-YOUTH EMPOWERMENT PROJECT

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www.abanet.org/child/empowerment