



# Handbook for Parents and Guardians in Child Dependency Cases

Information on the Court Process and the Roles of  
People Helping You With Your Case

A resource for: \_\_\_\_\_  
Write your name here.

Being involved in a child abuse, neglect, and foster care case can be confusing and stressful for a family. Not knowing what to expect can make it even harder. This handbook will help you understand what will happen. Keep this handbook with you and write in it the names of the people who will be working with you and the dates of court hearings.

**Court Improvement Program**

Office of the Executive Secretary  
Supreme Court of Virginia

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## **How does Virginia law define abuse and neglect?**

An abused or neglected child is a child whose caregiver creates, inflicts, allows or threatens physical or mental injury to the child other than by accident. In addition, abuse or neglect can occur when the caregiver does not provide the care necessary for the child's health or allows a sexual act to be committed against the child. A child can be abused or neglected even if it is not clear who injured the child. An abused or neglected child may be a child whose caregiver abandons the child, who is mentally or physically unable to care for the child, or who leaves the child home alone with a person, not a relative, who has been convicted of certain sex offenses. A child who is with a parent or other caregiver while illegal drugs are manufactured or sold can be abused or neglected.

## **Why do you have to go to court?**

- The department of social services (“social services”) receives reports of suspected child abuse or neglect. Family services specialists investigate the reports and, if the reports are true, determine what help the family and child need. Social services may file a petition with the juvenile and domestic relations district court (“court”) for an Emergency Removal Order when the family fails to cooperate, the situation is severe, or services cannot be provided while leaving the child in the home. When entered by the court, this order gives social services emergency custody of the child.
- In deciding these cases, the actions of the court are intended to keep children safe, to help families create a safe home for their children, and to ensure that both families and children receive the help they need.
- The judge can require you and your family to cooperate. Also, the judge can order that your child stay in the custody of social services and be placed in foster care. This means that social services is legally responsible for your child and, with the approval of the court, can make decisions about where your child should live and what you need to do to have your child returned to you. You remain financially responsible for your child and may be ordered to pay child support.
- The same problems that brought you to the court could also result in criminal charges against you, your partner, or someone else in your family. In that case, you may also have to go to court on these charges and see another judge. This handbook does not deal with criminal cases.

## How do you get your child back home?

- Children grow best in a permanent, safe and loving family. When they are removed from their homes, it is best for them to return as soon as possible. For your child to be returned to you, you must make your home safe and ensure proper care of your child within certain time limits as explained in this handbook.
- As social services is working with you to help get your child home, they will also be working on another permanency plan such as custody to a relative or adoption. Working on 2 plans at the same time is called “**concurrent planning.**” The concurrent plan does not mean that the local department thinks your child will not be returned home. The purpose is to make certain that if your child cannot be returned to you within the time frame required by law, another permanent, safe home will be found for them.

## Who will care for your child while your child is in the custody of social services?

A child placed in the custody of social services enters foster care. In making placement decisions, social services will look for relatives first, including relatives living in other states, because it tries to keep the child connected to family.

**You are a key partner in helping social services find relatives.** It is important that you give your family services specialist and/or your attorney the names and contact information (for example: address, phone number, e-mail address) of relatives who may be available to care for or be helpful to your child. If you do not give your family services specialist names and how to get in touch with relatives, the court may order you to do so.

Before your child can be placed with a relative, the relative must meet certain requirements. The family services specialist can give you more information about this. If a suitable relative is not available to care for your child, social services will place your child with a foster family. Foster families are licensed through the state.

Other living arrangements for children in foster care may include an independent living setting or a residential placement.

## Who will help?

### Your Family Services Specialist

Social services will assign a foster care **family services specialist** for your child and family.

When you go to court, you should be given that person's name and phone number. Your family services specialist should:

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

Your family services specialist will collect the following information to care for your child:

- Birth certificate
- Immunization record
- Social security card
- Identifying information for both parents including names, addresses, social security numbers, birth dates, and phone numbers
- Names and how to get in touch with relatives who might be able to take care of your child
- Medical insurance coverage
- Family medical history
- Your wage and income

**You should tell your family services specialist how you can be contacted and of any change of address if you move. If you do not hear from your family services specialist for a while, or if you have questions or problems, call your family services specialist.**

Write the name of your **family services specialist**, address, and phone number here:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Best time to call: \_\_\_\_\_

Things I want to discuss or ask about: \_\_\_\_\_

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**Your Attorney**

The court may appoint an **attorney** for you. Or, you may want to hire your own attorney. Your attorney represents your rights and your wishes in the case. It is within the role of your attorney to:

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

**You should tell your attorney how you can be reached. When you have questions or problems, call your attorney.**

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Best time to call: \_\_\_\_\_

Things I want to discuss or ask about: \_\_\_\_\_

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## Others who are involved in your case

### Your Child’s Attorney - the Guardian Ad Litem (GAL)

The court will appoint an attorney for your child. This attorney is called a **guardian ad litem (GAL)**. The GAL’s job is to meet with your child and tell the court what the GAL believes is best for your child. The GAL must have permission from your attorney before talking with you. Once the GAL has permission to talk with you, it is important that you cooperate with the GAL by answering the GAL’s questions and letting the GAL visit with you and your child. The GAL represents the best interests of your child. The GAL does not represent you.

Write the name of your child’s **GAL**, address, and phone number here:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Best time to call: \_\_\_\_\_

Things I want to discuss or ask about: \_\_\_\_\_

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**The Court Appointed Special Advocate (CASA)**

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

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Best time to call: \_\_\_\_\_

Things I want to discuss or ask about: \_\_\_\_\_

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**Department of Social Services Attorney**

Social services also may have an attorney who helps to present information to the court about what social services believes the court should do for the child and family.

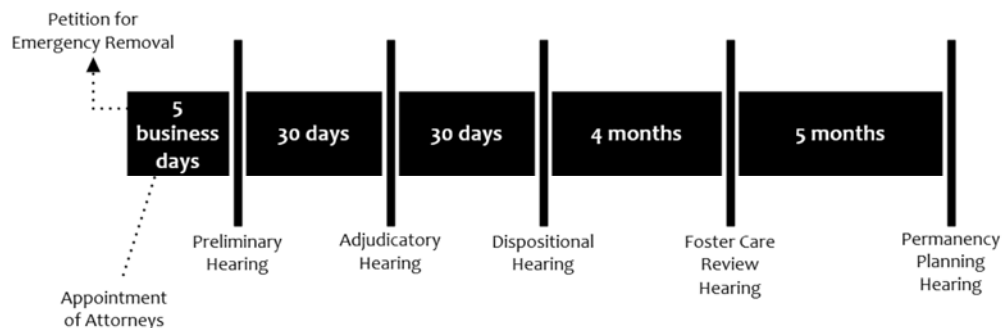


## When will you have to go to court?

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

- Step 1 Preliminary Hearing**
- Step 2 Adjudicatory Hearing**
- Step 3 Dispositional Hearing**
- Step 4 Foster Care Review Hearing**
- Step 5 Permanency Planning Hearing**

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



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

**Step 1: The Preliminary Hearing**

*Will my child remain in a foster home?*

- Social services may take a child into custody without a court hearing when there is an imminent threat to the child’s life or health.
- The court will hold a **preliminary hearing** within 5 business days, if your child is removed from your home.
- At the **preliminary hearing**, the judge will determine if your child is abused or neglected. If you ask, the court will put off making this decision and set a separate hearing called an adjudicatory hearing. It will be held within 30 days. The judge will decide if your child should stay in the custody of social services until the adjudicatory hearing.
- The attorney for social services, the GAL and your attorney will present information about the case to the judge.
- It is very important that you be at the preliminary hearing to give your attorney information that will help the judge make a decision.

Write the date, time, and place of the **preliminary hearing** here:



Date and time: \_\_\_\_\_

Place: \_\_\_\_\_

Things I want to discuss or ask about:

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## Step 2: The Adjudicatory Hearing

*Was my child abused or neglected?*

- At the **adjudicatory hearing**, the judge will listen to the evidence and decide if your child has been abused or neglected.
- If the judge decides that your child was abused or neglected, the judge will set a date for the dispositional hearing.
- The judge will decide where your child will live until the dispositional hearing.
- All the people who are involved in your case, including the attorneys, must be in court. It is very important that you attend the adjudicatory hearing.

Write the date, time, and place of the **adjudicatory hearing** here:

Date and time:

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Place:

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Things I want to discuss or ask about:

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### Step 3: The Dispositional Hearing

*What is the plan for my child and me?*

- The **dispositional hearing** will be held about 60 days after your child’s removal from the home. You may also be required to attend a dispositional hearing if your child is entering foster care because you have signed a voluntary entrustment agreement with social services, or because you have filed a petition with the court asking to be relieved of custody of your child.
- At the **dispositional hearing**, the judge will decide who should have custody of your child. The court may return custody to you with certain conditions and requirements, place your child with a relative, or keep your child in foster care with social services.
- If your child stays in foster care, the judge will review a foster care plan prepared by social services for you and your child. The plan will identify a goal for timely moving your child out of foster care and into a permanent placement.
- 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. The plan will identify the amount of time given for you and social services to complete this plan and to achieve the permanent goal for your child.
- It is important that you start doing what the judge orders in the foster care plan right away.

**Following the foster care plan is the key to getting your child back home. Unless you do what the judge orders, you could lose your rights to your child.**

- The judge will set a foster care review hearing to be held in about 4 months to hear how you and your child are doing from all the people involved in your case.
- It is very important that you attend the dispositional hearing, so that you completely understand what you need to do in order to have your child returned to you.

Write the date, time, and place of the **dispositional hearing** here:

Date and time: \_\_\_\_\_

Place: \_\_\_\_\_

Things I want to discuss or ask about:

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#### Step 4: The Foster Care Review Hearing

*How am I doing?*

- Within 4 months of the dispositional hearing, there will be a **foster care review hearing** in court. The judge will review your case to make sure that you are doing what the foster care plan requires. The judge will also make sure the family services specialist 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.
- The next hearing the judge will set is the permanency planning hearing. It will be held in about 5 months to see if you have completed what is required in the foster care plan.
- It is very important that you attend the foster care review hearing.

Write the date, time, and place of the **foster care review hearing** here:



Date and time: \_\_\_\_\_

Place: \_\_\_\_\_

Things I want to discuss or ask about:

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**Step 5: The Permanency Planning Hearing**

*Will I lose my child forever?*

- The **permanency planning hearing** will be held about 5 months after the foster care review hearing. At the permanency planning hearing, the judge will decide whether or not your child can be safely returned home.
- **If the judge decides that your child cannot be safely returned home, the foster care plan will be changed to adoption or some other permanent arrangement outside of your home.**
- It is very important that you attend the permanency planning hearing.

Write the date, time, and place of the **permanency planning hearing** here:

Date and time: \_\_\_\_\_

Place: \_\_\_\_\_

Things I want to discuss or ask about:

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### **These are your rights:**

1. You have the right to an attorney. If you cannot afford to pay for an attorney, one may be appointed for you by the court.
2. You have the right to admit or deny the allegations made about you and your family.
3. You have the right to be notified of all court hearings. You must keep the court informed if you move.
4. You may have an interpreter appointed by the court if you do not speak or understand English or if you are deaf or hard-of-hearing.
5. You have the right to talk to your family services specialist and your attorney. But remember, they may be busy with someone else when you call. Be sure to leave a message with a phone number where you can be reached or call them again. Keep track of the best times to call them.
6. Additional rights may apply if you are a member of, or are eligible for membership in, a federally recognized Indian tribe. Only an Indian tribe can determine membership. Talk with your family services specialist and/or attorney if you are a member or are eligible for membership in an Indian tribe.

### **These are your responsibilities:**

1. Take this seriously.
2. Attend the court hearings.
3. Do what the foster care plan says you have to do. If you do not understand what is required, ask your attorney.
4. Stay in touch with your attorney and your family services specialist. Be sure they always have a current address and telephone number for you.
5. Be sure that you know what you are supposed to do and when, and then do it. Things move very quickly in child abuse and neglect cases. It will make a difference in whether or not your child is returned to you.

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

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This handbook was first prepared for use throughout the Commonwealth by the Parents' Handbook Committee comprised of representatives from the Juvenile & Domestic Relations District Court for the 12th Judicial District, the Chesterfield-Colonial Heights Department of Social Services, the Chesterfield County Attorney's Office, CASA, and the Children's Home Society of Virginia. Subsequent editions have been issued and revised by the Court Improvement Program, Office of the Executive Secretary, Supreme Court of Virginia.

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