

# **Child Welfare System and Family Court**

## **Understanding Family Court**

There are several important times during a child's stay in foster care when the case comes before a judge in family court.

Foster parents **and** children are entitled, by law, to receive notice of all court hearings. While judges have the responsibility to make decisions about children, they can only make good decisions if they receive good information. As a foster parent, the information you can provide about the child in your home is essential for good decisions to be made. Therefore, it is very important for you to stay informed about court hearings and ensure that your voice is heard throughout the process. You can also play an important role in making sure that the children's voices are heard at every step along the way. If you have questions about the court proceedings or schedule of hearings, you can talk to your social worker, the child's attorney, or CASA.

### **Types of Court Hearings**

There are 5 major types of court hearings in dependency cases. These are:

- Detention Hearing, very soon after a child is removed from his or her home
- Adjudicatory Hearing, also known as the Fact Finding hearing,
- Permanency Hearings, held every six months until the child is in a permanent home and the case is closed
- Termination of Parental rights hearings, when necessary
- Adoption finalization or permanent guardianship hearings, which complete the process of establishing a new, legal, permanent home for a child.

The hearings at which the foster parent can have the greatest opportunity for input are typically the permanency hearings.

### **Participating in the court process**

Remember, you are an important part of the professional team and your input at every decision point is essential to ensuring that the best interests of the child will be met. It is also understandable to feel nervous about participating in court. Being prepared will help you to feel less nervous. Here are some tips to help you be an effective participant in the court process:

## **Tips for Participating in Court**

- Stay informed about court dates and times. Speak up and ask for information if you do not feel you are getting what you need
- Ask the social worker and attorneys involved with the case to explain the purpose of each hearing to you and to help you understand your role
- Work with the child's social worker and attorney to help prepare the child for what to expect at court hearings, including who will be present, what the purpose of the hearing is, what will happen during court and what will happen when it is finished. Be available to respond to the child's questions, but be sure to have accurate information
- Always arrive at least 15-30 minutes early for court hearings to allow time to get through security and find the correct courtroom
- Bring the child or children whose hearing you are attending, but make child care arrangements for other children in your care
- Dress professionally
- Bring records with you. This can include notes you have made about the child's progress while in your care, a log of doctor's appointments, school records, and notes related to visits with the birth family
- Keep in mind that any written materials you bring may be requested by and copied by all attorneys for the official record
- When you speak, speak slowly, clearly and using clear and professional language. Give all of your answers out loud, do not simply nod or shake your head. Refer to the judge as "Your Honor"
- Be as clear and complete as possible when responding to questions or offering information about the child so that the judge will have a full picture upon which to make a decision
- When you are asked to give sworn testimony, make sure you have discussed this with the attorney and you understand what this means
- If your religious beliefs prevent you from taking an oath, inform the lawyers and social worker ahead of time so that an alternate pledge can be arranged
- Prepare yourself by reviewing the list of common questions on the next page
- Talk to other foster parents about their experiences in court
- Relax and try not to be nervous – remember, you are an important part of the team!

## **Common Questions You Might be Asked in Court**

Here is a list of questions that are often asked of foster parents in court proceedings. Coming to court prepared to respond to these questions will help you to feel less nervous and also to be a more effective member of the professional team:

- How long have you been a foster parent, and how many children have you cared for?
- How long have you known this particular child? Did you have a relationship with this child before you became her foster parent?
- Do you have any special training or experience related to caring for children?
- What was the physical and emotional condition of this child when she first came into your home?
- What changes have you noticed in the child's behavior, emotional state or physical condition since being in your home?
- Describe the child's typical day
- Describe your relationship with the child's birth parents
- Have you observed the child interacting with her parents? Can you describe the interaction? You may be asked to give specific dates or details for these observations
- Describe the nature of the child's contact with the birth parents – such as dates and length of visits, phone calls, gifts, etc
- How does the child react and/or behave before and after contact with her birth parents?
- How is the child doing in school?
- How is the child's health? When was the last time the child went to the doctor?
- What other activities (such as sports, recreation, music, church, social) is the child involved in?
- What concerns do you have?
- If reunification does not happen for this child, are you interested in making a permanent commitment to the child through adoption or PLC?
- What other supports or services do you or the child need?

