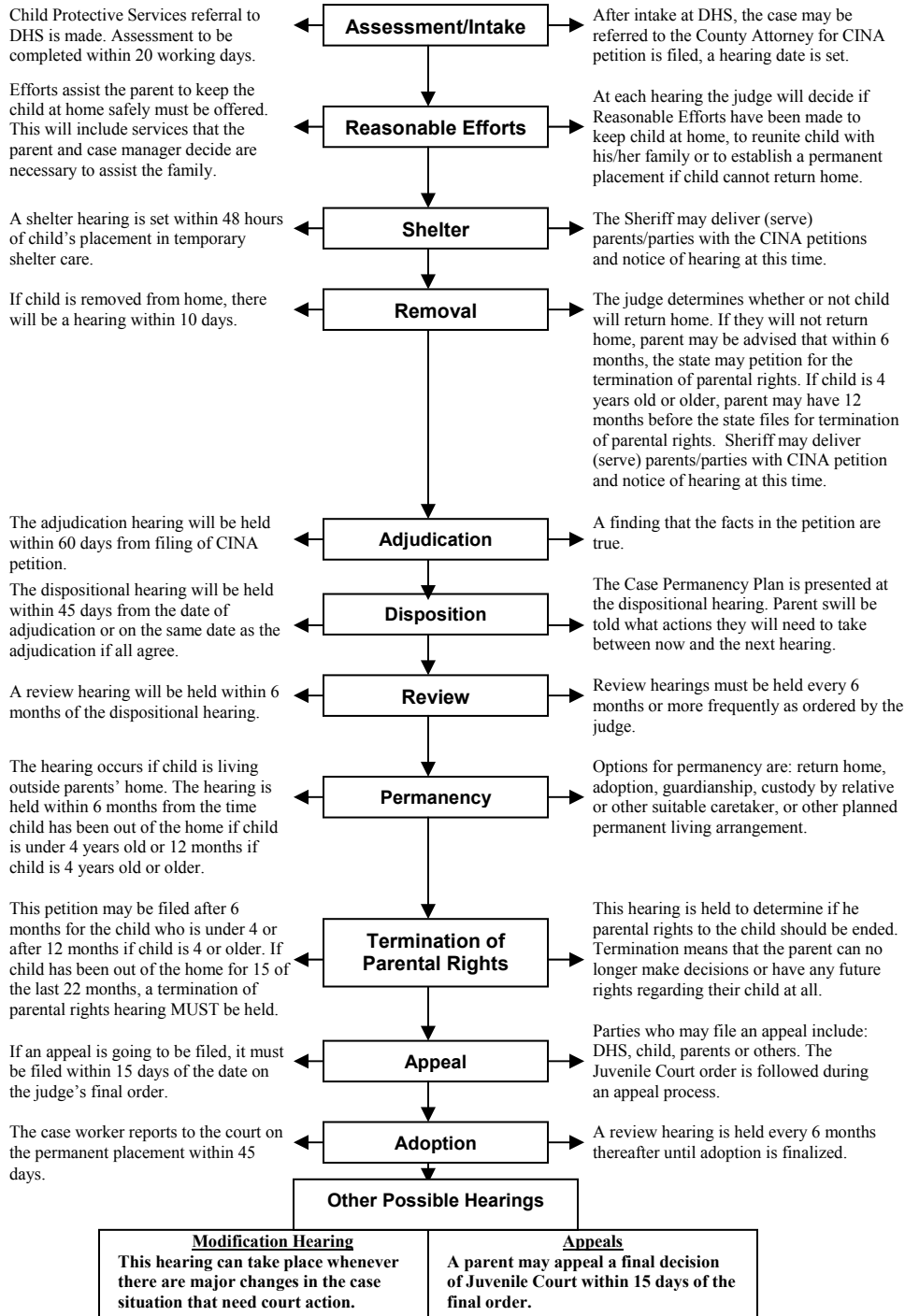


TIME FRAME FOR CINA HEARINGS



FOSTER PARENTS AND THE COURTS



A Guide for Foster Parents on Being an Effective Advocate in Court for Foster Children

Iowa Child Advocacy Board
&
Iowa Foster and Adoptive Parent Association



Tips for Testifying in Court

A note to Iowa Foster Parents:

When the Iowa Department of Human Services places a child in your home, you will inevitably be faced with the decision of whether or not to attend that child's court hearing. You are an important person in the life of the child placed in your home, and you have an important role in the legal proceedings about that child. While you are not (as a foster parent) a party to the juvenile court proceedings, you do have certain legal rights. This handbook was written to help you understand who the people are that are involved in the legal proceedings, what is likely to occur in court, and how you can be most effective in advocating for the best interests of your foster child.

This handbook is not all inclusive, and, therefore, you may have questions that are not answered here. Also, there is a local culture involved in juvenile court proceedings: each judge has procedures and rules about what happens in his or her courtroom, and those rules may vary by location or by the particular judge involved in the case. Feel free to consult the social worker, the CASA volunteer, or the child's attorney (guardian ad litem) about any questions you may have.



- Do not chew gum, eat or drink anything in the courtroom.
- Dress professionally (as you would for a job interview).
- Come organized and prepared.
- Always stand when the judge enters the room.
- TELL THE TRUTH.
- Speak loudly and clearly.
- Testimony must be spoken, so do not nod or shake your head in answer to a question.
- Be serious, calm, polite and sincere, even if you are challenged or criticized.
- Wait until a question is completed before you begin your answer.
- Listen carefully to the question and make your answer directly responsive to it.
- If you do not understand a question, ask the lawyer for clarification.
- If you do not know the answer to a question or can't remember something, just say so – do not guess at an answer.
- Always show respect and courtesy for everyone in the courtroom.



6. Child's Special Interests and Activities:

- A brief description of any special activities the child participates in (scouts, music lessons, church groups, etc.) and how often the child participates in them.
- A brief description of any talents, interests, hobbies, or skills you have observed in the child.



A personal note FROM a foster parent:

7. Visitation:

- The dates of visits between the child and the parents or other family members.
- If you supervised the visits, a brief description of the behaviors of the child and the other family members present at the visits. Carefully describe only the behavior. Do not comment on the reason for the behavior.
- A brief description of any arrangements for sibling visitation.
- The dates of any telephone contacts between the child and the child's parents or other family members.

8. Professional Contacts:

- All in-person and telephone contacts between you and the child's social worker.
- All in-person and telephone contacts between you and the child's attorney.
- All in-person and telephone contacts between you and the child's CASA volunteer.

9. Recommendations for Additional Services:

- A brief description of any services you believe the child would benefit from and why.

Dear Fellow Foster Parent:

As foster parents, we know about how to care for the day-to-day needs of a child. One important need for a child placed in your home is to receive permanency. That means that the problems that led to the removal of the child need to be resolved so that the child can have a safe future. This is the responsibility of the juvenile court. Because foster parents spend so much time with a child in our care, few people have as much information as we do concerning the child and that information is critical for good decisions concerning your foster child.

Please become familiar with this handbook. It is designed to help you understand your rights and responsibilities concerning the court proceedings about your foster child. It is also a guide to help you understand what to expect in court and to assist you in being an effective advocate for your child.

Sincerely,

Cynthia, a foster parent



FREQUENTLY ASKED QUESTIONS

Do I have the right to go to a hearing concerning a foster child in my care?

Yes. The law says that you have a right to notice of the hearing and you have the right to attend the hearing. You also have the right to an opportunity to be heard at the hearing.

How do I find out about the place and time of the hearing?

Courts make a good faith effort to notify the foster parents of hearings for the children in their care. While the Court has the power to determine the level of care for a child (such as foster family care vs. group care), DHS determines the particular family where the child will be placed. Consequently, the Court will often not know where the child is placed before the first hearing. Likewise, if the child is moved to your home between hearings, the judge will probably not find out about the move until the day of court – which makes it too late to notify you of the hearing. There are several ways that you can discover the date of the hearing. First, when a child is placed in your care, you should request a copy of the most recent court order from the social worker. If the hearing date is not on that order, ask the worker to tell you the date and time of the hearing. Second, you may call the child's attorney (or Guardian ad Litem) and ask for the details of the next hearing. Third, if there is a CASA volunteer assigned to the case, you can call the CASA and request hearing information. Fourth, if there is a foster care review board in your area, you can attend the hearing and ask them for the next hearing date. Finally, you can call the clerk of court and ask for the information on the next hearing date. It is best if you have the child's name and court file number available when you call.

2. Medical Information:

- Doctor visits or hospitalizations since the last court hearing, and the results of those visits.
- Any medications the child is taking and the dosages.
- Any adverse reactions the child has had to medical procedures or medications.
- A brief description of the child's physical development, and any developmental lags you have observed.

3. Dental Information:

- Visits to the dentist since the last court hearing, and the results of those visits.

4. Educational Information:

- The child's grade in school and whether the child is performing at grade level.
- The dates of any school conferences you have attended, and the results of those conferences.
- Any educational testing the child has had, who administered the testing, and the results of the testing.

5. Behavioral Information:

- A brief description of the child's behavior in your home.
- Any services the child is receiving to address behavioral difficulties, who is providing the services, and how often the child goes for the services.
- A brief description of how the child expresses her/his needs and feelings and how s/he calms herself or himself.
- A brief description of the child's eating and sleeping patterns and any difficulties the child has eating or sleeping.

applicable to foster parents are: Adjudication, Disposition, Review, Permanency, and Termination of Parental Rights (TPR) hearings. Here is a short description of each of those hearings:

- **Adjudication:** A hearing to decide whether or not the facts alleged in the Petition are true. The judge will decide whether or not the child is “in need of assistance”.
- **Disposition:** A hearing to develop a plan of action for the child and family.
- **Review:** A hearing to review the progress on the plan of action and may involve changing that plan.
- **Permanency:** A hearing to decide on the permanent home for the child.
- **Termination of Parental Rights (TPR):** A hearing to decide if the parental rights to the child should be ended.



Information that May Assist the Court

1. Placement Information:

- The date the child came to your home.
- A brief description of the physical and emotional condition of the child when the child came to your home.

Does the judge really want to hear what I have to say?

Absolutely. Judges are required to make very difficult decisions that have a huge impact on the lives of children and families. They want as much information as possible before they make those decisions. Judges have stated over and over again that they value the information provided by the foster parents because those foster parents have more relevant information than almost anyone else because of their “24-7” contact with the child.

Do I need to come to the hearing, or can I say what I have to say without attending the hearing?

It is normally best to attend the hearing if it is possible. You are an important part in the life of the child and you have a lot to offer about decisions that affect the child’s future. However, judges also understand that you may not always be available to attend the hearing.

You can provide the court with information about the child without actually attending the hearing. You can provide a written report to the court and give it to the social worker at least one week in advance of the hearing. If you ask the social worker to attach your report to his/her report, s/he will do so. You may also give your written report to the CASA volunteer if one is assigned to the case and request the CASA to attach your report to the CASA report. Any reports you submit will be distributed to all of the other people involved in the case.

What should my report look like?

Your report should be typed if possible, but, in any event, should be clearly readable. It is best if written reports are short (a few pages) and well organized, with headings. Your report should present only facts – never opinions. In the back of this handbook is a document entitled “*Information that May Assist the Court*,” which is an outline of the types of information that you may include in your report (and you can be expected to be asked to provide the same type of informa-

tion if you testify in court.) You do not need to address all of these items — only the ones important to the child’s case. It is helpful to provide factual information, describe behavior you have observed in the child, and present information about the child’s needs. Focus your attention on giving firsthand information about the child in your care and not opinions about other people involved in the court process.

Can I just send the judge a letter or give him a call?

No. Lawyers and judges call this an “ex parte communication”. That is a communication between someone and the judge about a case pending before the judge that is done outside of the presence of the other parties. This is prohibited by the ethical provisions applying to both lawyers and the court. If you make such a communication with the court, several things may happen. If the communication is a personal visit or a phone call, the judge may refuse to talk to you, or stop you and tell you that you cannot talk to the judge about the case in this manner. If the communication is in writing, the judge may refuse to read the letter until the judge sends a copy to all of the parties and gives them an opportunity to object to the judge reading the letter. In any event, this practice is strongly discouraged and is not productive in any manner.

Is it my decision whether or not to attend the hearing?

In most cases, it is your decision whether or not to attend the hearing. However, if any party really wants you to attend, they have the right to serve you with a subpoena, which is a legal order compelling your attendance. The subpoena, like any other court order, must be followed. If you are served with a subpoena, you must come to the hearing as directed in the subpoena.

What will happen in court if I attend the hearing?

Remember that judges have only a small amount of time to listen to the people attending the court hearing and to make decisions about the child. Some judges may limit your attendance at court to

answering any questions he or she has about the child. Others may allow you to make a short statement. In any event, don’t forget that the court has a limited amount of time and your comments should be short and to the point.

If the matter is contested (i.e. the parties cannot agree to a recommendation to the court,) you may be called as a witness by one of the lawyers in the proceeding. In that event, your testimony will be limited to a response to the specific questions asked. All of the other lawyers or parties will have an opportunity to ask you additional questions (i.e. cross-examine you.) You will be required to take an oath to tell the truth before testifying.

Are there some general rules I should follow about attending hearings and testifying?

It is best to arrive at court at least 30 minutes before the scheduled court time, especially if you are bringing the child. Being late is not only considered disrespectful to the court, it also may delay numerous other hearings held that day. Because of high caseloads, the court may not be able to wait for you to arrive, and, therefore, if you arrive late the case may proceed without you. You should also be prepared to wait. Juvenile courts are so busy that hearings do not always start on time. You will probably be asked to wait in the hallway with the other parties until the case is ready to begin, at which time you will enter the courtroom. When you enter the courtroom, be sure to turn off your cell phone and pager. Do not chew gum, eat or drink anything in the courtroom.

In the back of this handbook is a document entitled “*Tips for Testifying in Court*,” which will give you some basic rules about testifying. Familiarize yourself with these tips before coming to court.

What kind of hearings will be held about my foster child?

On the back of this handbook is a document entitled “*Time Frame for CINA Hearings*,” which will give you a summary of the process for a Child in Need of Assistance (CINA) case. The hearings that are most