

# **The Tennessee Handbook for Parents and Guardians in Child Abuse & Neglect Cases**



# A Handbook for Parents and Guardians

A child abuse and neglect case can be very scary and confusing 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. Write down the names of the people who will be helping you. Write down the dates of meetings and the court hearings.

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## **These are your rights:**

- You have the right to a lawyer. What if you can't afford a lawyer? Then the Juvenile Court will get a lawyer for you.
- You have the right to tell your side of the story at every hearing.
- You have the right to be told of all court hearings ahead of time. You have the right to be at the hearings.
- You have the right to an interpreter in court if you do not understand English.
- You have the right to talk to your case manager and your lawyer. What if they are busy with someone else when you call? Then leave a message and a phone number where they can call you. Or try to call them again. Write down the best times to call them. Write down the dates and times you call them.

## **These are your duties:**

- Take this seriously. If you don't, you could lose your child forever.
- Go to the court hearings and meetings.
- Work with your case manager and your lawyer.
- Your permanency plan will say what you must do to get your child back. Do what your plan says.
- Give your lawyer and your Case Manager your address and telephone number. Tell them right away if your address or phone number changes.
- Things move very fast in child abuse and neglect cases today. Know what you are supposed to do and when. If you want your child back, do everything you are told to do.

**Your child is counting on you.**

**You must work hard on your permanency plan.**

**If you don't, you could lose your child forever.**

## The Department of Children's Services

If the Tennessee Department of Children's Services (DCS) has removed your child or children, you'll be asked to attend a meeting called a '*Staffing*' for the development of a *Permanency Plan*. Usually, these *staffings* are held at the county DCS office, but if you are incarcerated or otherwise unable to travel, they may come to where you are.

The *Permanency Plan* will set out the things you are expected to do before the State will return your child. The Department draws up the plan and goes over it with the parents at a *staffing*. It's very important that you attend. It would be helpful for your lawyer to attend as well, but that's not always possible.

The plan will have a lot of information about your child and you. Much of the information has to do with your child's medical condition and school. The important part of the plan has to do with requirements for the person who has just lost custody of their child.

If your child was taken because of your alcohol or drug-related behavior, the plan might require you to be assessed by an Alcohol/Drug Counselor or you might be required to attend AA (Alcoholics Anonymous) or NA (Narcotics Anonymous) meetings.

The requirements of the plan are supposed to be tied to the reasons that caused the child to be removed. That means that if your child was removed due to unsanitary conditions in your home, the goals for return should have to do with improving that condition.

After the caseworker explains the requirements of the *Permanency Plan* to you, you'll be asked to sign the document. There are places for you to check YES or NO saying that you got a copy of the plan. There are places for you to check YES or NO saying that you participated in making up the plan. Most important, there's a place for you to check YES or NO saying that you agree with the things that you're being asked to do.

- If your lawyer is at the staffing, ask your lawyer what parts you should check.
- If your lawyer isn't there, you can check YES to the part that says you were given a copy of the plan.
- If you had nothing to do with helping make up the plan, check the box marked 'NO'. (You probably didn't-usually the caseworker had the *Permanency Plan* there at the staffing ready to be signed.)
- If you don't agree to do the things you're being asked to do, check **NO** where it says that you agree with the Plan.

The part of the plan that says what you have to do to get your child (or children) back is the most important. Later on, if you don't do those things, you may have your parental rights *terminated*. That means that for all legal purposes you would not be that child or children's parent any more. Your lawyer needs to know what parts of the plan you don't agree with. Then your lawyer might be able to convince the Juvenile Court Judge to change that part of the plan.

## What is Juvenile Court?

- Juvenile Court is the court that handles cases about children.
- Juvenile Court's job is to **keep children safe**. The Court also helps families make a safe home for their children.
- The Judge can make you and your family get help. The Judge can put your child in the custody of the Department of Children's Services. With the Judge's OK, the Department will decide what you must do to get your child back. The Department will also decide where your child will live.
- Sometimes the problems that bring you to the Juvenile Court are very serious. You or someone else in your home could be charged with a crime. Juvenile Court does not handle criminal cases against adults. Those cases are handled in a different court by another judge. This handbook is only about hearings in Juvenile Court. It doesn't talk about criminal cases.

## What Happens After Your Child Is Taken From You?

- You will get a letter. It will have a copy of the paperwork that was filed with the court.
- One of the forms you will get is called a *petition*. The petition is what starts the child abuse and neglect case.
- The Department of Children's Services files the petition after investigating a report of abuse or neglect.
- The petition says what problems the Department of Children's Services found in your home. It asks the Judge to give the Department custody of your child.
- Are the petition and other papers hard to understand? Then talk to your lawyer.

# Who's Who in Your Case

## Case Manager

After your child is taken away, you will be given a name and phone number. It will be for a **Case Manager** from the Department of Children's Services.

Your Case Manager must:

- Give you more information and ask you some questions.
- Visit you and your child regularly.
- Help you understand the problems that brought you to court.
- Set up a meeting called a **Permanency Plan Staffing**. People at the meeting will write a permanency plan. The permanency plan lists the steps you must take to get your child back. This meeting should happen within 30 days after your child is taken away. **It is very important that you and your lawyer go to this meeting.**
- Help you get the services that are listed in the permanency plan. This can include counseling, parenting classes or other services you may need. It can also include rides to these places. This is called "*reasonable efforts.*"

What if your Case Manager does not call you for a while? What if you have questions or problems? Then you should call your Case Manager.

Your Case Manager is:

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

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

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

Best Time to Call: \_\_\_\_\_

**Three lawyers** may be working on your case. You will have a lawyer. Your child will have a lawyer. The Department of Children's Services will have a lawyer.

## **Your Lawyer**

You have the right to a lawyer. What if you cannot afford to pay for a lawyer? Then the Juvenile Court will get one for you. Make sure you tell the Judge that you need a court-appointed lawyer. Your lawyer should:

- Tell you about the hearings you must go to.
- Meet with you before every hearing.
- Tell you what to expect at each hearing.
- Help you understand your rights.
- Speak for you in court.

What if your lawyer does not call you for a while? What if you have questions or problems? Then you should call your lawyer.

Your lawyer is:

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

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

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

Best Time to Call: \_\_\_\_\_

## Your Child's Lawyer - the Guardian ad Litem

The Juvenile Court will pick a lawyer for your child. This lawyer is called a **guardian ad litem**. The guardian ad litem will meet with your child. The guardian ad litem's job is to tell the court what is best for your child.



## The Department of Children's Services Lawyer



The Department of Children's Services will also have a lawyer. This lawyer's job is to prove why the Department should have custody of your child.

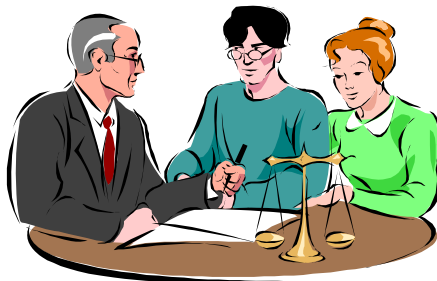
## The Court Appointed Special Advocate (CASA)

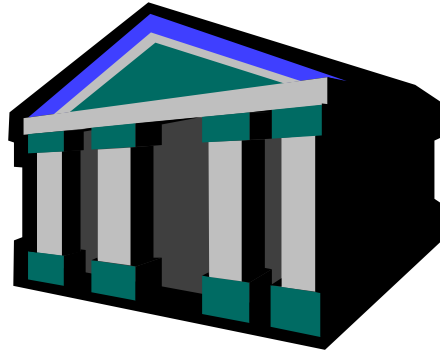
The Judge may also appoint a **Court Appointed Special Advocate (CASA)**. The CASA is a trained volunteer. They will meet with you and your child and others involved in this case. The CASA tells the court how your child is doing. They say what they think is best for your child. Not all counties have CASAs.



## Foster Care Review Board (FCRB)

The **Foster Care Review Board (FCRB)** is a group of trained volunteers from your area. They take a look at cases that stay in Juvenile Court for a while. They tell the Judge what they think should be done in these cases. The Board will listen to everyone involved in the case. This includes you and your lawyer. **It is important that you go to all FCRB hearings.**





## **When And Why You Have to Go to Court**

You may be asked to go to several court hearings and other meetings. This lets the Judge and others listen to all sides. This helps them decide how to help your family. Most cases have at least five kinds of court hearings the first year. These are:

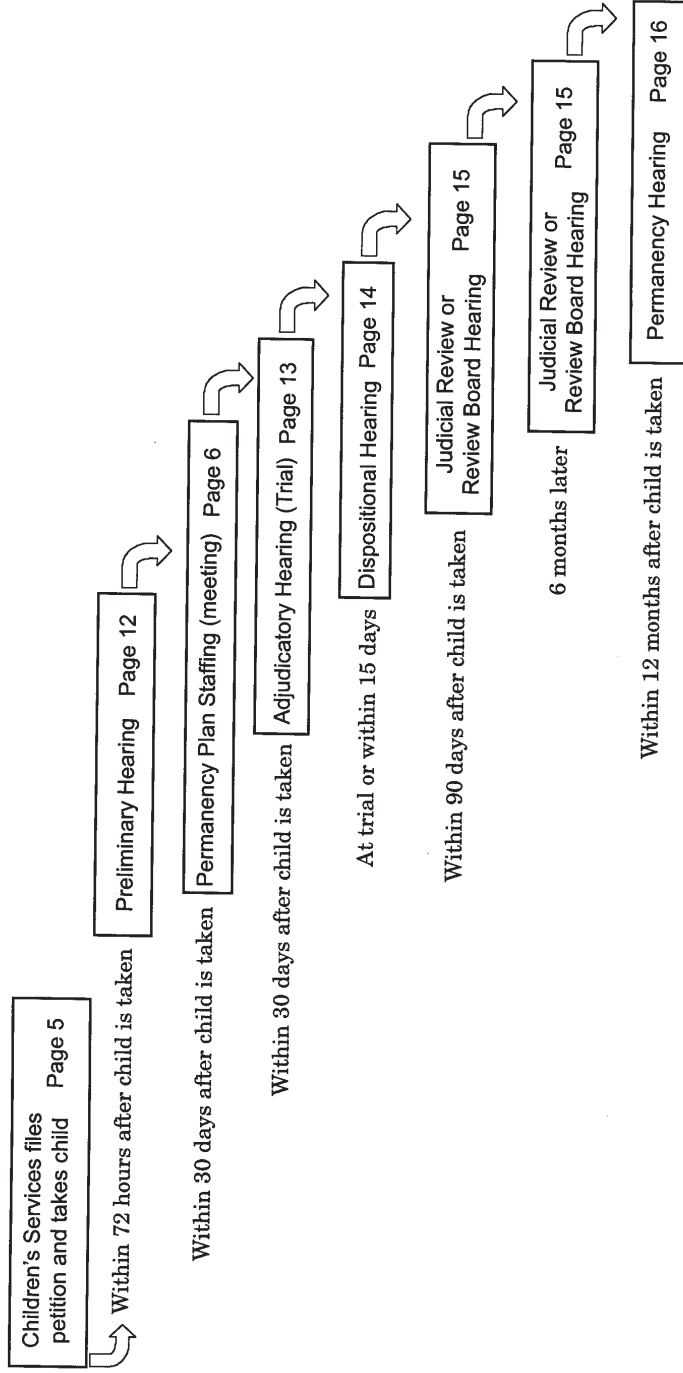
- **Preliminary Hearing**
- **Adjudicatory Hearing**
- **Dispositional Hearing**
- **Judicial Review/Foster Care Review Board Hearing**
- **Permanency Hearing**

**What if you do not work hard on the permanency plan?**

Then the Judge may decide that the plan should be to have your

# What happens in a child abuse and neglect case

Juvenile Court's job is to keep children safe  
and help families make a safe home for them.



child adopted. If this happens, there will be another hearing. That hearing is called a Termination of Parental Rights Hearing. It is a hearing to decide if you should **lose your rights to your child forever**.

## **The Preliminary Hearing**

The Preliminary Hearing is held within 72 hours after your child is taken from you. **It is very important for you to be there.**

What happens at the hearing? The judge decides who should have custody of your child until the trial. Sometimes the child will stay in foster care until the trial. Sometimes the child will go home until the trial.

The lawyer for the Department of Children's Services will talk about the case to the Judge. You and your lawyer will tell your side. Your child's lawyer will tell your child's side.

The time and place of the your Preliminary Hearing is:

Date:

Time:

Place:

**Things I want to ask or talk about:**

## **The Adjudicatory Hearing**

You have the right to a trial before a judge. This trial is called the **Adjudicatory Hearing**. It will be held within 30 days after your child was taken away.

At the trial, the Judge will decide if your child has been abused or neglected. The Department of Children's Services will try to prove what they said in the petition. The petition lists the reasons why they thought your child was abused or neglected.

The Judge will listen to your lawyer. The Judge will listen to the proof from the Department of Children's Services.

What if the Judge decides your child was abused or neglected? Then the Judge decides what must happen before you can get your child back. This decision is called the *disposition*.

**It is very important that you and your lawyer go to the Adjudicatory Hearing.**

The time and place of the your Adjudicatory Hearing is:

Date:

Time:

Place:

Things I want to ask or talk about:

## **The Dispositional Hearing**

At the Dispositional Hearing, the Judge gives you a permanency plan. It says what you must do to get your child back. It also says what the Department of Children's Services must do to help you.

The Dispositional Hearing is usually held at the same time as the Adjudicatory Hearing. If not, it will be held within the next 15 days.

Work on your permanency plan and do what it says. If you don't, it could take longer to get your child back. Or you could even lose your rights to your child forever.

**It is very important that you go to the Dispositional Hearing. Be sure you know exactly what you need to do to get your child back.**

The time and place of your Dispositional Hearing is:

Date:

Time:

Place:

**Things I want to ask or talk about:**

## **The Judicial Review or Foster Care Review Board Hearing**

The Judge will check to make sure you and the Case Manager are doing what the permanency plan says. Or the Foster Care Review Board may do this. They check within 90 days after child is taken away. They check again six months later.

The permanency plan can be changed. If everyone agrees on the changes, the Judge may order those changes without a hearing. What if someone disagrees with the changes? Then there has to be a hearing in front of the Judge.

**It is very important that you go to the Judicial Review or Foster Care Review Board hearing.**

The time and place of the your Judicial Review or Foster Care Review Board Hearing is:

Date:

Time:

Place:

**Things I want to ask or talk about:**

## **The Permanency Hearing**

At the Permanency Hearing, the Judge will decide who will raise your child - you or someone else.

The Permanency Hearing is held within 12 months after your child is taken from you.

What if the Judge decides that you cannot raise your child? Then the judge will decide if your child should be adopted or live with someone else.

**It is very important that you go to the Permanency Hearing.**

The time and place of the your Permanency Hearing is:

Date:

Time:

Place:

**Things I want to ask or talk about:**

## The Termination (Ending) of Parental Rights Hearing

At this hearing, the Judge decides if you will lose your rights to your child forever. This can happen for many reasons. Some of these are:

- not visiting with your child or paying child support,
- not working hard on your permanency plan, or
- not following court orders.

This kind of hearing can be held at any time while your child is in foster care.

What happens if your parental rights are terminated (ended)? Your child may be placed for adoption. You will not get to visit your child. You will not get to be part of your child's life.

**VERY IMPORTANT! Work hard on your permanency plan. Visit your child. Do what the court orders so that you will not have a hearing like this.**

If you do have this kind of hearing, it is very important that you go to it. The time and place of the your Termination of Parental Rights Hearing is:

Date:

Time:

Place:

**Things I want to ask or talk about:**

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**Record of Your Visits and Contacts**

Keep track of your visits with your children. Keep track of any phone calls or visits you make to your case manager. This will show the Judge how hard you are working to get your child back.

**Visits With My Child**

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How Long: \_\_\_\_\_

What did you do with your child? \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How Long: \_\_\_\_\_

What did you do with your child? \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How Long: \_\_\_\_\_

What did you do with your child? \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How Long: \_\_\_\_\_

What did you do with your child? \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How Long: \_\_\_\_\_

What did you do with your child? \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How Long: \_\_\_\_\_

What did you do with your child? \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How Long: \_\_\_\_\_

What did you do with your child? \_\_\_\_\_

**Contacts With My Case Manager**

Date: \_\_\_\_\_ Type of Contact \_\_\_\_\_

We talked about: \_\_\_\_\_

Date: \_\_\_\_\_ Type of Contact \_\_\_\_\_

We talked about: \_\_\_\_\_

Date: \_\_\_\_\_ Type of Contact \_\_\_\_\_

We talked about: \_\_\_\_\_

Date: \_\_\_\_\_ Type of Contact \_\_\_\_\_

We talked about: \_\_\_\_\_

## Tips For Visiting Your Children

- Get there on time. What if you need to change the time? Try to call at least 24 hours ahead and tell them.
- Tell your children you are glad to see them. Find nice things to say about them.
- Find things to do that you and your children can enjoy together.
- Never drink or use drugs before or during a visit. This will only make things bad.
- Never hit or spank your children. You should be learning new ways to correct your child. If you don't know what else to do, ask your Case Manager.
- Never make promises you can't keep. You may feel like promising you will buy your children a special treat. You may want to promise that they can come home next week. Broken promises just hurt children more. They also learn not to trust you. Only promise things you can do.
- Never threaten your children.
- Never let your children hear you talk about the foster parents. Never let your children hear you talk about the care they are getting. Talk to your Case Manager about these things when the children aren't there.

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**WEST TENNESSEE LEGAL SERVICES**  
**PROBONO PROJECT**  
**210 WEST MAIN STREET**  
**JACKSON, TN 38301**  
**731.423.0616 PHONE**  
**800.372.8346 TOLL FREE**  
**731.423.2600 FAX**  
**WWW.WTLS.ORG - WEBSITE**  
**WTLS@WTLS.ORG - EMAIL ADDRESS**  
**SELMER 731.645.7961**  
**HUNTINGDON 800.499.1602**  
**DYERSBURG 731.285.8181**