

THE OKLAHOMA  
HANDBOOK FOR PARENTS  
AND GUARDIANS  
IN CHILD ABUSE AND NEGLECT CASES



This handbook has been designed to assist those who have become involved in the dependency court system in Oklahoma. The court experience can be very intimidating and overwhelming for some, especially when it involves your children.

Having correct information can be very powerful and can lessen the confusion that can accompany this process. Please keep this handbook with you and use it to research terms you do not understand and to know who to contact to assist you with your questions.

## **WHAT IS JUVENILE COURT?**

- Juvenile Court is the court that handles cases involving children. It is another name for deprived court when referring to child abuse or neglect.

You will be notified in advance of the time you are to appear in court. It is very important that you attend court each time you are told to be there.

You have the right to have an attorney appear with you each time you go to court. If you cannot afford to pay for one, the Judge will appoint one to represent you.

Juvenile Court's purpose is to ensure the safety of children and to help families make a safe home for their children.

Juvenile court does not handle criminal cases against adults. Those cases are handled in a different court by another judge.

## **Tips for appearing in court**

1. Always arrive to court on time. If possible arrive a half hour early in case you need to meet with your attorney or caseworker.
2. Appearance is very important. Make sure you wear clean clothes and practice good hygiene habits.
3. Do not bring your cell phone into the courtroom. Leave your cell phone in your vehicle or turn it to the off position before entering the courtroom.
4. Use proper terms when addressing the Judge. Refer to the Judge as "Your Honor" or Judge (his/her name).
5. Be courteous to your caseworker and attorney. You will understand more about your case if you will listen to them even though you may not like what's being said.
6. If possible, leave children not involved in the case at home with relatives. Sometimes you may have to wait a while before your child(ren)'s case is called. Smaller children usually become very impatient and may be disruptive to others.
7. Your attorney will speak for you. If there is something you would like to say in court to the judge, tell it to your attorney. They are there to speak on your behalf.
8. Keep a copy of any papers you receive. Your attorney should explain everything to you before you sign any paperwork.
9. Make sure to communicate with those assigned to your case. After your child's case has been heard, make sure your caseworker or attorney does not have anything else to discuss with you before you leave.
10. Leave the courthouse quietly.

## **What happens when your Child is removed from Home?**

After your child was removed from home, you were given notice of a date to appear in a hearing known as the Emergency Custody Hearing. It was determined at the hearing that your child would remain in custody until further action from the court.

You have received a document known as a petition. The petition lists the allegations—statements of what is believed to have happened and reasons why your child may need to be in the State's custody.

You will be required to attend a series of court hearings and successfully complete other services in order to have your child(ren) returned to your home.

### **ICWA INFORMATION**

If you or your child has Indian Heritage, you must let your caseworker and your attorney know. You'll need to provide the name of the tribe and roll number, if you have it.

### Who's working on your case?

After your child has been removed from your home, a Child Welfare (CW) worker from the Department of Human Services (DHS) will be assigned to your child(ren)'s case. This CW worker may be known as an **Intake or CPS worker**.

The Child Welfare (CW) worker will:

1. Meet with you and ask you questions. Explain why your child(ren) were removed.
2. Ask for names of relatives or next of kin that could be a possible placement for your children.
3. Give you information about the court. However, the CW worker can not offer legal advice or predict what will happen in court.
4. Arrange a visit between you and your child(ren) if possible.

Please record the information for your CPS worker here:

Name \_\_\_\_\_

Phone \_\_\_\_\_

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

You may get a second CW worker known as a **Permanency Planning worker or caseworker**. This worker will help you with a plan to help you get your children back.

The Permanency planning worker will:

1. Go through a process of gathering more information about you to help identify your strengths and needs. This is known as an assessment.
3. Design, with your input, an Individualized Service Plan (ISP) for you listing step by step the things you will need to do to have success in your child's case.
3. Make referrals to places that can help you reach the goals on your ISP.
4. Attend each court hearing and notify the court of your progress.
5. Visit with you and your child regularly.
6. Set up visits between you and your children if possible.

It is very important to keep your Permanency Planning worker informed of any changes or problems that may happen with you.

Record the information for your Permanency Planning worker here:

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

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

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

## **ATTORNEYS INVOLVED**

There could be at least three **attorneys** involved in your case.

1. An attorney representing you.
2. An attorney representing your children.
3. The Assistant District Attorney representing the interests of the state.

### **Your Attorney**

You have the right to have an attorney. If you can not afford to hire one, let the judge know at the first hearing. The judge may ask you to fill out a form to see if you qualify to have one appointed to you. If you qualify then the judge will appoint an attorney for you.

Your attorney should:

1. Meet with you before every hearing. It may not be possible for your attorney to have a meeting with you before your court date, however he/she will meet with you before you have to see the judge.
2. Speak for you in court. Be sure to tell the attorney what you would like the judge to know.
3. Tell you what to expect at the hearing. Your attorney is the only one qualified to give you legal advice.
4. Make sure you know when your next court date is.

If you have legal questions or problems, please direct them to your attorney.

Your attorney is:

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

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

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



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

**Other people you will see in court.**

- **District Attorney** is known as the petitioner. Their office is given the responsibility to prepare and prosecute the deprived case.

- **Child's attorney** is there to represent your child and your child's expressed and legal interests. After the petition is filed, every child that's part of the petition must have an attorney who has not been selected by the parent, guardian or custodian.

- **Court Appointed Special Advocate (CASA).** The judge may appoint a CASA is someone other than the attorney for the child who volunteers to be available to serve the court. Some of the things CASA does is speak up for what they believe is in the child's best interests, visiting with the child, talking to others who know your child, attend hearings and presenting written reports to the court.

-**Providers:** Providers from the community may be assigned to assist you in receiving the services you and your family may need to help you correct the conditions which led to your child being removed. Many times the judge may request that the Providers attend court to report on the progress that has been made in your case.

## **You Must Attend Court!**

After the petition has been filed by the District Attorney, you will be asked to attend several court hearings and meetings. This will allow the Judge and others to listen to all sides and make the best decision in your child(ren)'s case. If you fail to attend a hearing, the judge may enter an order that may adversely affect your case.

There may be at least four hearings in your child's case, however many times there could be more.

The different types of hearings are:

- Adjudicatory Hearing
- Dispositional Hearing
- Review Hearing
- Permanency Hearing

Each hearing will serve a different purpose. If you do not understand what is being discussed in the hearing, please talk to your attorney. It is their job to keep you informed.

The following pages will tell you more about each hearing.

## The Adjudicatory Hearing

The purpose of the hearing is to allow the judge to determine whether what has been put in the petition is true or false and whether your child should be determined to be deprived; in other words "adjudicated" deprived.

The district attorney has the responsibility of proving that there is enough evidence to believe your child(ren) would not be safe in the home at this time.

Your attorney will speak on your behalf and the child(ren)'s attorney will speak for your child(ren).

After all the evidence has been presented and testimony has been heard, then a determination is made as to whether or not the child is deprived. If the case is not proven, the case is dismissed. If the case is proven, the child is "adjudged deprived" and made a ward of the court.

You will be given paperwork and a new court date at the end of the hearing. Your attorney will explain everything to you that you do not understand. There will be a statement that will advise you that "failure to comply with requirements of court may result in loss of custody or termination".

**It is very important that you attend the adjudicatory hearing.**

The time and place of your Adjudicatory Hearing is:

Date:                      Time:                      Place:

Questions:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

## The Dispositional Hearing

The purpose of the dispositional hearing is to determine custody, visitation, child support and the best interests of the child. At this hearing, the Judge will approve an **Individualized Service Plan (ISP)** that gives you guidelines for correcting the conditions so that your child(ren) will be returned to your custody.

It is possible to have the dispositional hearing held on the same day as the adjudicatory hearing. If it is not, then it will be held not later than 40 days after the adjudication hearing unless the Judge finds it is in the child(ren)'s best interest to have the hearing delayed.

Once you receive a copy of your ISP, make sure you understand everything it says. If you do not understand something, ask your CW worker or attorney to explain it to you. It is very important that you follow the plan and get started on it immediately.

This ISP will have a date that you should have it fully completed and a way to determine if you are making satisfactory progress toward completion.

**It is very important that you attend the Dispositional hearing, receive a copy of your ISP and get started working on it as soon as possible. This could be the difference between being reunited with your child(ren) or losing your rights to your child(ren).**

The time and place of your Dispositional hearing is:

Date:

Time:

Place:

Questions:

1. \_\_\_\_\_

2. \_\_\_\_\_

## The Review Hearing

The court must hold a review hearing no later than 6 months after the adjudicated deprived child is placed in an out-of-home placement. The purpose of the hearing is to decide if the conditions which caused the child(ren) to be adjudged deprived have been corrected.

- Between the time you receive your ISP and the date of your review hearing, it is important that you start working very hard on “correcting the conditions” as outlined in your plan.
- The Judge may schedule a review hearing sooner than 6 months. Therefore, it is very important that you know your next scheduled court hearing before you leave the courthouse.
- The review hearing will be a time for the Judge to make sure everyone is doing what has been ordered on the plan.
- The court will receive information from all of those involved to determine what is in the best interests of the child(ren). At the review hearing the judge can discuss whether to return your child(ren) to you, or continue in their current placement.
- You may have several review hearings before it is decided what will be the permanent plan for your family.

The date and time of your “**Review hearing**” is:

**Date**\_\_\_\_\_ **Time**\_\_\_\_\_

**Date**\_\_\_\_\_ **Time**\_\_\_\_\_

**Date**\_\_\_\_\_ **Time**\_\_\_\_\_

**Date**\_\_\_\_\_ **Time**\_\_\_\_\_

## The Permanency Hearing

A permanency hearing is another important hearing you must attend. It will usually be held 6 months after your child has been placed in an out of home placement and every 6 months afterward until your child is in a permanent home. The permanency hearing can be held at the same time as a review hearing.

At this hearing, the court will try to decide the permanency plan for your child based on the information received. The court may decide to:

- (1) return the child home immediately,
- (2) return the child home by a certain date within 3 months,
- (3) approve the plan for guardianship or kinship placement for a child,
- (4) approve a planned permanent living arrangement,
- (5) determine if a termination petition will be filed and the child placed for adoption,
- (6) consider the current placement and determine if it continues to be safe and in the best interests of the child and,
- (7) make sure everything is in place to finalize a permanent placement of the child.

The court has to consider so much about your child's future which is why it is so important for you and your attorney to be in court for this hearing.

The date and time of the **Permanency Hearing** is:

Date\_\_\_\_\_ Time\_\_\_\_\_

Date\_\_\_\_\_ Time\_\_\_\_\_

Date\_\_\_\_\_ Time\_\_\_\_\_

## Termination of Parental Rights Hearing

If you do all that you are asked to do in the time you are given to do it, you will probably not have this type of hearing.

However, if you do not correct the conditions that led to the removal of your child(ren), the DA or child(ren)'s attorney may file for termination of your parental rights.

What happens if your rights are terminated? Your child(ren) may be placed for adoption with someone you may or may not know. You may no longer get to visit your child(ren) and you will not be allowed to take part in making decisions in your child's life.

**It is very important that you work on your ISP. You must keep in touch with the people that can help you. It may be hard but it is worth it to get better and get your child(ren) back!**

If you do have this hearing, it is important for you to attend.

The time and date for the termination hearing is:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

## Record visit and contact

You have been given a lot of information in this pamphlet. Almost too much to handle, but the important thing to remember is that you must keep track of a lot of information. You must know the name of your caseworker, your attorney, the judge on your case and any other party involved.

You should also keep a record of the visits and the contacts you have with your children and your caseworker. Then you will be able to show the judge how hard you have been working to get your child(ren) back.

### Visits with my Children

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How long: \_\_\_\_\_  
During the visit we \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How long: \_\_\_\_\_  
During the visit we \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How long: \_\_\_\_\_  
During the visit we \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How long: \_\_\_\_\_  
During the visit we \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How long: \_\_\_\_\_  
During the visit we \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How long: \_\_\_\_\_  
During the visit we \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How long: \_\_\_\_\_  
During the visit we \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How long: \_\_\_\_\_  
During the visit we \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_ How long: \_\_\_\_\_  
During the visit we \_\_\_\_\_



### Contacts with my Caseworker

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Left message: \_\_\_\_\_ (Y or N)

Notes of call \_\_\_\_\_

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Date: \_\_\_\_\_ Time: \_\_\_\_\_ Left message: \_\_\_\_\_ (Y or N)

Notes of call \_\_\_\_\_

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Date: \_\_\_\_\_ Time: \_\_\_\_\_ Left message: \_\_\_\_\_ (Y or N)

Notes of call \_\_\_\_\_

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Date: \_\_\_\_\_ Time: \_\_\_\_\_ Left message: \_\_\_\_\_ (Y or N)

Notes of call \_\_\_\_\_

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Date: \_\_\_\_\_ Time: \_\_\_\_\_ Left message: \_\_\_\_\_ (Y or N)

Notes of call \_\_\_\_\_

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Date: \_\_\_\_\_ Time: \_\_\_\_\_ Left message: \_\_\_\_\_ (Y or N)

Notes of call \_\_\_\_\_

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