MARIN COUNTY JUVENILE COURT

THE DEPENDENCY COURT:
HOW IT WORKS

One of the goals of the dependency court is to have the matter regarding your child resolved as quickly as possible. We need your help and cooperation to do that. The court has become involved with you and your child because certain things have happened in your life that led to this involvement; you will be required to follow specific steps to end court involvement. You must follow these steps within certain time limits. The steps and the time limits will be explained to you.

If your child becomes a dependent of the court, that means that the court will make orders for you, for your child, and for the social worker, so that your child will be protected. In most cases, you will have an opportunity to end court involvement.

As a court dependent:

1) The court may allow your child to reside in your home under court supervision; or

2) The court may place your child outside of your home.

If, during the time your child is a dependent of the court, reunification services are not ordered, or reunification efforts fail, your child could be adopted. The specific reasons you are in court are stated in the petition and in other papers you may have received.

PLEASE READ THE PETITION CAREFULLY.

1. Do I need a lawyer?

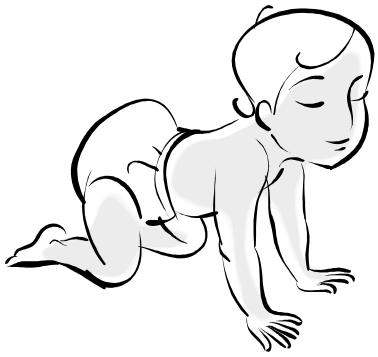
You have the right to have a lawyer represent you in court, and the first court hearing in your case may be postponed for a short time so that you may hire one. If you cannot afford a lawyer, the court may appoint one for you. You may have to repay the court for the costs of your lawyer according to your ability to pay.

2. Will anyone else have a lawyer?

The county counsel may be representing the social worker and the court may also appoint a lawyer to represent your child. The lawyer's job is to represent the interests of your child. A Court Appointed Special Advocate, called a CASA volunteer, may also be appointed by the court to assist your child.

3. What will happen at the first hearing?

a) If your child has been taken away from you, at the first court hearing the judge will decide whether your child will be returned to you until the next court hearing, or whether your child will remain away from you.



b) Be sure to tell the social worker or your lawyer about any of the child's relatives who might be able to care for your child until the next hearing (or longer) if your child is not returned to you at the first hearing.

c) In most cases you will be able to have visits with your child if the child is not returned to you.

4. What happens then?

a) You have a right to have a trial where the judge will decide whether the statements in the petition are true.

b) If there is to be a trial, a date will be set for that trial.

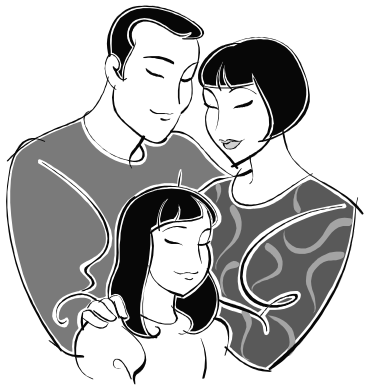
c) Whether your child is with you or not, if you admit that all or part of the statements in the petition are true, or allow the judge to make a decision based on the reports presented, there will not be a trial on those issues.

The social worker will prepare a report for the court, based on an investigation that will include talking to you and to others. The report will include recommendations about where your child should be living for the next six months (when the next court hearing will be held) and what you

and others can do to help solve the problems that brought you and your child into court.

If the judge decides that the statements in the petition are true, the judge will probably make your child a dependent child of the court, which means that your control over your child will be limited and the child may be removed from your custody.

There will be a case plan that will be worked out by you and the social worker; this plan will be presented to the court. The court will *probably* order that all or part of the case plan be carried out. The case plan may include such things as the following:



a) Parenting classes
b) Individual counseling
c) Family counseling
d) Treatment for abuse of alcohol and other drugs
e) Special programs and classes
f) Visitation with your child

If your child is removed from your custody and there is a case plan ordered, the social worker will be required to include in the case plan: (1) services to help you reunify with your child and (2) services to achieve legal permanence for your child should reunification fail. Legal permanence may include adoption or appointment of a legal guardian.

If, at any time after your child is removed from you, you decide that you are not interested in reunifying with your child, you can talk with your social worker. You should also talk with your lawyer, who can explain your right to (1) waive reunification services, (2) relinquish your parental rights, and (3) assist in the development of a permanent plan for your child.

5. What do I need to do then?

a) The social worker and others will be required to assist you to obtain the services listed in your case plan.

It is important that you get started on your case plan as soon as possible. Following the case plan, within the required time lines, is the key to reunification with your child.

b) The court will review your case at least every six months. At the first review hearing, the court will consider whether court dependency for your child is still required and, if your child has been removed from your home, whether your child may be returned home.

c) If your child was **under three years old** when he or she was first removed from your care, and you have not participated regularly in court ordered treatment, or if you have not contacted or visited your child for the last six months, the court can end services. If a brother or sister of the child under three was also removed, services may end for that child also.

d) If your child was over three years old, and the child is not returned to you after six months, the court can order services for six more months.

e) Services to reunify your child with you will end after 12 months unless the court decides there is a substantial probability that your child can be returned to you by the end of 18 months from the time the police officer or social worker took your child away.

f) If services are ended, the court will set a hearing to make a permanent plan for the child.

In order for the court to consider returning your child to you, you must follow the orders of the court without delay.

BECAUSE if the court orders a hearing for a permanent plan, your child will not be returned to you and there will be NO more assistance by the social worker or the court to help you reunify with your child.

6. How does the court make a permanent plan for my child?

a) If the court decides that your child will not be returned to you and another plan for the child is required, the court MUST set a hearing within four months to decide what should happen to your child.

b) At that hearing, the court has only three choices, in the following order of preference:

i. To terminate your parental rights and order the child placed for adoption ("Terminating your parental rights" means that legally you are no longer the child's parent);

ii. To appoint a legal guardian for your child; or

iii. to place your child in long-term foster care.

If a relative adopts your child, you, the adoptive parent(s), and the child may agree to postadoption contact between you and your child. Your lawyer can explain this "Kinship Adoption Agreement" to you if adoption by a relative is the permanent plan.

SOME IMPORTANT THINGS FOR YOU TO REMEMBER:

1. The social worker cannot give you legal advice but will explain procedures.

2. If you have additional questions about the process, please ask your lawyer or the judge.

3. You must tell the court and the social worker where your mail should be sent so you will receive all the important documents about your child. If you change your mailing address, you must tell your social worker immediately.