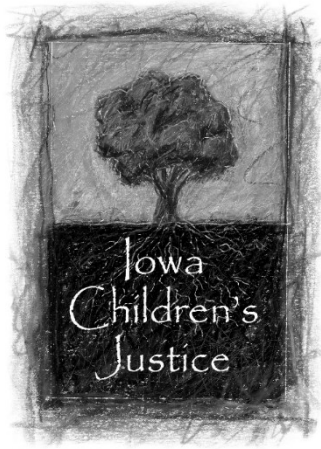


# A Parent's Guide to Child Welfare Cases



**Iowa Children's Justice**  
Sixth Edition 2021



## Acknowledgements

This publication was the product of the Service Improvement Task Force of the Iowa Court Improvement Project in 1999 to assist parents in understanding the court process for child welfare cases. Revisions have been made to reflect changes in the law or services. The booklet is most effective when the parent reviews this booklet with their social worker or lawyer.

Special thanks goes to Kim, a parent who successfully navigated the child welfare court process, for her comments and insights; and to Judge Pattison and the students of Drake Middleton Center for Children's Rights, for updating this publication.

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**Reproduction of this publication for educational and informational purposes is encouraged.** Reproduction of any part of the publication must include the funding acknowledgement above.

This updated booklet is available for download on the Judicial Branch Website under Children's Justice at <https://www.iowacourts.gov/iowa-courts/juvenile-court/childrens-justice-initiative/>.

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## **What Is Juvenile Court?**

- Juvenile court is a civil court dedicated to making sure children are safe from abuse and neglect. The process described in this booklet is different than the process when juveniles break the law. This booklet only covers the process for families involved with child welfare cases.
- The purpose of juvenile court is to help families remain together, or to help them reunify, after there has been child abuse or neglect.
- If the court finds it necessary, the judge can require you and your family to participate in treatment and other services aimed at keeping children safe from abuse and neglect.
- The judge may order DHS to care for your child until it is safe for your child to return home. DHS is legally responsible for your child during the time your child is out of your care.
- During your case, DHS makes recommendations to the court about where your child should live. DHS may also recommend things you need to complete before you can be reunited with your child.

## **When Does a Family Become Involved with Juvenile Court?**

In the United States, a family becomes involved with juvenile court when court-ordered services are needed to keep a child safe. The court will stay involved with the family until the judge believes court supervision of a child or a family is no longer necessary to keep the child safe.

## **What Happens After a Family is Involved with Juvenile Court?**

This handbook was written to help you understand what is likely to happen in juvenile court and who may be involved. The glossary that starts on [page 29](#) defines the meaning of words related to Juvenile Court. Please ask your lawyer or social worker if you need help understanding anything in this booklet.

## Advice from a Parent Who's Been There:

Keep a positive outlook and don't let your anger guide you. What's done is done, you need to go on from here and do what you need to do to get your kids back.

Read every paper you get and make sure you know what is being asked of you. If something isn't right, speak up and tell someone you trust. Don't give up – until you hear from a judge, don't stop working to get your kids back.

Your children are your priority – put your own thoughts and feelings aside and do what's best for them. Don't wait for the last minute to turn everything around, it's important to do what you need to do starting now.

Let your kids know that it's ok to like their foster parents and that you support them. It's not the foster parent's fault that your kids are in foster care – they are not trying to take your place as a parent, they're just trying to help.

Keep your head up, you are not defeated.

*Kim*

# Contact Information

There may be a lot of people working with you as you move through your juvenile case. Write their names and contact information here so you can contact them easily.

## Your Lawyer

This person is appointed to protect your rights as a parent.

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

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

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

\_\_\_\_\_

Email: \_\_\_\_\_

## Guardian ad Litem (GAL)

This person is appointed to represent the best interest of your child.

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

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

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

\_\_\_\_\_

Email: \_\_\_\_\_

## Social Worker

This person monitors the ongoing case and provides services to your family.

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

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

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

\_\_\_\_\_

Email: \_\_\_\_\_

## Attorney for the Child

Older children may have a separate attorney who advocates for what they want.

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

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

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

\_\_\_\_\_

Email: \_\_\_\_\_

## Social Work Supervisor

This would be the supervisor of the social worker of your case.

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

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

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

\_\_\_\_\_

Email: \_\_\_\_\_

## Service Provider

This may be an agency or place where you or your family goes to receive treatment or therapy.

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

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

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

\_\_\_\_\_

Email: \_\_\_\_\_

## Court Appointed Special Advocate (CASA)

This is a volunteer who is trained by the court to give recommendations on the best interest of your child.

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

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

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

\_\_\_\_\_

Email: \_\_\_\_\_

## Tribal Representative

This is someone that appears in court on behalf of your Tribe. Cases involving ICWA should have one.

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

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

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

\_\_\_\_\_

Email: \_\_\_\_\_

## **Are You Worried About Court?**

- It is normal to feel nervous about coming to court. After all, important decisions about your family will be made at court.
- If you do not understand what is happening at any time, be sure to ask your lawyer to explain.
- Most cases do not end with the court terminating the parent-child relationship. In most cases, the family is able to turn things around and the child returns home.
- Do not give up! Getting your child back is worth all of your hard work now.

## **Before Your Next Court Hearing**

- You will receive a court order giving you the date and time of your next court hearing.
  - It is important to write this date in your calendar and do whatever is needed to be at the courthouse for your hearing.
  - This may include asking for time off from work, arranging for child care, and arranging for transportation.
- Between now and your next court hearing, it is important to keep in regular contact with your lawyer. Your lawyer's ability to represent you well depends on what he or she knows about you and your progress.
  - Update your lawyer if your situation changes or if you have questions about your case. Make sure they have ways to contact you if they need to.
  - Make sure your lawyer knows what services you might need to be successful or if the current services you have are not the right services.
- It is also important to keep in regular contact with your social worker so that he or she can make recommendations to adjust your services or family visit schedule if needed.
- Keep in regular contact with your child's foster parents so that you can help with anything that your child needs as they adjust to living in their new foster home.

# **Who Is Involved in a Child Welfare Case?**

## **The Judge:**

The judge is the neutral decision maker in your case. The judge listens to all sides of the case and makes decisions that are in the best interests of your child. The judge is not permitted to speak with you unless all parties are present.

## **The County Attorney:**

The county attorney is responsible for proving to the judge that the claims of abuse or neglect are true. The county attorney works with DHS to make recommendations to the court regarding your case.

## **Your Lawyer:**

You have the right to a lawyer and it is important for you to have a lawyer. Your lawyer advises you and speaks for you at every court hearing. Each parent can be represented by a separate lawyer.

- If you do not have the money to pay for a lawyer, tell the judge or the court clerk that you need a lawyer and you do not have the money to hire one. You will be asked to fill out a form to prove that you do not have the money to pay for a lawyer.
- You can request a new lawyer if you do not feel yours is doing a good job. It is a good idea to talk to your lawyer about any problems you have with their performance. They will file a motion to withdraw if you ask them to, but you should try to work out any problems. If your attorney does not make a motion to withdraw, you can tell the judge the reasons why you would like a new lawyer at your next hearing, and the judge will decide whether to approve or deny your request.

## **Department of Human Services (DHS):**

Your social worker is the person from DHS who works with your family on your case progress.

- Your social worker will attend all court hearings and update the judge on your case progress.
- Your social worker will make service recommendations to the judge and will also recommend what family interaction time the judge should put in place for your family.
- Your social worker communicates with you and coordinates any services your family may need.



**Your Child's Guardian Ad Litem (GAL):**

The judge will appoint a GAL to represent your child's best interests. Sometimes, when a child is older, a second lawyer will be appointed to represent your child's wishes.

- Your child's GAL reviews the allegations in the petition and meets with you, your child, and others involved in the case such as your child's teacher, doctor, or child care provider.
- The GAL may create a report for the court that states the GAL's recommendations based on your child's best interests.
- The GAL will attend all court hearings to present their recommendations.

**Court Appointed Special Advocate (CASA):**

The judge may also appoint a CASA to your case. The CASA is a trained court volunteer who will meet with you and your child, as well as others involved in your case. To help with the case, the CASA reports to the court on the child's best interest and gives the judge recommendations based on your child's best interests.

**Parent Partner:**

A parent partner is a parent who went through the child welfare system themselves and achieved reunification. Parent partners are advocates and mentors for families.

## **Who Will Help You?**

- If you need help, it is important to ask for it. No one will know what you need if you do not ask.
- Your lawyer will help you with the legal process.
- Your social worker will help you arrange family interaction and will coordinate services you need. You may also contact your lawyer and your social worker's supervisor if your social worker is not helping you.
- If your lawyer or social worker is not available when you call to ask for help, leave a message with your phone number and some times when you are available to speak by phone.
- Family and friends and others close to you can help if you ask. It is important to find positive support for yourself. Make sure to find trusted people you can connect with – this may be family, friends, a therapist, or others.

# As a Parent, You Have Important Rights

Talk with your lawyer if you have any questions about the following rights. Your lawyer is your best advocate and it is their job to make sure you understand these rights. You have the right to:

- A lawyer and to request financial assistance if you cannot pay for a lawyer.
  - If you do not have the money to pay for a lawyer, tell the judge or the court clerk that you need a lawyer and you do not have the money to hire one. You will be asked to fill out a form to prove that you do not have the money to pay for a lawyer.
  - Each parent can be represented by a separate lawyer.
  - You can request a new lawyer if you do not believe yours is doing a good job. Tell the judge the reasons why you would like a new lawyer and the judge will decide to approve or deny your request.
- Special protections for families with American Indian or Native American heritage may be used in your case. To use these protections, you must tell your attorney and social worker so they can inform the court. This law is complex. See [page 12](#).
- Admit or deny allegations against you.
- Have an interpreter if you do not speak or understand spoken English. Let your attorney know you need one so they can tell the court.
- Have family interaction time with your children, unless the court orders otherwise.
- Speak to a social worker or supervisory staff.
- Be involved in the development of the case plan and receive a copy of the finished plan.
- Be heard and to voice your opinion.



- Be notified of planning meetings, solution focused meetings, and court dates.
- Attend school, medical, and court-related appointments for your child.
- Receive written documents relating to your child, whether or not your child is living with you. This includes court reports, court orders, and any other reports on your child. Talk to your lawyer if you are not receiving these documents or if you do not understand what they mean.
- Make important decisions about your child, such as medical treatment or consent to travel or obtain a driver's license, unless you do not have guardianship of your child.
- Reasonable efforts by the state to prevent removal, and reunify your family after removal.
- Suggest a relative or other good placement for your child if your child cannot remain in your home.

## 12 Ways to Be a Positive Parent



*Supportive*



*Involvement*



*Healthy Lifestyle*



*Reward*



*Encouragement*



*Praise Achievement*



*Listen*



*Explain*



*Trust*



*Inspire*



*Enforce Rules*



*Have Patience*

# As a Parent, You Have Rights Under the Indian Child Welfare Act (ICWA)

If your child is a member of or is eligible for membership in a federally recognized Tribe, your family has rights under the Iowa and federal ICWA laws. ICWA is used during [all stages](#) of a dependency case. In ICWA cases:

- The state must provide active efforts to prevent removal and reunify your family.
- The Tribe has the right to be a party to the case.
- Your extended family has the right to be a party to the case.
- Parents and the Tribe have the right to request transfer to the tribal court.
- Under the law, there are placement preferences the DHS and courts must follow, unless they show good cause to not follow them.
- You have the right to have culturally appropriate services, including services offered by your Tribe.
- Your child has the right to an Indian Guardian Ad Litem or someone who knows and appreciates the child's culture, if any are available.

It is very important that you tell your lawyer, your social worker, and the court about your Native American or American Indian ancestry. The court must have a reason to know about your ancestry to apply ICWA in your case.

Your Tribe has the right to be notified about the case so they can confirm your child's eligibility or enrollment. The Tribe also tells the court if your child is not eligible.

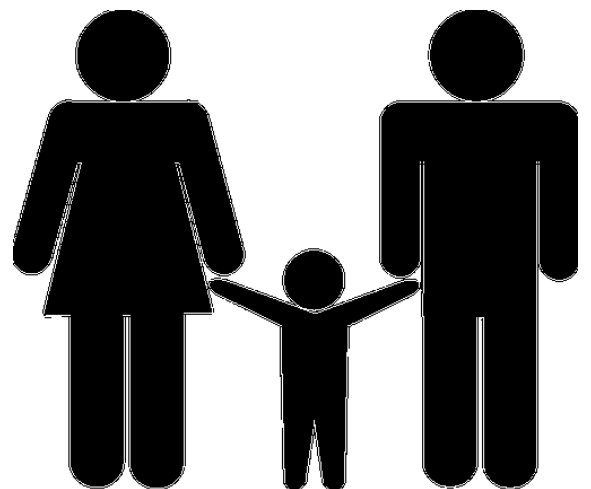
ICWA is a complicated law. Talk to your lawyer and social worker for more information and if you have questions about these rights.



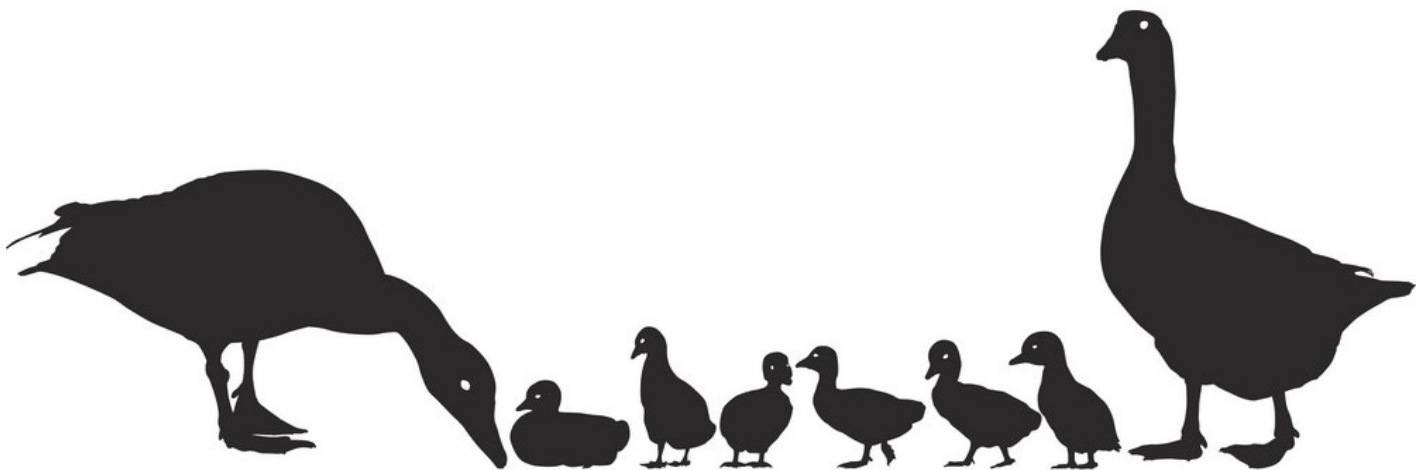
# As a Parent, You Also Have Responsibilities

Talk with your lawyer if you have questions about any of these responsibilities. Your lawyer is your best advocate and it is their job to make sure you understand what is expected of you. You have the responsibility to:

- Tell the court, your lawyer, and your social worker, if you or any member of your family have American Indian or Native American ancestry. There are special protections under state and federal law. See [page 12](#).
- Provide information about your situation to your lawyer and your social worker.
- Ask for any services your family needs so your child can return home.
- Let all team members involved with your family know if there are changes to your situation. Your lawyer can help you understand how to talk about your situation to others involved in your case if you need help.
- Ask any questions you have.
- Stay in contact with your lawyer. This includes letting your lawyer know any new information or changes to your situation, as well as discussing your progress on the court's recommendations and expectations for your case.
- Keep copies of services you complete as a record for your own progress.
- Go to appointments, solution focused meetings, and court dates. It is important to come to these meetings to show the court that your child is important to you and that you care about what happens to your child. Contact your lawyer if you are concerned about attending.



- Cooperate with social workers, service providers, lawyers, and the court.
- Dress appropriately for court hearings and display your best behavior and positive attitude before and during court hearings. See [page 24](#).
- Follow through with court-ordered services. This is important because the court wants to see your progress over time to evaluate what solutions are in the best interest of your family.
- Review written documents relating to your child, whether or not your child is living with you. This includes court reports, court orders, and any other reports on your child. Talk with your lawyer if you are not receiving these documents and ask questions if you do not understand what they mean.



# Tips for Successful Family Interaction Time

Your child wants and needs to see you regularly. A family interaction time schedule will be set up to ensure that you and your child have regular times to see each other. Family interaction time is time that you can use to rebuild your relationship and practice new parenting skills with your child. Follow these tips to make the most out of this important time.

- Make your parenting time a priority and be on time. If transportation is a problem for you, ask your social worker to help.
- If you need to change or cancel your parenting time, call your social worker at least 24 hours in advance and explain why the change is necessary.
- Plan ahead for your parenting time and bring activities that you and your child can enjoy together.
- If your parenting time happens during a meal, bring a snack for your child. A healthy snack is best, if you can bring one. If you cannot, bring what you can.
- Do not use your phone during your parenting time so that you can focus on interacting with your child.
- During your parenting time, tell your child that you are glad to see them. Find nice things to say to encourage your child.
- Ask your child about school, any current activities they are involved in, and how things are going in their foster home.



- Reassure your child that you are ok and tell them that they do not need to worry about you. Help them understand that you are working hard and you will get through this.
- Show support and respect for your child's foster parents. Reassure your child that it is ok to like their foster parents and to enjoy spending time with them.
- If you feel that your child is not safe in their foster home, be sure to discuss your concern with your social worker or your lawyer during a time when your child is not there.
- At the end of your parenting time, tell your child that you love them and that they are important to you.
- Keep a positive attitude for your child and tell them that you will see them again soon. Be careful not to make any promises you cannot keep.





# Brief Explanation of Child Welfare Events

At every stage of the case, the court must provide reasonable efforts to help you keep your child safely at home or to make sure your child can be safely returned. The law only gives so much time for you to complete what is asked.

A child abuse or neglect referral is made to DHS.

Be sure to talk to your lawyer and make sure you understand what stage your case is on.

The adjudication hearing will decide if your child is in need of assistance. If you judge finds abuse or neglect occurred, your child is considered a Child in Need of Assistance (CINA).

At a review hearing, the judge reviews what progress has been made towards reunification. The judge will decide if any changes need to be made.

A petition to terminate parental rights may be filed if the judge decides that your child can never be safely returned home. See [page 23](#) for a full definition.

Initial Report

Removal

Adjudication

Disposition

Review

Permanency

Termination

Important timelines start from the removal date. If your child is younger than 4, you have 6 months to show the court you can safely parent your child. If your child is 4 or older, you have 12 months to show the court you can safely parent your child.

At disposition, the judge decides what required actions must be completed before your child can be returned home.

The timeline for your case will continue to progress whether or not you are doing what you need to do.

A permanency hearing must be held within 12 months of your child's removal. At permanency, the judge decides the best permanent plan for your child.

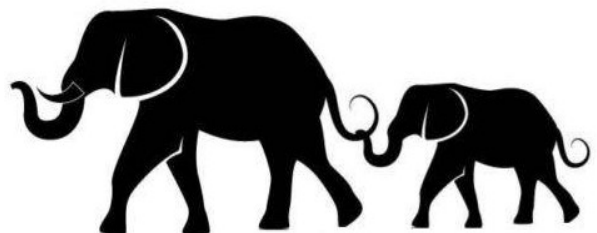
# Full Explanation of Child Welfare Case Events

## Initial Report and Recommendations

- A Child Protective Services referral about abuse or neglect is made to DHS.
- DHS decides whether to accept or reject the case based on the information provided and the level of risk to your child.
- If the case is accepted, DHS has 20 days to complete an assessment.
- After initial DHS interviews, a CINA case may be filed in court.
- If a CINA petition is filed, the court sets your case for hearing.
- At the initial hearing, DHS makes one of the following recommendations:
  - Your child is safe at home and the case can close.
  - Your child should remain at home, but the case should stay open so that your family can receive services.
  - Your child is not safe and should be placed out of your home while your family receives services.

## Reasonable and Active Efforts

- At every stage of the case, DHS must provide reasonable or active efforts to help you keep your child safely at home or to make sure your child can be returned to you, if your child has been placed out of your home. Active efforts are required for some families of Native American or American Indian ancestry. This typically involves services that you, DHS, your Tribe, or the court believes are necessary.
- At each hearing, the judge will decide if reasonable or active efforts have been made. It is important that you tell your lawyer and the court if there are services, including services offered by your Tribe, you believe you need to reunify your family and those services are not already provided.
- Make sure to tell the judge if you are having difficulty completing services. If there are additional supports that you need to complete case requirements but you do not ask for them, the court does not know it is a problem for you. This could result in the court holding you accountable for something that you are unable to complete.

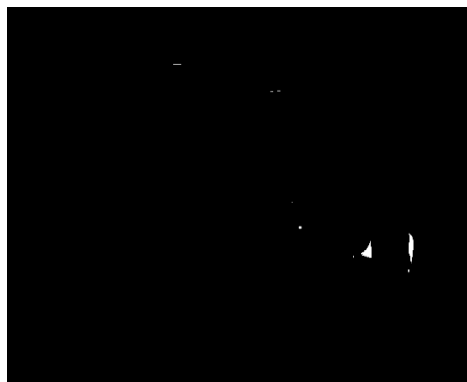


## **Shelter Hearing**

- If your child is removed from your home and placed in a shelter facility, the court must hold a shelter hearing or issue a written court order approving shelter care. This must occur within 48 hours of your child's removal.
- At the hearing, the judge listens to the county attorney's reasons for removing your child.
- You have the opportunity to tell the judge a safe place where you think your child should stay. This might be a safe relative or a trusted friend.

## **Removal Hearing**

- If your child is removed from your home, there will be an additional hearing within 10 days to discuss the removal.
- There are important timelines that start from the date your child was removed.
  - If your child is younger than 4 years old, you may only have 6 months from the removal date to show the court that you are able to safely parent your child. Once 6 months pass, a petition may be filed to terminate your parental rights.
  - If your child is 4 years old or older, you may only have 12 months to show the court that you are able to safely parent your child. Once 12 months pass, a petition may be filed to terminate your parental rights.
- Within 30 days of the removal, DHS must attempt to find and contact your child's adult relatives to inform them that your child has been removed. DHS will explain to your relatives that they may be able to care for your child if they are interested and their home is a safe place.



## **Initial Hearing**

- At the initial hearing, the judge will ask you to admit or deny the charges that the county attorney has brought against you. It is important that you talk with your lawyer before you admit or deny the charges.
- If the judge decides that your child should remain outside your home, make sure you tell your lawyer and DHS if there are any safe family members or trusted friends who may be able to care for your child.
- The court is required to place your child in a safe place that is the most family-like setting. The judge may also decide on a family interaction schedule at this hearing.

## **Adjudication Hearing**

- The adjudication hearing will decide whether abuse or neglect of your child occurred.
- This hearing should be held within 60 days of your first appearance before the judge and your denial of the charges.
- At the adjudication hearing, the judge hears evidence from you, your lawyer, your child's GAL, the county attorney, and others who are involved in your case.
- If the judge finds that your child was abused or neglected, your child is found to be a Child in Need of Assistance (CINA). The judge then decides the requirements your family must complete before your child can come home.
- If the judge finds that your child was not abused or neglected, the judge will dismiss the case.



## **Disposition Hearing**

- The disposition hearing is usually held within 60 days of the adjudication hearing. It can happen on the same date as adjudication if all parties agree.
- At disposition, the judge decides what other requirements you need to complete before your family can be reunited. It is important to make sure you understand what the judge expects you to complete, so that you can make progress toward bringing your child home. These requirements may include therapy, parenting classes, drug treatment, etc. The judge may also decide if your child will:
  - Stay in your home without court supervision.
  - Stay in your home with court supervision.
  - Be placed outside your home.
- If you do not understand what is expected of you, it is important that you talk with your lawyer. It is your lawyer's job to make sure you understand what is happening throughout your case.
- If you disagree with the court's dispositional order, you have the right to appeal it.
- If you decide to appeal, the paperwork giving notice of appeal must be signed with your attorney. During the appeal, the judge's current disposition order is still effective and you must follow its terms.

## **Review Hearing**

- If your child is removed from your home, a review hearing must be held within 6 months following the filing of the CINA case. Additional review hearings should take place at least every 6 months after the first review hearing.
- It is important to tell your lawyer about any changes to your situation so that your lawyer can address them during the review hearing.
- At a review hearing, the judge reviews the case to see how you and your child are doing. The judge also reviews what progress has been made toward your completion of case requirements, and will decide if any changes need to be made.
- The judge may decide that your child can safely be returned home, or may decide that it is in your child's best interest to stay in outside care.

- The court will expect you to keep working on your case requirements until your case is closed, so it is important that you ask any questions you have during the hearing so you understand what you still need to complete.

### **Permanency Hearing**

- A permanency hearing must be held within 12 months of your child's removal. For children under 4, this hearing may come earlier.
- At the permanency hearing, the judge decides the best permanent plan for your child. The judge makes this decision by listening to recommendations from your lawyer, the county attorney, the GAL, and DHS.
- In deciding permanency, the judge may decide that:
  - Your child should return home.
  - Legal guardianship of your child should be given to a relative, foster parent, or other non-relative.
  - A petition should be filed to start the termination of parental rights process.
- Your lawyer will ensure that best efforts are made to place your child in the right placement. If feel this is not happening, be sure to talk with your lawyer.
- Your child should be able to participate in extra-curricular activities if they want, no matter where they are currently living. If your child is not getting the opportunity they need, be sure to talk with your lawyer.



## Termination of Parental Rights

- If the court determines at the Permanency Hearing that a Petition to Terminate Parental Rights (TPR) should be filed, a new case will begin when the state files the TPR Petition.
- Once it is filed, you will get a notice with the date and time of the hearing. You have a right to a lawyer (likely the same one who represented you in your CINA case) to help you defend against the petition. Your child will also have a guardian ad litem, and if they are older, an attorney of their own as well.
- While you are preparing for the TPR hearing, make sure you continue to participate in services and visitation with your child so you can be in the best position to defend against the petition.
- At the TPR hearing, the Judge will hear testimony, review exhibits, and hear arguments from all of the lawyers. In order to terminate parental rights, the court must find by clear and convincing evidence that a legal ground for termination exists, that termination is in your child's best interests, and that no exceptions to termination apply.
  - Grounds: There are many grounds for termination in [Section 232.116 of the Iowa Code](#). Common grounds for termination include abandonment or not maintaining meaningful contact with the child, or time in out-of-home care (12 months for children 4 and over; 6 months for children 3 and under), and a finding that the child cannot be safely returned to the parent's custody at the time of the hearing.
  - Best Interests: To determine whether termination is in your child's best interests, the court looks at the child's safety and the best place for long-term nurturing and growth. Courts want to know that if they terminate rights, there is a relative or foster parent willing to adopt the child.
  - Exceptions: The court need not terminate parental rights if a relative has legal custody of the child, the child is over the age of 10 and objects, or there is clear and convincing evidence that termination would be detrimental to the child due to the closeness of their relationship with the parent. These exceptions are not mandatory-they are left to the court's discretion.
- If the court terminates your rights, you have 15 days from the date the Order is filed to appeal. Make sure your lawyer has your contact information so they can tell you when the Order is filed and make plans if you want to appeal. You will need to personally sign the notice of appeal.

## Expectations at Court:

Remember that your appearance, behavior, and attitude in the courtroom all influence the way others think about you. Try to maintain a positive outlook at court so that others can see the good person you are.

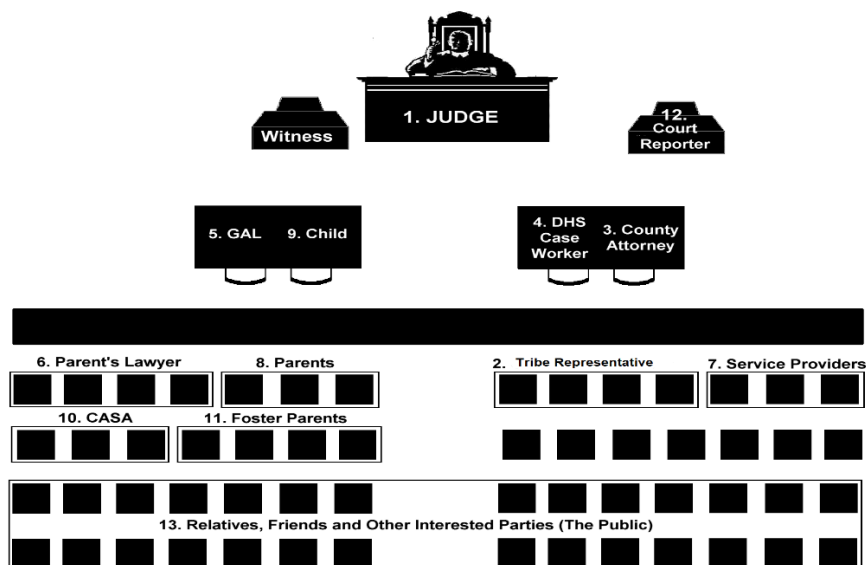
- Wear appropriate clothing to court. Remove your hat when you are in the courtroom.
- Bring any important documents, such as certificates of completion, attendance slips, or other proof that you have completed case requirements.
- Friends or family may come to court with you and it may be helpful to have supportive people with you, but the judge decides who can stay in the courtroom for the hearing.
- Get to your assigned courtroom 15 minutes early. You can find the courtroom number on the court order that gives you the date and time of the hearing.
- Look for your lawyer and social worker and wait for them to tell you that it is time to enter the courtroom. Wait quietly outside the courtroom if the hearing is late. The judge wants court to start on time, but be prepared to wait if the court is running behind.
- Be sure to turn off your cell phone.
- Show respect to the other people in the courtroom and do not swear. Stand up when the judge enters and call the judge “Your Honor.” Do not eat, drink, or chew gum in court.
- Listen to what others have to say. Write any questions down on a piece of paper for your lawyer, or quietly ask your lawyer any questions you have. Only speak in the courtroom when the judge or your lawyer asks you to speak.



# Understanding the Courtroom Layout

You should note that not all courtrooms are set up the same and your judge's courtroom might be set up differently. The following is a general example.

1. Judge: decides the case.
2. Tribe Representative: gives the Indian Tribe's recommendations.
3. County Attorney: the lawyer for the county or DHS.
4. DHS Social Worker: supervises the case.
5. GAL/Child's Attorney: lawyer who represents your child's wishes and best interests.
6. Your Attorney: speaks for you and represents your position.
7. Service Provider: any agency that provides services to your family.
8. You
9. Child: depending on your child's age and situation, he or she may be encouraged to attend.
10. CASA: court volunteer who reports on the child's best interests to the judge.
11. Child's Caregiver: when appropriate, your child's caregiver will be present at court and will bring your child with them.
12. Court Reporter: courtroom staff who creates a typed report of what everyone says.
13. Public: the general public may attend, unless the judge closes the hearing.



# Juvenile Court Hearing Format

- Everyone stands for the judge when he or she enters the courtroom.
- The county attorney or the judge will introduce the case.
- All people present in the courtroom may be asked to introduce themselves and say why they are there.
- The lawyer for each party gives that party's position to the court. This may include testimony and the presentation of other evidence, such as service provider reports or drug test results.
- The judge will decide important issues and will announce what will happen next.
- A date and time will be set for the next court hearing.

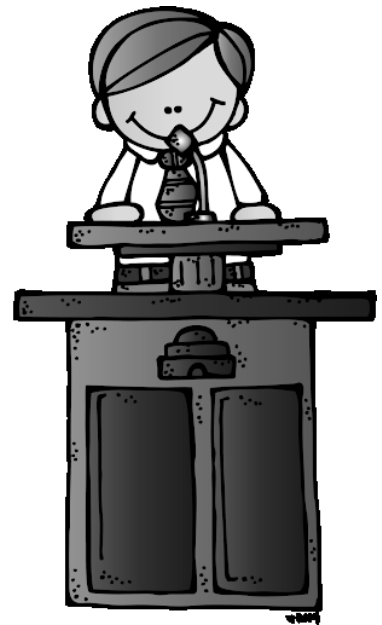
## The Judge's Job

- To listen to all positions.
- To know the law and make sure it is followed.
- To make decisions regarding your case.
- To decide if reasonable or active efforts have been made to keep your child safely at home or return your child to your home.
- To write the court order describing what your family is expected to complete before reunification can occur.



## Tips for Testifying

- You and your lawyer will decide together if you will give testimony to support your case, but you may also be called to give testimony by another party to the case.
- You must tell the truth. You will be required to swear under oath that your words will be truthful before you can testify.
- Make sure you understand the question before you answer. Don't be afraid to say "I don't understand" and ask for the question to be said in a different way.
- If you did not hear the question, ask for the question to be repeated.
- If you cannot remember something, say that you cannot remember.
- Talk in a clear, loud voice.
- Answer only the question you are asked. Do not give additional information outside the question.
- Do not nod or shake your head to answer. You must give a verbal answer so that the court reporter can record your answer in the record.
- Testifying in court can be very stressful – especially when it is about something as important as your family. But do your best to keep your cool when testifying. If you lose your temper, it will usually not make things better.



## Next Steps after the Hearing

- Make sure to write down the next court hearing date and time in your calendar.
- Also, write down reminders of what the judge ordered you to do as well as anything you agreed to do. Make sure to complete those items.
- After the hearing, the judge has 60 days to make a decision and write the court order. Your judge may make an immediate decision or may decide later. If you do not understand what happened in the hearing, be sure to ask your lawyer to explain it to you.



**If you do not receive the order within 60 days, be sure to call your lawyer.**



## Definitions of Juvenile Court Terms

**Abuse:** Inflicting or causing physical injury, harm, or imminent danger to the physical health or welfare of a child other than by accidental means, including excessive corporal punishment. Physical injury can include bruising, bleeding, burns, fractures, or substantial malnutrition. Abuse can also be verbal, emotional, psychological, or sexual in nature. Please talk with your lawyer for a complete definition.

**Active Efforts:** These are the efforts that the state must make to prevent removal of a child from their family home or to reunify the family if the child has already been removed. Active efforts are required in Indian Child Welfare Act (ICWA) cases. Active efforts require more than reasonable efforts. Active efforts must consider the child's Indian tribe's social and cultural values. Services, traditional and customary support, and participation by tribal representatives should be used as an active effort. Please talk with your lawyer for more active efforts examples.

Services must be offered to assist the family to keep the child at home. The judge must decide if active efforts are being made to keep the child at home, to support the child's return home, or to make a permanent plan for the child if they cannot safely return home. The judge must make a decision about whether the current active efforts are sufficient within 60 days following the child's removal, at adjudication, and at all other hearings.

**Adjudication:** A court hearing where the court decides whether the charges in a CINA case are true. The judge will decide whether the case may be dismissed or whether the court must remain involved with the family. If the child was not already removed from the family home, the judge will decide whether he or she will be removed.

**Adoption:** The legal process through which the court gives exclusive legal parenting rights to an adult other than the child's biological parents.

**Allegations:** Charges listed in a CINA petition that describe incidents of child abuse or neglect.

**Appeal:** A request to a higher court (after the District Court, the appeal goes to the Court of Appeals, and then to the Supreme Court of Iowa) to review and change the decision of a lower court.

**Assessment:** A child abuse assessment is required when there has been a report of abuse or neglect of a child by the child's caretaker. The assessment includes the nature, extent, and cause of the child's injuries, and identifies who is responsible for the injuries. Goals of the assessment are 1) to protect the child, and 2) to engage the family in services to increase their strengths and to address their needs so they can provide for the safety of their child.

**Attorney:** Also called a lawyer, this person is licensed in the state of Iowa to practice law, including representing parents and children who become involved in the juvenile court system.

**Best Interests of the Child:** This is a legal standard that considers all the circumstances affecting the child before making a decision that will impact the child.

**Case Manager:** Also called a social worker, the case manager works for the Iowa Department of Human Services (DHS). The case manager works with the family to develop a case permanency plan.

**Case Permanency Plan:** The plan that DHS develops with the child's parents, which includes clear requirements and service expectations that need to be completed before the child can safely be returned home.

**Central Abuse Registry:** The Child Abuse Information Registry contains abuse, child neglect, or child endangerment reports found to be true.

**Child in Need of Assistance (CINA) Case:** The court can find that a child is considered to be a CINA, if that child:

- Has no caretaker or has been abandoned or deserted.
- Is or has been physically, sexually or emotionally abused.
- Is or has been neglected or denied medical, psychiatric or substance abuse treatment for drugs.
- Is or has been sexually exploited or encouraged to commit delinquent acts or exposed to drugs.
- Is unsupervised or has parents who are unable to care for the child.
- Wishes to be removed from his or her parents or has parents who no longer wish to care for the child with good cause.

CINA is the legal process for deciding whether a child is the victim of abuse or neglect and is in need of the court's help. If the court finds the child is considered a CINA, the court will decide how the state should protect that child.

**Child Protective Worker:** This person is called a child protective worker or an assessment worker, and they complete an assessment of the family and the abuse incident when a child abuse report is filed.

**Concurrent Planning:** To work toward the reunification of a child with his or her parents, while simultaneously developing another permanent plan for the child.

**County Attorney:** This person is the lawyer for the state of Iowa.

**Court Appointed Special Advocate (CASA):** A specially trained court-appointed volunteer who reports directly to the court regarding the best interests of the child.

**Court Order:** A legal document that reports what happened at the hearing and lists the judge's findings.

**Custody:** The judge's decision of where and with whom a child must live.

**Denial of Critical Care:** When a child is denied adequate food, shelter, clothing or other care necessary to the child's health and well-being.

**Department of Human Services (DHS):** This is the state agency that helps families involved in juvenile court become safe, stable, and self-sufficient.

**Disposition:** A court hearing to decide what should be done for the child and family after a child is found to be a CINA. The court may postpone a decision, allow the parents to keep custody, transfer custody to another adult, or place the child somewhere other than their family home.

**Findings:** Findings of fact are what the court believes are the facts of the case based on the evidence presented. Conclusions of law are the court's findings on whether the facts meet the legal requirements of the case.

**Family Centered Services:** Family Centered Services (FCS) services focus on promoting the safety, permanency, and well-being for children. A FCS agency provides interventions and supports for the family during the juvenile court process.

**Guardian:** A person appointed by the court who has the legal right to make important decisions in a child's life including consent to marriage, military enlistment, medical treatment, adoption, and other decisions involving protection, education, and care of the child.

**Guardian ad Litem (GAL):** In Iowa, the GAL is a lawyer. The GAL and lawyer for the child can be the same person or two separate lawyers. The court appoints a GAL for a child in any case involving child abuse.

**Hearing:** A formal court meeting to decide the facts of the case and to finalize the case plan.

**Indian Child Welfare Act (ICWA):** A law that was established to protect the legal rights of children with American Indian or Native American heritage.

**Judge:** A specially trained juvenile court lawyer who has been appointed to judicial office. The judge handles a juvenile court case from beginning to end.

**Juvenile Delinquency:** A child becomes involved in a delinquency case with juvenile court when a child commits an act that violates the law. This type of court process is not covered by this booklet, so be sure to talk with your lawyer for a full definition.

**Lack of Supervision:** Failing to supervise the child to the extent that there is a danger of the child suffering significant harm, injury, or death.

**Lawyer:** Also called an attorney, this person is licensed in the state of Iowa to practice law, including representing parents and children who become involved in the juvenile court system.

**Modification:** A hearing to decide if good reason exists for the judge to change a court order.

**Neglect:** Neglect of a child generally involves the parent or caregiver not meeting the child's basic needs, such as not providing adequate food, clothing, or shelter. Failure to provide these needs endangers the child's physical and emotional well-being. Be sure to talk with your lawyer for a full definition.

**Party to the Case:** Also called a case party, this means that the person is affected by the legal action and has a legal stake in the outcome of the case. In juvenile cases, the county attorney, DHS, the child, and the parents are all considered parties to the case.



**Permanency:** When the child is returned home, adopted, or placed in the custody or guardianship of a caretaker other than DHS.

**Petition:** A formal written application to the court requesting judicial action that includes a request that your child be found to be a CINA and gives notice of the conduct or actions that give rise to the CINA action.

**Removal:** This occurs when the court decides a child is at risk of harm if left in the home and orders that the child be placed in another home or placement.

**Reasonable Efforts:** These are the efforts that the state must make to prevent removal of a child from their family home or to reunify the family if the child has already been removed. What is considered reasonable is different in each case but generally concerns the state's response to the child's health and safety; the case plan; the child's physical, emotional, or psychological needs; and the obstacles to stability that impact the family.

Services must be offered to assist the family to keep the child at home. The judge must decide if reasonable efforts are being made to keep the child at home, to support the child's return home, or to make a permanent plan for the child if they cannot safely return home. The judge must make a decision about whether the current reasonable efforts are sufficient within 60 days following the child's removal, at adjudication, and at all other hearings.

**Review Hearings:** The court must review the cases of all children in placement after 6 months and at least every 6 months after that.

**Service Provider:** Agencies, individuals, and organizations who contract with DHS to provide treatment or supervision services for families involved with DHS.

**Social Worker:** Sometimes called a case manager, the social worker is an employee of the Iowa Department of Human Services.

**Solution Focused Meetings (SFM):** A type of meeting offered to families involved with DHS. This meeting may be scheduled throughout a juvenile case and usually involves your DHS caseworker, supportive friends and family, service providers, and other involved in your case or plan. With the assistance of a trained facilitator, you and your team will develop a plan, problem solve challenging situations, develop next steps, or celebrate progress. Your voice and point of view is very important in this process. You are encouraged to actively share your concerns and preferences.

**Termination of Parental Rights:** Also called termination of the parent-child legal relationship, this happens when the court takes away all of the parent's rights and the child is eligible for adoption.

**Testimony:** Statements made by a witness under oath that are sworn to be true.