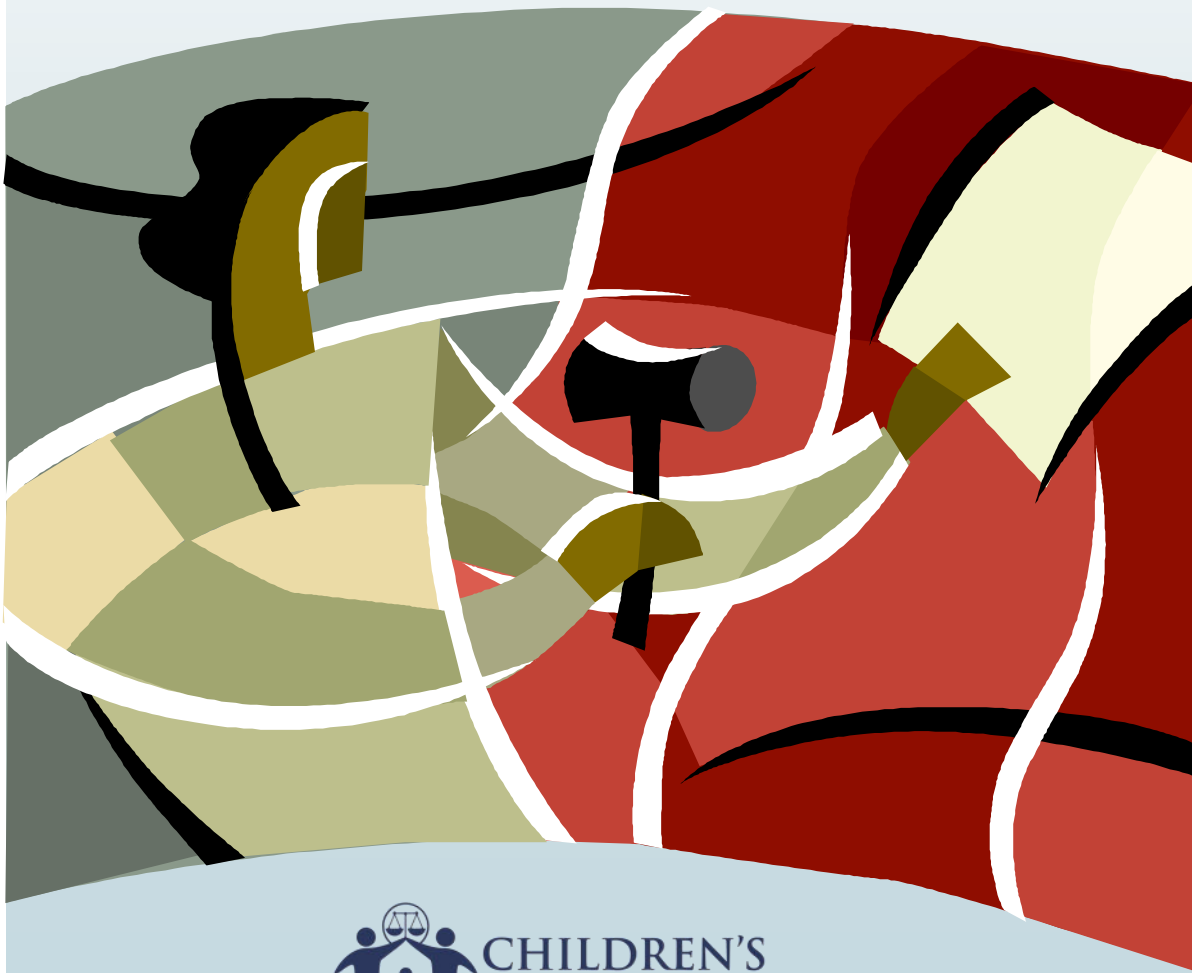


The Wyoming Children's Justice Project Presents

How a Child Enters the Juvenile Court System

A Handbook For Foster & Relative Caregivers



2nd Edition - Revised April 2015



A complete reference
guide for Wyoming Foster
and Relative Caregivers
for understanding the
legal process in
Wyoming Juvenile
Courts.

Acknowledgements

This manual is brought to you
by the Wyoming Supreme Court,
Children's Justice Project.

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For more information about the Wyoming Children's Justice Project (CJP), please contact the CJP Coordinator at 307-777-7629 or wycjpcoordinator@courts.state.wy.us. Additional copies may be downloaded from the CJP webpage at: <http://www.courts.state.wy.us/Initiatives/CJP>.

Thank you for taking the time to review this publication. We hope you will find it useful in navigating Wyoming's Juvenile Court System as a foster or relative caregiver.



How a Child Enters the Juvenile
Court System



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For a full copy of the Foster & Relative
Care Provider Manual please contact
Wyoming Department of Family
Services.



How a Child Enters the Juvenile Court System

This chapter will walk you through the juvenile court process, introduce you to the various people involved in the court system and direct your involvement with the courts.

There are three ways a child can enter the juvenile court system and three corresponding types of proceedings in the juvenile court. The three types of proceedings are: abuse and/or neglect; child in need of supervision (CHINS); and delinquency. An abuse/neglect case is brought against a parent or caretaker if there is reason to believe that a child has been abused or neglected. A CHINS case is brought against a child who has run away from home, disobeyed his or her parents and/or is generally unruly. CHINS cases can also be brought against a child who has committed a status offense, which is defined as a crime committed by a child that would not be a crime if an adult committed the act, such as drinking alcohol or smoking. A delinquency case is brought against a child who has committed a crime or violated a municipal ordinance.

A child enters the juvenile court system in one of three ways:

- 1. PROTECTIVE CUSTODY TAKEN** (Abuse/Neglect & some CHINS)
- 2. PETITION FILED** (Abuse/Neglect, no protective custody; & CHINS, no protective custody)
- 3. JUVENILE CITED & PETITIONED INTO COURT** (Delinquency & some CHINS)



JUVENILE
COURT

In order for a child to be brought under the jurisdiction of the juvenile court, one of three things must occur. First, a child may be taken into temporary protective custody. Temporary protective custody in an abuse/neglect case may be taken only by a doctor, nurse practitioner, physician's assistant, or law enforcement officer. Contrary to popular belief, Department of Family Services (DFS) cannot take protective custody of a child. Protective custody may only be taken by the four groups of individuals listed above if there are reasonable grounds to believe a child is in imminent danger. After custody is taken, the person taking custody must notify DFS immediately. DFS will accept custody of the child for placement (usually in relative or foster care) and then the county or district attorney will decide whether to file a petition to bring the case into juvenile court. If the county or district attorney decides against filing the petition, the child returns to the home and a juvenile court case does not begin.

A child can also be taken into protective custody in a CHINS case, but only by law enforcement officers. Law enforcement officers can take protective custody of a child if one or more of the following is true: the circumstances would allow law enforcement to arrest an adult without a warrant; there are reasonable grounds to believe the child has violated an order of the juvenile court; the child's conduct or behavior seriously endangers himself or the person or property of others and immediate custody appears necessary; the child is in imminent danger; or there are reasonable grounds to believe the child has run away from his parents or guardian.

The second way a child enters Juvenile court is through a petition being filed by the county or district attorney in an abuse/neglect case or CHINS case without taking temporary protective custody. Usually, these are cases where the

child or situation does not meet the threshold for protective custody, usually no imminent danger presents itself, but abuse, neglect or CHINS concerns still exist with the child or family. In these cases it is in the discretion of the county or district attorney to file the case. Both types of cases can be filed without protective custody being taken and with the child remaining in the home. In these cases foster care is not used at the outset of the proceeding.

The final way in which a child comes under the jurisdiction of the juvenile court is through a delinquency proceeding. In Wyoming, when a child commits a delinquent act or has violated a municipal ordinance and receives a ticket from law enforcement, the ticket goes to the county or district attorney (called the “single point of entry”), who then decides, based on the statutory guidelines, which court the child should go before based on the ticket, the child’s age, and other objective factors the county or district attorney has identified. A child who is cited in Wyoming can be in circuit, municipal, district, or juvenile court, based on the child’s age, type of offense, and the criteria set by the county or district attorney. Juvenile court is the only court before which a child can appear that is not an adult court and that is kept confidential. It is in the discretion of the county or district attorney to choose which citations to petition into juvenile court. The delinquent child may be left in the home when the case is filed and may also be held in detention/custody if the circumstances would allow law enforcement to arrest an adult without a warrant, if there are reasonable grounds to believe the child has violated an order of the juvenile court, or if the child’s conduct or behavior seriously endangers himself or the person or property of others and immediate custody appears necessary. Unlike abuse or neglect proceedings, a delinquent child may only be taken into detention/custody by law enforcement. Delinquent children may be placed in foster care, although it occurs less often than in abuse/neglect or CHINS proceedings.

Within forty-eight hours of a child being placed into protective custody or detention, a shelter care or detention hearing must be held. This will determine whether the child is in imminent danger and whether he/she is placed in the legal and/or physical custody of DFS or is returned to his parent(s) or caretaker(s). If no protective custody or detention is taken, the first hearing will be the initial hearing, also sometimes called an arraignment in CHINS and delinquency cases.

Imminent Danger

In an Abuse/Neglect Proceeding:

The child is abandoned, lost, suffering from illness, injury, or seriously endangered by his surroundings, or immediate custody is necessary for protection.

In a CHINS Proceeding:

There are reasonable grounds to believe a child is abandoned, lost, suffering from illness or injury, seriously endangered by his surroundings, or his behavior seriously endangers himself and immediate custody is necessary for protection; the child has run away; has violated a court order; or circumstances permit an arrest without a warrant under W.S. 7-2-102.



Despite popular belief, a DFS worker cannot take a child into protective custody.

Stakeholders and Their Roles

This section will walk through the various people involved in the juvenile court system, their roles and responsibilities, and your interactions with them.

Stakeholder

Stakeholders participate in the juvenile court system and work with children and families in various ways. Examples of stakeholders are shown below.



Within the juvenile court system there are many stakeholders and entities involved and working on the case. It can become confusing and overwhelming to the children, families, foster families, or kinship caretakers trying to navigate the system while also keeping track of appointments and understanding each player's role. Figure 3-1 depicts some of the possible players involved in a child's case in juvenile court. It is not a complete list, but does include the vast majority of potential players. In the center of the diagram is the child, as all juvenile court proceedings are focused on the children. The first circle of the diagram, closest to the child, lists the players within the court system. The outside circle of the diagram lists the potential ancillary players that can be involved with children in juvenile court; mostly service providers.

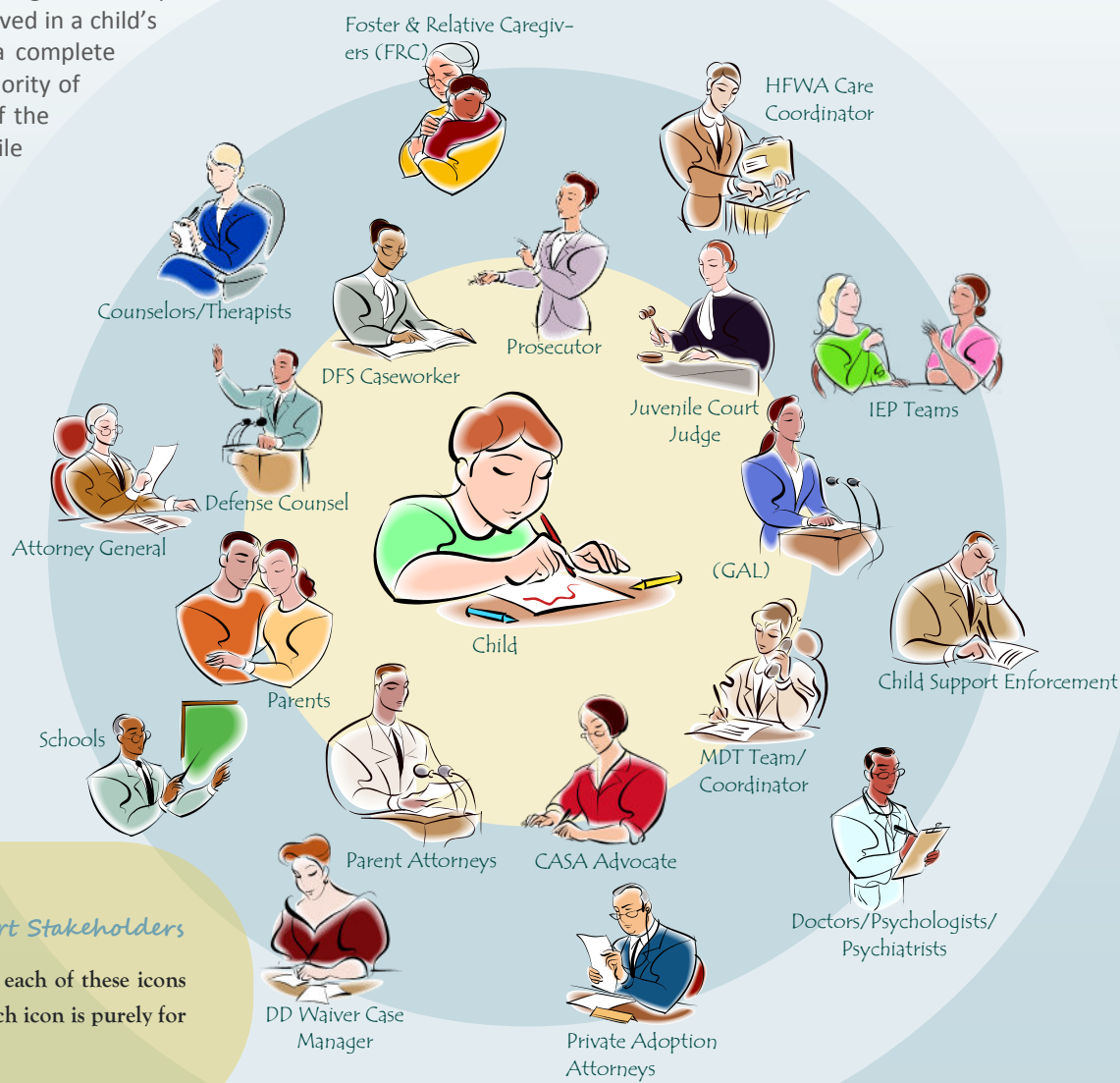


Figure 3.1 Juvenile Court Stakeholders

The following pages will discuss each of these icons in full. The representation of each icon is purely for reference only.



Closed Court Proceeding

In a closed court proceeding, no one is allowed to watch and the case will not be listed on the court docket by name. Further, neither the public nor the press can attend.

Did you know?



Did you know that the county or district attorney who prosecutes juvenile court proceedings represents the state's interest and does not represent DFS? DFS is represented by the Attorney General's Office and usually comes to court without an attorney there to represent them.

Court System Stakeholders



Juvenile Court Judge

The judge in a juvenile court case in Wyoming is also the judge in district court: the court that hears most civil cases involving claims of \$50,000 or more and criminal matters. Although the judge and the courtroom are the same as district court, which is open and not confidential, juvenile court matters are confidential and closed. The judge just wears two hats.



County or District Prosecutor

The abuse/neglect, CHINS or delinquency case is filed in juvenile court by the prosecutor. In Casper and Cheyenne, they are called district attorneys. In the other cities, towns, and counties throughout Wyoming, they are called county attorneys. Despite the different titles, their jobs remain the same. These prosecutors represent the state's interest of protecting children and the community and do not represent any other stakeholders in the juvenile court system such as the child or DFS.



Parent Attorneys

A parent can hire an attorney to represent them in juvenile court and if they cannot afford to do so, the court can appoint them an attorney that is paid for by the county. These attorneys are private attorneys in firms that agree to do this work. They are not public defenders or employed by the state. If there is a conflict between parents involved in the case, the court can appoint a different parent attorney for each parent, which is why you may see two or more parent attorneys on one case.



Guardians Ad Litem

A Guardian Ad Litem (GAL) is an attorney appointed to represent a child in juvenile court. A GAL's job is to tell the Judge what the child wants and what is in the child's best interests, what we call the hybrid model of GAL representation. To do that, the GAL will meet with the child, most likely in your home, to understand the child's needs. The GAL will look at the family's case history and also do his or her own investigation to help decide what is best for the child. If the caregiver or the child do not believe the GAL is representing the child effectively, there is a formal complaint process through the Wyoming GAL Program whereby an investigation is triggered. The GAL program can ensure the GAL is adhering to program rules, regulations, standards and policies.

Not finding who you are looking for?

Contact your local DFS Caseworker for questions and more information on any other individuals that are involved in your foster child's juvenile court case.

In Wyoming, all GALs must be attorneys and they represent the child's legal interests and best interests in court. They are not the guardian of the child. They make motions and advocate for the child in the court process. Every child in an abuse/neglect case will be appointed a GAL to represent them. Sibling groups will most likely have the same GAL, unless there is a conflict. In CHINS and delinquency cases, a child will only have a GAL if the court appoints one because the child's parent is absent or the child's interests are adverse to the parent's interests.

There are some basic requirements, rules, and policies that GALs must adhere to that will affect you and the children in your home. First, all GALs are required to meet with the children they are assigned to represent within thirty days of the case beginning and also within thirty days of any change in placement. The GAL must also observe the child in the placement, which will often mean within your home. A GAL's relationship with the child must be one that is trusting and, therefore, the GAL may need to spend some time with the child in order to gain his/her trust, but the GAL's relationship with the child shall always remain professional and not personal. The GAL program has rules and policies governing GALs representing children in juvenile court and the formal complaint policy and form can be found on the GAL program website at <http://gal.wyo.gov>.

The GAL program has rules and policies governing what a GAL can and cannot do. These rules and policies can be found online at:

<http://gal.wyo.gov>



Private Defense Counsel/Public Defenders for Children in Juvenile Court

A child or parent can hire private defense counsel for a child in a CHINS or delinquency proceeding. If the child or parent cannot afford to hire an attorney, the child has a right to an attorney and the court shall appoint a public defender to represent them at no cost. The child is allowed to waive this right to a public defender, but in most instances, this can affect the child's rights and wishes. This is the only instance in juvenile court where a public defender is involved in a case. A parent or the child can also hire an attorney of their own choosing to represent a child in a CHINS or delinquency case, if they choose.

In a delinquency or CHINS case, the child can be appointed a public defender by the judge to represent the child at no cost. The child is allowed to waive this right to a public defender, but in most instances, this can affect the child's rights and wishes. This is the only instance in juvenile court where a public defender is involved in a case. A parent or the child can also hire an attorney of their own choosing to represent a child in a delinquency case, if they choose.



Department of Family Services Caseworker

A caseworker is a specially trained person who works for the Department of Family Services (DFS). The DFS caseworker may be responsible for investigating issues that are reported about a family situation, getting services to help a family resolve its issues, or supervising a child on probation. The caseworker will check on children in foster care and the other family members to see how everyone is doing. They will write a report to the court about the progress the child and family are making before each hearing. You will likely see the caseworker in your home at least once per month, as they are required to have face-to-face meetings each month when children are under the jurisdiction of the juvenile court.



CASA Advocate

Court Appointed Special Advocates (CASAs) are un-paid volunteers who are specially trained to advocate for a child in an abuse/neglect case. Not all children have a CASA. If a judge appoints a CASA for the child, the CASA, much like the GAL, will often meet with the child in their current placement. The CASA will also attend case meetings and court hearings, and write a report which goes directly to the judge. Not all counties have CASA programs. Currently, there are CASA programs in Park, Sheridan, Johnson, Campbell, Natrona, and Laramie Counties. If you are in one of these counties, and a child in your home does not have a CASA advocate and you believe they would benefit from one, you can contact the CASA program to inquire about the process to have one assigned.





Multidisciplinary Team and Coordinator

In all three types of cases in juvenile court, the court will appoint a multidisciplinary team (MDT) to meet and make recommendations to the judge about the case, services needed, family's progress, child's health and safety, etc.

These team meetings will be discussed in more detail in section nine below. However, it is important to note that in some counties, these meetings are run by an MDT coordinator, who is not a party to the case, but is responsible for facilitating the meeting, taking notes, and writing a summary report that is submitted to the court. This is a person that you and the children in your home may see at MDT meetings, but will not be at other meetings or court hearings.

Other Service Providers



Foster and Relative Caregivers

A juvenile court case is comprised of many people that are all part of one team. Its function lies in the ability of the members to work as a team and help support each other. The Foster and Relative Caregiver (FRC) is an integral part of that team and ensuring that all the stakeholders know how the child is doing in the foster or relative home, and that the FRC is open and willing to working with and supporting the biological parent. Your attendance at team meetings is valuable to the child, the biological parents, and the team.



Attorney General

The Attorney General's Office may become involved in a juvenile court case in a few different situations. First, it is the Attorney General's Office that represents DFS and the DFS caseworkers. As a result, if there is a contentious issue in juvenile court, they may be present at court. Second, if a child's permanency plan proceeds to guardianship, it is the Attorney General's Office that is responsible for filing this case, as it is separate from the juvenile court case and is filed in district court where civil matters are heard. The child's GAL and the county or district attorney will not be the attorneys filing a guardianship; it will be the Attorney General's Office. A GAL cannot file a guardianship.

Third, if a child's permanency plan is changed to adoption and the biological parents have not relinquished their rights to that child, a termination of parental rights (TPR) case must be filed against the parents. This can be done by the county or district attorney, but can also be done by the Attorney General's Office. A GAL cannot file a TPR action, but he/she will be appointed in the TPR action as well. This case, as it is with a guardianship, is not filed in juvenile court, but rather in district court.



Child Support Enforcement

If a child is placed in DFS custody, the child's parents will be responsible for paying child support in order to help offset the cost of foster care. It is the child support enforcement agency that can bring a court action against the parents to set child support. The child support court proceeding is not held in juvenile court.



Doctors, Psychologists, and Psychiatrists

If a child has serious physical health or mental health concerns, these doctors may also be involved in treatment team meetings or MDT meetings.



Foster & Relative Caregivers

In some ways, FRCs bridge both the court system stakeholders and the other service providers. FRCs are service providers, not parties to the court proceeding, but they are entitled to notice and opportunity to be heard at court proceedings and are also statutory members of MDTs, which gives them more of a role in the juvenile court system than many other service providers.



DFS's Legal Representation

It is the Attorney General's Office that represents the Department of Family Services, not the county or district attorney.

Not finding who you are looking for?

Contact your local DFS Caseworker for questions and more information on any other individuals that are involved in your foster child's juvenile court case.



Private Adoption Attorneys

If a child's permanency plan is adoption and the biological parents have relinquished their rights or have had their rights terminated, the child is then ready to be adopted. As the FRC, you may be considered as an adoptive home for the child, or the child may be placed in a different home for adoption. If you are the adoptive parents, you may get monetary assistance from DFS to hire a private attorney to represent you and file the adoption proceeding in district court and finalize the placement of the foster child in your home. The adoption proceeding cannot be filed by the prosecutor or GAL and is done in district court, not juvenile court. The Wyoming GAL Program assigned GAL may also be able to file for the adoption due to new legislation in 2015.



Schools

The child's teacher or other representative from the child's school may be involved in MDT meetings or other team meetings.



High Fidelity Wraparound Care Coordinator

If the child in your home has a mental health diagnosis that qualifies as a serious emotional disturbance, they may be enrolled in the Care Management Entity (CME) for High Fidelity Wraparound (HFWA) Services, be on the Children's Mental Health Waiver (CMH Waiver), or may qualify for this waiver. It is called a waiver because it allows for Medicaid services that would not ordinarily be available for the child. One of the services provided under this waiver includes the assistance of a family care coordinator who meets with the child and the foster parents most likely in the home. If you believe a child in your home, or your family, could benefit from the CMH Waiver or CME, you should let the DFS caseworker know. More information on this waiver and its application can be found at: <http://wdh.state.wy.us/mhsa/treatment/waiverindex.html>.



Counselors and Therapists

If a child is ordered into counseling, therapy, or if counseling is in their case plan with the DFS caseworker, a counselor will also be involved in the child's life and potentially the child's MDT meetings.



Developmental Disability Waiver Case Manager

The Child Developmental Disabilities Home and Community-Based Waiver allows for the provision of services that children with developmental disabilities in Wyoming would not ordinarily be eligible to receive. Children up to 20 years of age are eligible if they have been diagnosed with a disability or a related condition. The goal of the Waiver is to provide home and community based services that enable the child to stay in the local community rather than being institutionalized. The intent of the Waiver is to relieve pressures on families by assisting them in meeting the needs of their child with developmental disabilities. If the child in your home is on the Waiver, they will be assigned to a case manager who will meet with the child, likely in your home.



Individualized Education Program Teams

An Individualized Education Program (IEP) team may be formed for a child in your home if the child has a disability that affects their ability to succeed at school. This team will meet to discuss the child's disability, create an individualized plan that addresses the child's specific needs, and monitor the child's success.



It is a misdemeanor crime to not keep juvenile court case information confidential.

Are you a
Mandatory
Reporter?



In Wyoming, everyone is a mandatory reporter of child abuse and neglect and must report any witnessing and knowledge of child abuse to local authorities. If you, or someone else you know has witnessed child abuse, please call your local law enforcement office.



Did you know?

Did you know that the first goal in any juvenile court proceeding must be to reunify the child with his biological parents.

Confidentiality

This section will describe the legal requirements and ramifications regarding confidentiality in juvenile court.

It is imperative for FRCs to understand the importance of confidentiality within the juvenile court. Both court rules and state and federal statutes set forth confidentiality laws that protect children and families in juvenile court. Just the fact that a child or family is involved in a proceeding in juvenile court is confidential. Further, the statute makes it a misdemeanor crime to not keep records from reports and investigations of juvenile court cases confidential. The FRC must understand that this confidentiality does not apply to sharing information about the child's current care, medical needs, visitations, etc. with the DFS caseworker and GAL. If the FRC has questions about confidentiality, they should ask the DFS caseworker or another team member before releasing or sharing any information.

Mandatory Reporting

This section will outline the law regarding reporting abuse and neglect and your responsibility as a FRC.

In Wyoming, all residents are mandatory reporters of child abuse and neglect. This means that if a FRC knows, believes, or suspects that a child has been abused or neglected, or observes the child being abused or neglected, they must immediately report it to DFS or law enforcement. However, if a person knowingly and intentionally makes a false report of child abuse and neglect, or if a person encourages another person to make a false report, they can be charged with a misdemeanor crime.



Reasonable Efforts

This section will outline what reasonable efforts are so you, as the foster and relative caregiver, have an idea of what the department of family services is required to do with the biological family.

Federal and state laws require that DFS provide reasonable efforts that: 1) prevent removal of a child from their home; 2) reunify the child with the parents; and 3) effect permanency for the child. Reasonable efforts are less of a prescribed set of actions and more of a general concept. This means that there is no defined set of tasks or services that DFS must provide to a family to meet reasonable efforts. It is more of a mindset that the worker has met the needs of the family, since all families are different. The idea is that DFS is responsible for doing what is reasonable to accomplish the three goals above. These efforts must be accessible, available, and culturally appropriate. There is often not a set of prescribed efforts that will work with all families. It requires the DFS caseworker to understand the needs of the specific family and work efforts that will address their unique needs. This is also one of the reasons why the plan at the beginning of all juvenile court cases is to reunify the child with the parent(s).

Wyoming statute sets out nine instances when reasonable efforts are not required by DFS. The district or county attorney will need to prove these instances by clear and convincing evidence, which is a high standard of proof. The judge will need to find the state has proved that one of the instances have been met and that DFS is relieved of their duty to provide reasonable efforts. It is not an automatic action, it must be ordered by the juvenile court.

The following list describes ten instances when the court may order that DFS does not have to provide reasonable efforts:

- The parent has been convicted of murder of another child of the parent or aiding and abetting, attempting, conspiring to commit, or soliciting such a crime.
- The parent has been convicted of voluntary manslaughter of another child of the parent or aiding and abetting, attempting, conspiring to commit, or soliciting such a crime.
- The parent has been convicted of felony assault which resulted in serious bodily injury to a child of the parent.
- The parental rights of the parent to any other child have been terminated involuntarily.
- The parent abandoned the child.
- The parent chronically abused the child.
- The parent tortured the child.
- The parent sexually abused the child.
- The parent is required to register as a sex offender pursuant W.S. § 7-19-302 and the offense involved the child or another child of that parent.
- Other aggravating circumstances exist indicating that there is little likelihood that services to the family will result in successful reunification.

Reasonable Efforts



In Wyoming, reasonable efforts are not defined. There is no set list of

activities or services that must be provided to the biological parents. Rather, it is a general concept of what efforts need to be made to return a child to his home and family.



Did you know?

Did you know that if a parent's rights have been terminated to a child and they are later involved in the juvenile court system again, the court has the option of ordering that DFS does not have to provide reasonable efforts to reunify the family? Remember though that this is not automatic and the court does not have to order this, it is just an option. Finally, the prosecutor must prove that the rights were terminated involuntarily in order for the court to order no reasonable efforts.



Residual Rights

“Residual parental rights and duties” means those rights and duties remaining with the parents after legal custody, guardianship, or both have been vested in another person, agency, or institution. Residual parental rights and duties include but are not limited to:

- (A) The duty to support and provide necessities of life.
- (B) The right to consent to adoption.
- (C) The right to reasonable visitation unless restricted or prohibited by court order.
- (D) The right to determine the minor's religious affiliation.
- (E) The right to petition on behalf of the minor.

Wyo. Stat. Ann. § 14-3-402

Family Service Plan

This section will discuss the work of the DFS caseworker in creating a plan to address the biological families' needs.

A family service plan (also known as the case plan) is a document created with the biological family and their support team during a meeting at the beginning of the case. The purpose of the family service plan is to provide the family with a series of steps that will help resolve the issue that brought them under the jurisdiction of the juvenile court. The family service plan establishes measurable goals and objectives or steps that specifically address the needs of the entire family while ensuring the safety, well-being, and permanency of the child is met. Family service plans are family centered, strengths based, individualized, culturally appropriate, comprehensive, reflective of community partnerships, outcome based, and are often updated as the case progresses.

The FRC will usually not be involved in the meeting to create the family service plan, unless the biological family invites the FRC. It is up to the biological family to invite people they are comfortable with and who are natural supports for them. Also, part of the family service plan may ask the biological parent to work with the FRC on visitation, parenting skills, etc. If the FRC is not included in the family service plan meeting, the caseworker will meet with them at another time to complete the FRC section of the family service plan.

Reasonable Efforts

This section will discuss the requirement that DFS provide reasonable efforts to the family to reunify them with their child.

Legally, unless a parent's rights have been terminated or the court has entered an order that no visitation should occur, a parent in a juvenile court case has an absolute right to visitation. Wyoming statutes provide that even when a child is removed from a parent, certain rights and obligations, called residual parental rights, remain with the biological parent, and this includes the right to reasonable visitation.

Definitions of reasonable visitation may vary. A general outline for visitation is usually set by court order. Details are often determined by the DFS worker, sometimes in consultation with the GAL or county or district attorney. Visitations may also begin as supervised and then gradually decrease in amount of supervision and increase in frequency and duration. Expect visitations between the foster child and their biological parents to occur frequently. Visitations are also part of the reasonable efforts that DFS must make to reunify a child with their parents.

Court Hearings & Permanency

This section will review the court process step by step and give you a glimpse at the hearings at each step of the juvenile court proceeding.

Court hearings are important meetings where everyone comes together to give the Judge information to make decisions about the family. There are different kinds of hearings for different decisions that need to be made. All cases are different, and not all families go through all hearings.

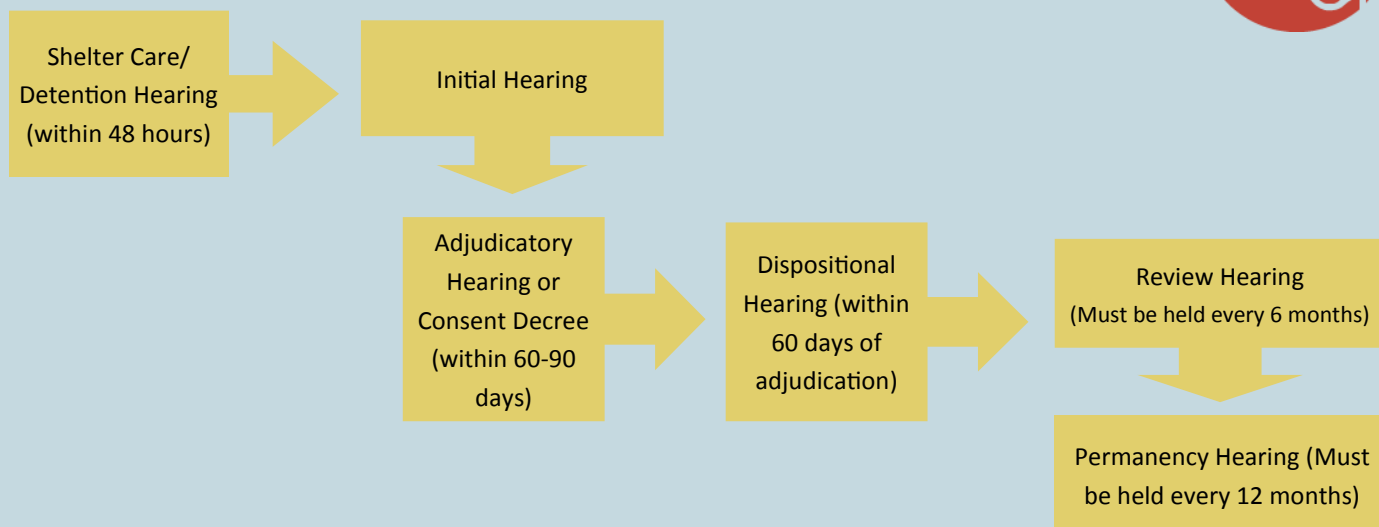
Look at the Flow Chart below to follow when the court hearings happen.

If a child is taken into temporary protective custody, or is put in detention, the court must have a shelter care hearing or detention hearing within 48 hours. It is called a shelter care hearing if it is an abuse or neglect case or a CHINS, but it is called a detention hearing if the case is a delinquency case. At this first hearing, the judge will decide if DFS has made “reasonable efforts” to keep the family together and return the child to his or her home. The judge will also decide if the child needs to be kept in state custody.

Shelter Care Hearing

Shelter care hearing is the first hearing in juvenile court. It is only held if the child was taken into protective custody in an abuse/neglect or CHINS proceeding. It can also be held with the initial hearing, which is the second hearing in juvenile court, or the first hearing if no protective custody was taken.

Juvenile Court Flow Chart





If the case is an abuse/neglect Case, sometimes the child will stay in foster care while the parents work with DFS to solve their issues. This is most often when a foster or relative caregiver will have a child in their home, while DFS provides reasonable efforts to the biological parent(s) and the parent works to get the child back home. If the case is a CHINS or delinquency case, sometimes the child will stay in foster care or in out-of-home placement while DFS works with the child to solve their issues. For children in delinquency cases (and some CHINS) this may mean a stay in a juvenile detention center.

A hearing called an initial hearing can also be held a few weeks after a shelter care or detention hearing. Or, if a shelter care/detention hearing was not held, an initial hearing will be held as the first hearing in the court proceeding. At this hearing, the judge will tell the parents and the child what their rights are and will ask if the child and parents agree with the allegations in the petition. This agreement is also called an admission. If the child and parents admit at the initial hearing, the next hearing will be the dispositional hearing.

Detention Hearing

The detention hearing is the first hearing in a CHINS or Delinquency proceeding if the child is being held in detention. If they aren't, this hearing is not held.

Adjudicatory

The adjudicatory hearing is most like a trial. The judge or jury determines if the alleged act has occurred and adjudicates the parent or child. This hearing is not held if the parent or child admits to the allegations.

Disposition

The dispositional hearing is held after the adjudicatory hearing or admission. This is when the court decides what the family or child needs to do to deal with the issue that brought them to court.

If the child or the parents do not admit, then there will be another hearing so the judge can decide whether the child needs to be protected (in an abuse/neglect case) or if the child has been breaking rules or laws (in a CHINS or delinquency case). This is called an adjudication hearing. This trial can be before the judge or a jury. At an adjudication hearing, the judge or jury hears from the parents or child, DFS and other people (witnesses). The witnesses tell their side of the story. It is the judge or jury's job to listen to everyone and decide what to do.

If the case is not dismissed after the adjudication hearing, there will be another hearing called a dispositional hearing. At this hearing, the judge decides if the child should stay living where he or she is, or live somewhere else, or if in the case of a CHINS or delinquency proceeding, then what sanctions are appropriate for the child. Sometimes the adjudication hearing and the dispositional hearing happen at the same time.

When the judge makes a decision to take legal or physical custody of the child, the child and family will work with DFS and the judge will continue to watch over the case. In all three types of cases, everyone comes to court again for a review hearing, which takes place every six months from the removal date. Sometimes the judge will have a review hearing sooner to find out what is happening with the case.

DFS has about one year to work with the parents and the child before the next big decision must be made. After a year from the removal date, there will be a permanency hearing. At this hearing the judge listens to the parents, child, DFS, and others talk about what is being done to fix the family issues that brought this family under the jurisdiction of the juvenile court in the first place. The decision as to what to do next is often very hard to make so the judge will require DFS to suggest a plan. This plan often comes from the MDT.



The reason this permanency plan is addressed one year into the case is that federal law requires DFS to file a termination of parental rights action on a case where the child has been in out-of-home placement (most of the time foster care) for fifteen of the previous twenty-two months. This is why you may hear stakeholders talk about a ticking clock, a year, or fifteen months. There are some exceptions to this rule, which may mean the case takes longer to get to permanency and resolution.

An important part of permanency planning is ensuring that concurrent planning is done at the beginning of the case. Concurrent planning is a process that works towards providing the child a permanent home in a time frame that is beneficial to the child's physical, social, and emotional development. DFS will work with the child and the biological parents in setting case plan goals to get the child back home. At the same time, a concurrent plan will be made in case the biological parents do not complete the case plan goals or the permanency plan changes. Not all cases require concurrent plans, but those that do should be started at the beginning of the case and when possible, the child should be placed in the home identified as the concurrent plan.

At the permanency hearing, the judge will decide how soon the child can go back home and how soon the juvenile court case can be closed. This will depend on how well the parents and child are doing with solving their issues. If the judge decides it is not safe for the child to go back home, the judge will decide on another permanency plan for the child. This could be a guardianship with relatives or friends, a guardianship or adoption with a foster family, or being adopted by another family.

Depending on the decision of the judge, other court cases may be needed. If the judge decides a child should be adopted, there must be a court hearing to decide whether or not the parents will be able to make decisions about the child. This is called a TPR Case. If the judge ends the parents' rights, DFS must make sure that the child finds an adoptive family.

There are many steps to a child being adopted. The final step is the adoption case is when a judge decides whether the child will be placed with the adoptive family. DFS may give the prospective adoptive family a stipend to pay for an attorney to finalize the adoption. If the child is age 14 or older, his or her consent or agreement to the adoption is required. If an adoption is approved, the judge and DFS are no longer involved with the child and the child's new adoptive family.

Sometimes, adoption is not the best plan for a child. In that case, the judge may decide that a child should live with a relative, friend, or the child's foster family until the child is at least 18 years old. This would require another case called a guardianship. If the judge agrees to a guardianship, the guardian will make all the decisions for the child even though the rights of the child's birth parents have not ended. It is up to the guardian to determine if the child can continue to have contact with the birth parents and other family members after the guardianship is approved. Contact may include sharing letters, pictures, or visits.

Timeline for a Typical Case

Start

The shelter care hearing is held within 48 hours of protective custody. This or the initial hearing begins the process.



The court must hold the adjudicatory hearing within 90 days of the initial hearing and hold the dispositional hearing within 60 days of the adjudication.



If the child is in out-of-home care, the court will hold review hearings every 6 months and MDTs every 3 months. Twelve months after the child's removal from the home the court will hold a permanency hearing to determine the permanency plan.

Finish



When the child cannot go back home, and adoption or guardianship are not options, the child might stay in foster care until they are at least 18 years old. In this case, the judge may agree to a case plan called Another Planned Permanent Living Arrangement (APPLA). In an APPLA, the child remains in DFS custody and continues to go to school. The child also receives services and skills training, called independent living skills, to help learn what he or she needs to know about being an adult. If this plan is approved, the judge continues to review the case and monitor the well-being of the child at the review hearings. The judge can also keep the child in custody up to age 21 under APPLA if the child is in need of more transitional or independent living services.

By law, a child becomes an adult when he or she reaches the age of 18. Review hearings continue throughout the time a child is in foster care, and services can be given until a child is age 21, if necessary. After a child is returned safe to their biological parents' home, is in an adoptive home, is in a guardian's home, or has turned 18, the juvenile court case is closed and no more court hearings are held.

Multidisciplinary Team (MDT)



Case Closure

Once a child is safely back home with their family, under a guardianship, adopted by a new family, or the child reaches independence at 18-21 years of age, the court will close the case and the juvenile action will be over.

This section will review the composition and purpose of MDT meetings and give foster and relative caregivers tips for involvement.

After the case begins in juvenile court, the judge will order that a MDT be appointed for the family and meet to discuss case goals and plans. If the child is not in the home, the MDT must meet at least every three months. A report will be prepared from this meeting and will be presented to the court prior to the next court hearing.

By law, the team must include the parents, someone from the child's school district, DFS, the child's counselor or mental health professional, the district or county attorney, the child's attorney or GAL, the CASA (if an abuse or neglect case) and the foster parent. The team can also include the child, a relative, or other professionals involved with the family, as ordered by the court. As the foster or relative caregiver, you should attend these meetings so all team members have an update on the child's progress and you have input into the proposed case and permanency plans. It will also help you to stay apprised of the case and the biological parent's progress.

The purpose of a MDT is to make recommendations to the court.

The purpose of the MDT is for key people to meet and discuss recommendations for the court as to what should be done to address the current issues in the family's life. The family's overall family service plan and the child's probation will be discussed. The probation or case plan should be updated and adjusted throughout the life of the case to adjust for current needs and issues. If any new terms and conditions are needed they will be recommended to the court. Topics can also include whether the child should be removed from their parents' home or

returned to the home if previously removed.

Sometimes it happens that not everyone will agree about what should be done in a case. Agreement by all MDT members is not necessary. The purpose is to allow everyone to discuss recommendations and report them to the court. In those circumstances where everyone does not agree, the summary report compiled by the MDT meeting facilitator will reflect who agrees with which recommendation and who does not. If you are not able to attend the MDT, but wish to make a recommendation, there may be a process in your county to provide your recommendations in writing before the meeting. You can discuss this with the ongoing caseworker assigned to the child's case.

Information for the MDT and Speaking at MDTs

The following list includes issues the MDT might want to know about and may consider useful in making recommendations at a MDT meeting:

- Safety concerns, if any
- Child's current health and well-being
- Child's educational status
- Behaviors of child before and after visitations
- Changes in child or foster home since last MDT
- Child's contact with biological parent

Typically, the MDT coordinator (a third party facilitator or the DFS caseworker) will allow each team member a few minutes to give an update to the group and either during the update or after everyone's updates, each member will make a recommendation or agree or disagree with the DFS worker's recommendation. If someone asks for your recommendation before you are ready to state it, maybe before everyone has given an update, feel free to ask to give your recommendation at the end of the meeting. It's important to speak up and speak slowly so the person facilitating the meeting can hear you and take accurate notes.



Find commonly asked questions for foster and relative caregivers at MDTs online by visiting the following website:

www.wyomingfostercare.gov

MDT COMPOSITION



By law, the MDT team must be comprised of the following

individuals, in addition to any other members the judge orders:

- The parents
- Someone from the child's school district
- A DFS representative, usually the ongoing caseworker
- The child's counselor or mental health professional
- The district or county attorney
- The child's attorney or GAL
- The CASA (if an abuse or neglect case)
- The foster or relative caregiver



Attending Court Hearings

This section will give helpful information and tips for foster and relative caregivers regarding attending court hearings.

Disclaimer: The information presented in this handbook is a general overview of the juvenile court process and how you can participate in it. It is important to understand, however, that each judge has procedures and rules about what happens in his or her courtroom. Before attending court proceedings, you should check with your child's caseworker or GAL about appropriate procedures in your local juvenile court.

Giving a Report

Foster parents and relative caregivers are important members of the team providing care for children in juvenile court. Your goal in providing information to the court should be to give the juvenile court current and detailed information about the child. In doing so, you can assist the court in making the best possible decisions about the child in your care.

There are certain hearings in which you may not have information that will help the court, and therefore won't be asked to attend or provide input. For example, at a shelter care hearing, the child will have been in your home for less than 48 hours and your knowledge of the case and the biological parents will be limited. Also, the decisions that are made at the dispositional hearing focus on the parents' ability to provide care for the child and on services the child and family need in order to reunify as soon as possible. Input by a foster parent or relative caregiver is usually not appropriate. However, in cases where the child has been in your home for many months, you may have information about the child's needs that could assist the court.

Foster parents or relatives caring for a child often have valuable information about the child's physical, emotional, educational, and social development. This kind of information may help the court to understand the child's needs. If you have been supervising visits between the child and a parent, you may also have some information about the parent's progress to relay to the court at the review hearings.

Remember that judges have a small amount of time to listen to the people attending the court hearing and to make decisions about the child. Some judges may limit your attendance at court to answering any questions he or she has about the child and may not allow you to make a statement. Others may allow you to make a statement. Remember, the court has a limited amount of time, and your comments should be short and to the point.

Remember

Not all judges will give foster and relative caregivers the chance to speak in court. The opportunity to be heard may be addressed differently, such as being allowed to speak when answering specific questions from the judge about the child, providing information at the MDT, etc. Either way, foster and relative caregivers have a legal right to notice of the hearings and opportunity to be heard.

Information the Court May Consider Helpful

The information you provide is meant to assist the court in making decisions about the child in your care. Following are some types of information that the court may find useful. You do not need to address all of these, only the ones important to the child's case. It is helpful to provide factual information, describe behavior you have observed in the child, and present information about the child's needs. In general, you should focus on giving firsthand information about the child in your care and not offer the opinions of other people involved in the court process (for example, the DFS caseworker, the child's birth parents, and the attorneys involved in the case).



Placement Information

The date the child came to your home and a brief description of the child's physical and emotional condition at that time.

Medical Information

Doctor visits or hospitalizations since the last court hearing, and the results of those visits.

Any medications the child is taking, and the dosages.

Any adverse reactions the child has had to medical procedures or medications.

A brief description of the child's physical development, and any developmental lags you have observed.

Dental Information

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

Educational Information

The child's grade in school, and whether the child is performing at grade level.

The dates of any school conferences you have attended, and the results of those conferences (especially if the child is in special education classes and on an IEP).

Any educational testing the child has had, who administered the testing, and the results of the testing.

Behavioral Information

A brief description of the child's behavior in your home.

Any services the child is receiving to address behavioral difficulties, who is providing the services, and how often the child goes for the services.

A brief description of how the child expresses his needs and feelings and how he calms himself.

A brief description of the child's eating and sleeping patterns and any difficulties the child has eating or sleeping.

Visitation

The dates of visits between the child and her parents or other family members.

If you supervised the visits, a brief description of the behaviors of the child and the other family members present at the visits. *Carefully describe only the behavior. Do not comment on the reason for the behavior.*

A brief description of any arrangements for sibling visitation.

The dates of any telephone contacts between the child and the child's parents or other family members.

Professional Contacts

All in-person and telephone contacts between you and the child's DFS worker.

All in-person and telephone contacts between you and the child's GAL.

All in-person and telephone contacts between you and the child's CASA.

Recommendations

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

If you are not able to provide this information to the court, you can always provide it at the MDT Meeting.

Witness



A witness in a court proceeding is an individual that is called

to testify in court and tell the judge what they have seen and (sometimes) heard. If an attorney is planning to call you as a witness, you may receive a subpoena.

Subpoenas



A subpoena is a legal document that orders you to appear at court at a certain date and time. This legal document can also order you to bring certain documents with you to court. The required documents will be listed in the subpoena duces tecum.

Testifying in court

This chapter will give foster and relative caregivers information and tips on testifying in juvenile court if they are called as a witness.

Foster parents and relatives caring for children are sometimes called as witnesses in juvenile court proceedings. If you are to be called as a witness, one of the attorneys involved in the case will generally contact you to tell you that he or she plans to ask you some questions in court. In some cases, you may receive a subpoena (a legal document the court issues telling you when and where you must come to court). In court, after taking an oath to tell the truth, a witness sits in the witness stand and answers questions from one or more attorneys about what he or she saw or (sometimes) heard.

Here are some tips for testifying in court:

- Tell the truth.
- Dress professionally (as you might for a job interview).
- Be organized and prepared.
- Be calm and sincere, especially if you are challenged or criticized.
- Listen carefully to each question, pause, think, then respond directly to the question.
- Wait until the question is completed before you answer.
- When an objection is made about a question, wait to speak until the judge decides whether you should answer the question.
- If you do not understand a question, ask the lawyer to rephrase it.
- Answer each question completely.
- Be sure of the answer you are giving.
- Offer to explain your answer, if necessary.
- Use language you are comfortable using.
- Listen carefully when the other people in the courtroom are talking.
- Be polite and always show the highest respect for every person in the courtroom, especially the judge.



To order additional copies of this
Manual or to view it in electronic
format, please visit the Children's
Justice Project website at:

[http://www.courts.state.wy.us/
Initiatives/CJP](http://www.courts.state.wy.us/Initiatives/CJP).



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