

A Parent's Guide to Juvenile Court

**Allegheny County Bar Foundation
Juvenile Court Project
Parent Attorney Office**



“Parents need to be heard.”

“Families should be respected.”

“It should not be a battle.”

“I know my children better than anyone else...

You are not the expert about my family.”

– *Anonymous Former Clients*

**Allegheny County Bar Foundation
Juvenile Court Project
Parent Attorney Office**

Your Judge or Hearing Officer:

Your Attorney:

Phone: 412-391-4467

Your CYF Caseworker:

Name: _____

Phone: _____

Other Important Phone Numbers:

Introduction

You have completed the Juvenile Court Project intake process and have been assigned an attorney to represent you. Now what? This booklet is written to help you understand your rights in the Juvenile Court Dependency and Termination of Parental Rights process. This guide also provides information about the different agencies and individuals you will come in contact with as well as your responsibilities and the responsibilities of your attorney.

It is important for you to understand the Court process and actively work toward reunifying your family because, under the law in Pennsylvania, if your child is out of your care for 15 out of the last 22 months, a petition to terminate your parental rights may be filed. If the petition is granted, your legal rights as a parent end and your child can be adopted.

What is the Juvenile Court Project?

The Juvenile Court Project is a law office that consists of attorneys, paralegals, parental support advocates, social workers, and peer parent advocates. We represent parents who cannot afford an attorney in dependency and termination of parental rights cases in Juvenile Court in Allegheny County.

People Involved in Your Case

A. The Judge is responsible for deciding:

1. Are the children Dependent?

The Judge listens to the evidence presented at the petition hearing and decides if the children's education, health, safety or welfare is at risk in the parents' home. The Judge considers the risk based on both the children's and the parents' behavior.

2. Can the children remain at home even if they are dependent?

The Judge will decide whether services could eliminate any imminent risk in the home and whether the parents are willing and able to work with services.

3. If the children cannot remain at home, can they be placed with a relative or family friend?

The Judge will want to know if the caregiver or any adult in the caregiver's home has a criminal record or involvement with CYF concerning their own children. **Any relative or family friend willing to take custody of the children should attend the Court hearing.**

4. When will the children be returned to their parents?

The Judge will look at the progress the parents and children have made. The Judge will want to know if the parents have complied with Court orders concerning visitation, drug and alcohol treatment, mental health treatment, family counseling, parenting classes, anger management classes, etc.

5. How long will the Judge order CYF to help the parents with reunifying their family?
The law requires the Judge to consider changing the goal from reunification to adoption or some other permanent living arrangement when the children are in foster care for 15 out of the last 22 months.

B. CYF (Caseworker) is responsible for:

1. Conducting home safety assessments.

The Caseworker must physically inspect each room in the family home to see if there are any safety concerns that would put the children at risk. The Caseworker will check for structural problems such as exposed wires, leaks in the roofs, lead based paint, etc. The Caseworker will also check whether the utilities are working, whether the house is clean and whether there is sufficient food for the children in the home.

2. Making reasonable efforts to prevent placement of children into foster care.

The Caseworker makes reasonable efforts to prevent placement of the children by finding qualified service providers who can help the family address any issues identified during the home assessment as well as other family problems which place the children at risk. Caseworkers can make referrals to assist a parent with issues such as drug and alcohol abuse, mental health, parenting skills, anger management and budgeting. The family's willingness to work with services may help prevent placement of the children in foster care.

3. Scheduling shelter hearings if children are removed from their parents or from a Court ordered placement.

The law requires a hearing be held within 72 hours of the removal of children from their parents' custody. CYF must provide parents with oral or written notice of the hearing stating the time, place and purpose of the hearing.

4. Providing parents with notice of all Court hearings.

CYFS must provide parents with written notice of all hearings except shelter hearings. The notice will be mailed to the parents' last known address.

5. Developing a Family Service Plan with the parents.

Within 60 days of the family's acceptance for service CYF is responsible for drafting a Family Service Plan. The plan must identify the safety concerns and the services being offered to address them. The parents are permitted to participate in the development of the plan and are entitled to a written copy of the final plan.

6. Arranging visitation for parents when children are placed in foster care.

CYF must provide parents and children with the opportunity to visit as frequently as possible but not less than once every 2 weeks unless so ordered by a Judge. When parents disagree with CYF over the frequency, duration or location of visits, the Judge will decide.

7. Implementing the Judge's orders.

CYF must refer the family to service providers who are qualified to provide the Court-ordered services. The parents may follow through with the referrals provided by CYF or find appropriate services on their own.

8. Testifying and making recommendations in Court.

The Caseworker will testify at court hearings about the family's progress addressing all issues which have been identified. The Caseworker will also make recommendations about what the goal for each child should be, where the child should be placed and what kind of visitation should be permitted with the parents.

C. The County Solicitor, attorney for CYF, is responsible for:

1. Presenting CYF's case at Juvenile Court dependency hearings.

The County's attorney will call the Caseworker and other witnesses to testify about the services being provided to the family and the family's compliance with the services.

2. Questioning witnesses for the parents or children.

The County's attorney will cross-examine the witnesses who testify on behalf of the parents or children.

3. Presenting motions to the Court.

The County's attorney will present motions to the Court asking the Judge to enter orders concerning specific issues identified in the motion.

D. The Guardian Ad Litem, attorney for the children, is responsible for:

1. Meeting with the children.

The law requires the Guardian to meet with the children on a regular basis and to explain the court proceedings to the children. If the children live with their parents, the parents must permit the Guardian to visit the family home.

2. Obtaining the children's medical, psychological and school records.

The Guardian can obtain the records from CYF or may contact the doctors, therapists or school personnel directly.

*If the parents have signed releases of information for CYF concerning the **parents'** medical, psychological or drug and alcohol treatment, the Guardian will be able to obtain that information from CYF.*

3. Making recommendations to the Court that serve the best interests of the children.

The Guardian must make specific recommendations to the Court about the appropriateness and safety of the children's placement and the services necessary to address the children's needs and safety.

4. Presenting the wishes of the children to the Court.

The Guardian must advise the court of the children's wishes concerning their case goals, their placement and their treatment plans. The law requires the Guardian to present whatever evidence exists to support the children's wishes.

5. Deciding whether the children must attend court hearings.

Unless the Court has waived the children's attendance, the children must be brought to the Court hearing.

E. The CASA, court appointed special advocate, is responsible for:

1. Reviewing records.

The CASA volunteer has access to the CYF file and has the authority to obtain medical, psychological, treatment and school records of the children.

*If the parents have signed releases of information for CYF concerning the **parents'** medical, psychological or drug and alcohol treatment, the CASA volunteer will be able to obtain that information from CYF.*

2. Interviewing children, parents and service providers.

The CASA volunteer must interview the parties to gather sufficient facts to make recommendations they believe are in the children's best interests. If the children live with their parents, the parents must permit the CASA volunteer to visit the family home to assess its safety.

3. Making recommendations they believe are in the best interests of the children.

Like CYF and the Guardian Ad Litem, the CASA volunteer is required to make recommendations to the Court that protect the best interests of the children as they relate to their health, safety and welfare.

4. Submitting written reports to the Court and the other parties.

The law requires the CASA volunteer to provide a written report to the Court detailing their investigation and stating their recommendations for each member of the family.

5. Testifying in Court.

The CASA volunteer receives notice of all court hearings and motions so they may attend and testify about their investigation, concerns and recommendations.

YOUR RESPONSIBILITIES

1. Keep your attorney informed about any changes in your contact information including new phone numbers, new addresses and changes to your contact person who will always know how to reach you on short notice.
2. Talk to your attorney before you sign releases of information for anyone.

3. Sign releases of information for your attorney at your treatment programs so your doctors, therapists and/or counselors may speak to your attorney about your treatment plan and progress.
4. Report any changes to your treatment plan to your attorney.
5. Report any relapses to your attorney as soon as possible.
6. Tell your attorney whenever you complete a program (drug & alcohol, parenting, anger management, domestic violence, etc.).
7. Keep all certificates for programs completed in a safe place and bring them to your next court hearing.
8. Contact your caseworker regularly (at least twice a month) letting them know your progress and any changes in address or telephone numbers.
9. Visit your children regularly if they are not in your care.
10. Report any problems with visitation (such as children not being brought or arriving late) to your attorney and to your caseworker.
11. Attend and participate in all medical, psychological and school appointments for your children because it is your duty to be aware of your children's needs and their treatment plans.
12. Attend all hearings and any case planning meetings scheduled by CYF or service providers concerning your children.

YOUR PARENT ATTORNEY'S RESPONSIBILITIES

1. Advise you about the issues in your case and explain the law as it relates to the issues in your case.
2. Counsel you about the likely consequences of the choices you make about your level of participation with court ordered services & your family service plan goals.
3. Develop a case plan with you and a strategy for implementing the plan.
4. Arrange for relevant testimony from witnesses on your behalf.
5. Present relevant documentary evidence on your behalf to the Court.
6. Cross-examine witnesses presented by the County Solicitor, the Guardian Ad Litem and any other attorneys.
7. Make legal argument to the Court based on case law and witness testimony to support your position regarding the dependency of the children, placement of the children, the case goal and any other issues before the Court.
8. File necessary motions on your behalf to advance the case plan.
9. Return your calls in a timely fashion.

10. Keep all conversations with you confidential except those facts needed to present your case to the Court.

The Court Process

- If CYF removes your child from your care, they must schedule a hearing before the Judge or Hearing Officer within 72 hours. This is called a shelter hearing.
- You are entitled to representation by an attorney at shelter hearings. You should ask your Caseworker and the Judge for an attorney if you have not contacted our office before your shelter hearing.
- If at the time of the shelter hearing your child is not returned to you and your child is not dependent, CYF must file a petition for dependency with the Court and schedule a hearing within 10 days. In most cases, the Court will ask the parents to agree to the hearing taking place in 30 days instead of 10 days due to the Court's crowded docket. You should discuss this option with your attorney as it is often to your advantage to agree.
- If the Court finds your child is dependent, it basically means the Judge believes your child lacks proper parental care and control or is incorrigible and beyond your care and control. If the Court orders your child to remain in your care, the Court will require you and/or your child to complete certain goals before your case is closed. If the Court orders that your child be placed, the Court will require you and/or your child to complete certain goals before your family can be reunified and your case closed.
- If the Court orders your child to be placed outside your care, you will have the opportunity to recommend a placement for your child. You may propose relatives or friends as placements for your child. It is helpful if the person or persons you want to care for your child can come to Court so the Judge can ask them about their background and interest in caring for your child.
- If the Court finds your child is dependent, your case will be reviewed approximately every ninety days. These hearings may take place before the Judge or the Hearing Officer assigned by the Judge.
- The Hearing Officer is an attorney who is highly experienced in Juvenile Law. Hearings held before Hearing Officers are conducted in various locations in Allegheny County.
- If you disagree with the Hearing Officer's order, you are entitled to ask for a new hearing before a Judge. You should immediately discuss with your attorney whether to ask for a new hearing because you must ask for the new hearing within 3 days of the initial hearing.

- Review hearings are held so the Court can hear evidence about the progress your family is making toward your Family Service Plan goals. The progress made will be the basis for determining if you can be reunified with your children and/or your case be closed.

Time is of the Essence

- Under the law in Pennsylvania, referred to as the Adoption and Safe Families Act (“ASFA”), you have a limited time to achieve the goals in your Family Service Plan. If your child has been in foster care for 15 out of 22 months and the Court finds you are not making sufficient progress to reunify with your child, the permanency goal in your case may be changed to adoption. CYF may also file a petition to terminate your parental rights. If you want to reunify with your child, it is important that you work consistently and without delay to achieve your court ordered goals. Otherwise, the law requires the court to find permanency for your child in another legal arrangement. In most cases that arrangement will be through adoption or a permanent legal custodianship.
- If you are struggling with completing your court ordered goals, you should contact your attorney to discuss how to address those struggles.



What happens if CYF files a petition to Terminate Parental Rights?

- If you are served with a petition to terminate parental rights, you need to let your attorney know immediately.
- If your attorney is notified that CYF intends to file a petition to terminate parental rights your attorney will notify you. You will need to speak to your attorney and let them know whether you want to be represented. Your attorney cannot represent you unless you tell them you want representation.
- If you want to be represented, you will need to assist your attorney in preparing the case.
- After the termination of parental rights hearing is completed your attorney will notify you when the judge issues the order in your case. You should contact your attorney immediately to discuss the order and any next steps.
- If your rights are terminated, you may appeal. Appeals must be filed within 30 days of the court order that terminates your parental rights. You should contact your attorney immediately to have a conversation about the appeal process. If you do not contact your attorney an appeal will not be filed.

Ten Key Points to Remember

1. Stay in touch with your attorney and keep the attorney advised of your current address and telephone number.
2. Be honest and open with your attorney.
3. Contact your attorney if you have a question about anything concerning your case or if you are unsure whether you should or shouldn't do something.
4. Actively work toward completing your court ordered goals because the law (AFSA) provides a small window of time to achieve reunification. If your children are out of your care for more than 15 months the court must consider whether the goal of reunification should be changed.
5. Attend all Court hearings and arrive on time for hearings.
6. Dress appropriately for court – as if you are attending church, an important function, or a job interview.
7. Listen to what is being said and, if you disagree, let your attorney know.
8. Attend all scheduled visits with your child.
9. Be on time for all meetings with your CYF Caseworker or service provider and call 24 hours in advance to confirm or cancel.
10. Keep a journal of important dates and events and a folder of important papers concerning your case which you can review with your attorney.



ALLEGHENY COUNTY
BAR FOUNDATION

The heart of Pittsburgh's Legal Community

Juvenile Court Project

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www.acbfparentadvocates.org

MISSION STATEMENT

The Juvenile Court Project is a legal assistance program of the Allegheny County Bar Foundation. Our mission is to advocate for the interests and protect the legal rights of indigent parents whose children are the subjects of Juvenile Court dependency and termination of parental rights proceedings.