

Getting From Here To There

A Guide to The Dependency Court For
Children and Youth in Foster Care



January 2007



Shannon and Lula

Dear Youth in Foster Care,

This Guide has been reviewed by youth in foster care for your benefit. We want you to be involved! No one can stress how important it is for you to be an active participant in your case.

You want a say so in your life, this is how you achieve it. You have a voice, use it.

Attending court hearings and using all of the system in the proper way to your advantage gives you a voice. By being an active participant in your life, and the decisions in your life you'll be able to know what's happening and who decides what. It will give you the power to enhance your life in care.

The Guide will help you to understand why decisions are made, how they are made, and who they are made by. It will also help you to understand where and when your voice matters and who can express it appropriately.

Please, take the time to understand what's going on in your life - it makes the changes easier, I know from experience. Don't be afraid to speak up. Don't be afraid to take action, and when you feel so helpless because it feels like others are making all your decisions - know that you get to have a say as well. When things are rough, it helps to understand what is going on. You can't complain if you're not doing everything in YOUR power to understand why things are the way they are, and doing what you can.

Let your voice be heard, pay attention and be pro-active.

Shannon Clayton
Former Foster Youth

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The Court and You

If you are in foster care, it is important for you to know how Judges in the Dependency Court will make decisions about your life and your future. Use this Guide to learn what you need to know.

While each case is different, the Guide will give you a road map to the Dependency Court. You will learn about your rights and responsibilities, what happens in Court, who is there to help you, and what the rules are.

Most importantly, the Guide will tell you when and how to speak up and share your thoughts, your feelings and your goals with the Judges in Court and with the adults who are assigned to help you.

If you have questions, **ASK**. Your CPS case manager, attorney, Guardian ad Litem, CASA and Judge are all there to help you.

Dependency Court is About YOU. Be Involved. Speak Up.

You Have The Right To:

- Be safe wherever you are living. If something frightens you or you do not feel safe, you should tell your case manager, CASA, attorney or Guardian ad Litem (GAL) right away.
- Be treated with respect and dignity.
- Have your wishes and interests heard and considered.
- Talk to and tell your CPS case manager what you want and need.
- Know what is happening in your dependency case.
- Ask to attend any court hearing.
- Ask to speak in court to the Judge.
- Have an attorney or GAL appointed to represent you free of charge.
- Know how to contact your attorney or GAL.
- Talk to your attorney or GAL and tell them what you want to have happen in your case.
- Have your attorney argue for what you want, even if your attorney does not believe that what you want is best for you.
- Receive copies of your case plan.
- Know when Court Report and Review Hearings are going to be held if you are age 12 or older.
- Attend and participate in Court Report and Review Hearings if you are age 12 or older.
- Participate in your case review by the Foster Care Review Board (FCRB) in person, by phone or by sending them information in writing.
- Be taken to your court hearings and to your FCRB meetings.
- Agree, or refuse to agree, to your adoption if you are age 12 or older.
- Be treated by the Court just like any other parent, if you are a teen parent and in foster care.
- Have contact and visits with your family unless the Judge does not allow it.
- Receive mail.
- Receive needed social, medical, mental health and educational services which you need to live a safe and healthy life.
- Express and practice your religious / spiritual beliefs and culture.

It's **Your Voice.** It's **Your Life.** It's **Your Future.**

You Should:

- Tell your CPS case manager, CASA, attorney and Guardian ad Litem (GAL) right away if something happens that frightens you.
- Keep your attorney, GAL, CASA and CPS case manager informed about what is happening in your life – especially the good things.
- Tell your attorney, GAL, CASA and CPS case manager what you want to have happen in your case, and what you want the Judge to know and to do.
- Ask your attorney, GAL, CASA and CPS case manager for advice when you don't understand what is going on, and when you do not know what to do.
- Actively participate in creating your case plan and tasks.
- Follow the case plan tasks that are set out for you and ask questions if you don't understand or disagree.
- Attend Court Hearings and Foster Care Review Board meetings whenever you can.

Child Protective Services, The Juvenile Court and Dependent Children.

Bolded words in the text are defined in the glossary, pages 18-21

The Beginning – Child Protective Services

Every year, the state of Arizona receives thousands of phone calls to the child abuse hotline from people who are concerned about the safety of children. The people who check out these concerns are **Child Protective Services (CPS)** investigators.

CPS investigates family problems like:

- When children are being hurt by their parents,
- When children are not being protected by their parents,
- When children are left alone for a long time or left in unsafe situations, (sometimes due to their parent's death or when their parent is locked up in a jail or prison),
- When parents do not provide a safe home (sometimes because of serious alcohol, illegal drugs or mental health problems),
- When parents do not provide critical medical care or will not feed their children, or
- When parents will not let their children live with them.

Most of the time, the CPS investigator is able to help the family with their problems and keep children safe in their homes. But sometimes children must be moved from their home to keep them safe.

If a child¹ is moved from his home by CPS, CPS will find a place for the child to live. This is called **foster care** and may be with a relative or a family the child knows, with a foster family or in a larger home with other children. CPS must tell the parents right away that the child is in foster care and must return the child to his parents within a few days or get the **Dependency Court** involved. If CPS does not return the child back to his parents, CPS must ask the Dependency Court to agree to keep the child in foster care. They do this by giving a **Dependency Petition** to the Court.

A **Dependency Petition** is a written report to the Court which tells why a child is not safe in the home, what CPS tried to do to help make things safe, why those things

are not enough to keep the child safe at home and why neither parent can care for the child. The Petition must go to the **Judge** within a few days of the child being moved from his or her home.

Sometimes a Dependency Petition is given to the Court by someone other than CPS. This may happen when a relative is very concerned about their grandchild, niece or nephew, and feels the court must get involved to protect the child, or when a **Guardian ad Litem (GAL)** is representing a child and believes the child's home situation is not safe. This kind of dependency petition is referred to as a private dependency petition.

The Middle – The Juvenile Dependency Court

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 (page 6) to follow when the court hearings happen.

Once the court receives the Dependency Petition, the Judge must read it right away and decide if the child would be safe or not if living at home.

If the judge gets the dependency petition and decides that the home is not safe for the child, the Judge will permit the child to stay in foster care until the first court hearing.

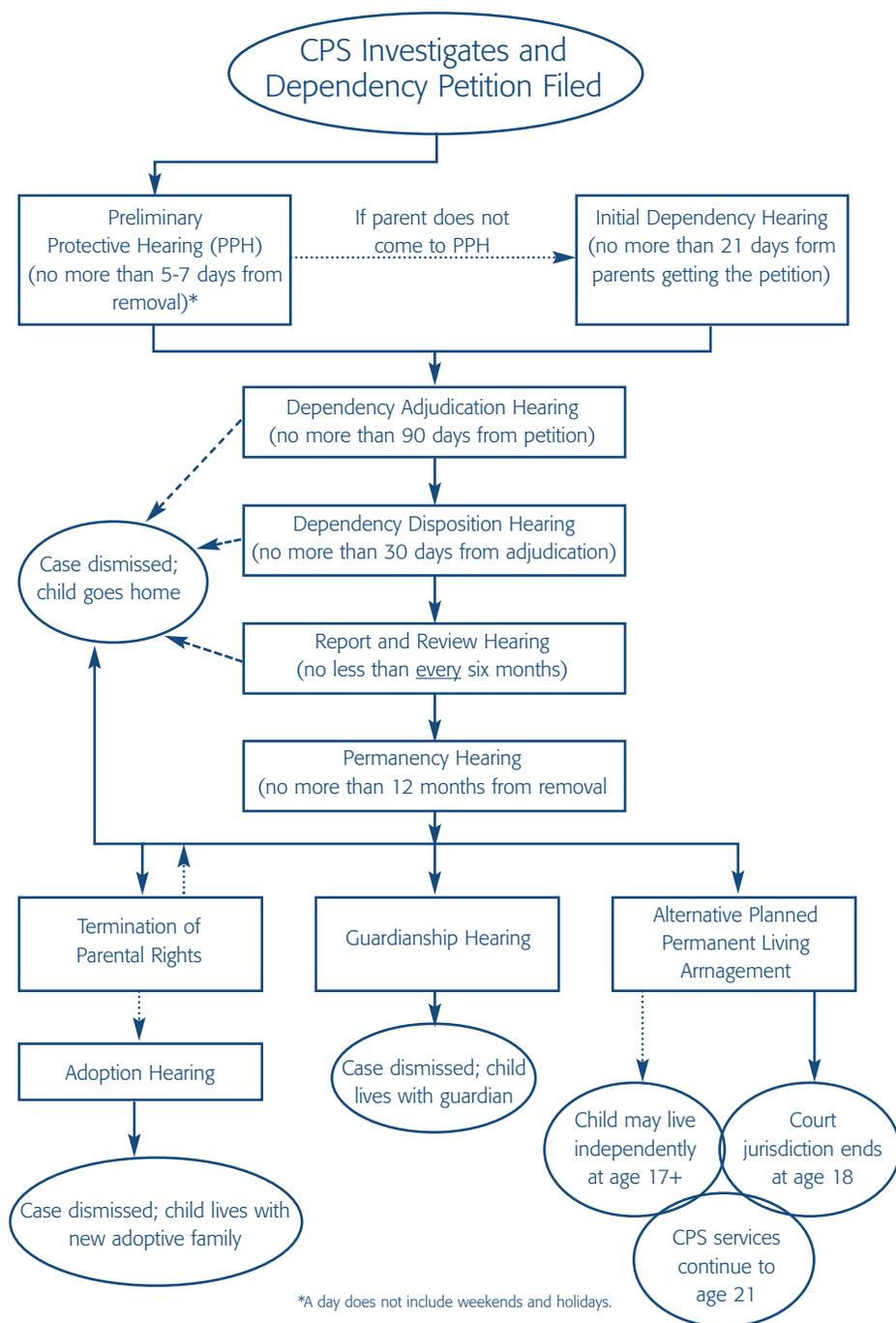
The first hearing is held a few days later and is called a **Preliminary Protective Hearing or PPH**. All parents are invited to this hearing, but some may not come. Sometimes one or both parents cannot be found in time for the hearing.

At the PPH, the Judge will ask the parents if they agree with CPS about where the child will live and if they agree to get help for their problems. If the parents, CPS and the Judge agree, the child will be made a **ward of the court** – also called a **dependent child**. This usually means the child will stay in foster care while the parents work with CPS to solve their problems. The Judge will continue to watch over what happens to and for the child.

If the parents do not go to the PPH, the Judge will have everyone come back in a few weeks to hear from the parents. This is called the **Initial Dependency Hearing**. Just like at a PPH, if the parents, CPS and the Judge agree, the child will remain a ward of the court (a dependent child) and the child will probably stay in foster care while the parents work with CPS to solve their problems. The Judge will continue to watch over what happens to and for the child.

1. The Guide refers to a "child", but oftentimes there is more than one child in a family and your brothers and sisters may also be involved in the CPS case and court action.

Dependency Court Hearings



If the parents do not agree with CPS and want their child back home, then there will be other hearings that happen within the next few months.

First, there will be a hearing so the Judge can decide whether the child needs to be protected even if the parents do not agree. This is called a **Dependency Adjudication Hearing**. At this hearing, the Judge hears from the parents, CPS and other people (witnesses) who tell their side of the family story. It is the Judge's job to listen to everyone and decide what to do to keep the child safe. If the Judge decides the home is safe, the Judge will tell CPS to take the child back home, or the Judge can decide that the parents need help before the child can go back home and be safe.

If the Judge decides that the parents need help before they can have their child back home, there will be another hearing called a **Dependency Disposition Hearing**. At this hearing, the Judge decides if the child should stay living where he or she is, or live somewhere else, while the family works on getting help. Sometimes the Adjudication Hearing and the Disposition Hearing happen at the same time.

When the Judge makes a decision to keep watch over the child, CPS tries to work together with the family to fix the family problems and make the home safe for the child. Until the Judge decides the home is safe, the child will live in foster care and will get medical and dental care, go to school and get other help (such as counseling). The Judge continues to watch over the case and everyone comes to court again for a **Report and Review Hearing** which usually takes place every six months. Sometimes the Judge will bring everyone back together sooner to find out what is happening.

The Judge will watch over the child through Report and Review Hearings as long as the child is in foster care and sometimes even when a child goes back home, to make sure the child is still okay.

At any court hearing, the Judge can return the child home if it is safe.

Report and Review Hearings are a special time when the Judge can hear directly from you. If you are age 12 or older, you have the right to know about when these court hearings are going to happen and to take part in the hearings. These hearings are good times for you to tell the Judge how you are doing, if everything is okay and what you think should happen. If you cannot go to a hearing, make sure to tell your attorney, GAL, CASA and CPS case manager what you want the Judge to know. You can also write a letter or note to the Judge. [See the Frequently Asked Questions section of this Guide for more information about your participation in court.]

The Ending - Options and Goals for Leaving Foster Care

CPS and the parents have about one year to work together before the next big decision must be made. After a year, there will be a **Permanency Planning Hearing**. At this hearing the Judge again listens to the parents, CPS and others talk about what everyone is doing to fix the family problems. The decision as to what to do next is often very hard to make so the Judge will require CPS to suggest a good long-term plan to make sure the child can be healthy and safe.

The Judge will decide how soon the child can go back home, which will depend on how well the parents are doing with solving their problems. If the Judge decides it is not safe for the child to go back home, the Judge will tell CPS to find another permanent home for the child. This could be living with relatives or friends permanently, or being adopted by another family. Sometimes, a child will stay in foster care until they are at least 18 years old.

Depending on the decision of the Judge, other hearings may be needed. If the Judge decides a child should be adopted by another family, there must be a court hearing first to decide whether the parents will no longer be able to make decisions about where the child will live and how to take care of the child. This is called a **Termination of Parental Rights (TPR) Hearing**. If the Judge does end the parents' rights, it is CPS' job to make sure that the child finds a good, forever, adoptive family. Many times, the child is adopted by a relative or his or her foster parent. There are many steps to a child being adopted; however, the final step is the **Adoption Hearing** where the Judge decides that the child will be placed with the adoptive family forever. At this hearing, the Judge must ask a child who is age 12 or older whether they want to be adopted by the family. If the Judge and child agree, then the adoption is approved.

Sometimes the child can have contact with his or her birth parents and other family members after the child is adopted. To make this decision, the Judge may ask the child their opinion, especially if the child is at least 12 years old. Contact with the birth parents and other family may be sharing letters, pictures or visits.

When an adoption is approved, the Judge and CPS are no longer involved with the child and the child's new adoptive family.

The Permanency Planning Hearing is another good time to make sure that your voice is heard. If you want to attend this hearing, ask. And be sure to speak with your CPS case manager, your attorney, your Guardian ad Litem and your CASA before the hearing to make sure your thoughts and wishes about your future are shared with the Judge.

Sometimes, adoption is not what's best or possible for a child. In that case, the Judge may decide that a child should permanently live with a relative, a family friend or the child's foster family until the child is at least 18 years old. This would require another type of hearing called a

Guardianship Hearing. If the Judge agrees to a guardianship, the family the child is with will make all the decisions for the child even though the rights of the child's birth parents have not ended. If everyone agrees, the child could continue to have contact with the birth parents and other family members even after the guardianship is approved. Contact with the birth parents and other family members may be sharing letters, pictures or visits.

When the child cannot go back home, and adoption or guardianship are not possible, the child might stay in foster care until he is at least 18 years old. In this case, the Judge may agree to a case plan called, **Alternative Planned Permanent Living Arrangement**, where the child continues to go to school, get services and skills training to help learn what he or she needs to know about being an adult, before leaving foster care. If this plan is approved, the Judge continues to review the case and watch out for the child at Report and Review Hearings.

By law, a child becomes an adult when he or she reaches the age of 18. At that time, the Judge cannot make any more decisions about the child (young adult) in foster care. But, these young adults can choose to stay in foster care to receive help with services and life decisions until they are 21 or they can choose to leave foster care when they turn 18 or older. (Note: If the young adult leaves foster care and then decides that he or she really does need the help and support that CPS can provide, they can return to CPS for help until they are 21 years old. Former foster children who want to return for help from CPS through the independent living program must contact CPS directly. The court is not involved.)

Report and Review Hearings continue throughout the time a child is under the age of 18 and stays in foster care.

After a child is safe at home, in an adoptive home, in a Guardian's home or has turned 18, the Dependency case is closed and no more court hearings are held.

If you are age 12 and older, the Judge will ask you whether you agree or do not agree to be adopted by a particular family.

Frequently Asked Questions

WHEN CAN I GO HOME?

At any of the court hearings, the Judge can allow you to go home if your parents have done what they needed to do to provide you a safe home.

Many children leave foster care within a few months. If you are in foster care for one year, the Judge will decide at a Permanency Planning Hearing whether returning you to your parents' home is likely to happen at all. The decision will be made by looking at whether your parents have done the things they needed to do to give you a safe home. Even if the Judge decides that returning home is still a good plan for you, going home may not happen right away. Your parents may still need to do some things that the Judge has required. The Judge will review your case at least every six months to make sure everyone is doing what they need to do to get you home.

WHAT HAPPENS IF I CANNOT GO HOME?

If the Judge decides at a Permanency Planning Hearing that you can never safely return home to your parents, then you will continue living in foster care until there is another plan for you that will give you a safe home. The Judge is responsible to make sure this happens. The plan could be: Adoption, Guardianship or Independent Living (staying in foster care until you are 18 years of age or older.)

WILL I HAVE AN ADULT WHO WILL HELP ME IN COURT?

Yes. You will have either an attorney or Guardian ad Litem (GAL). You may have both. Also, you will have a CPS case manager and maybe a Court Appointed Special Advocate (CASA).

WHAT DO ATTORNEYS DO?

"Attorneys" or "Lawyers" are specially trained people who give advice and represent clients, such as parents and children in dependency court. The attorney's job is always to tell the Judge what their client wants and why the Judge should agree with their client.

(Lawyer is another name for an attorney. We have used the term "attorney" throughout this Guide.)

IF I HAVE AN ATTORNEY, WHAT WILL THE ATTORNEY DO FOR ME?

If the court appoints an attorney for you, that attorney will "represent" you just the same as all the other attorneys represent their clients. Your attorney will tell the Judge what you want to have happen with regard to such issues as: "Can I go home?" "When can I go home?" "Where do I want to live until I can go home?" "How often do I want to see my parents, sisters and brothers?" and "What kind of help do I need to deal with what is going on in my life?" Your attorney will give the Judge all the reasons why the Judge should agree with you. Your attorney may give the Judge written information, or may ask other people (witnesses) to tell the Judge their opinions, to help the Judge decide. Your attorney may ask the Judge to listen to what you have to say. Your attorney will explain the entire court process to you, tell you when hearings are set, what could happen at the hearing, and answer any questions you may have about what is going on in your case. Your attorney will work to make sure that you get what you need to be safe and healthy while you are in foster care.

IF I HAVE A GUARDIAN AD LITEM (GAL), WHAT WILL MY GUARDIAN AD LITEM DO FOR ME?

A GAL's job is to tell the Judge what the GAL believes is best for you. To do that, the GAL will meet with you to understand your needs. The GAL will look at your family's case record and also do their own investigation to help decide what would be best for you. Your GAL will work to make sure that you get what you need to be safe and healthy while you are in foster care.

WILL I HAVE AN ATTORNEY AND A GUARDIAN AD LITEM (GAL)?

No, not always. Because an attorney's job is to represent what you want, an attorney is usually appointed for a child who is old enough to be able to say what they want. For very young children, a GAL is usually appointed to tell the Judge what is best for the child. However, an older child may have an attorney to tell the Judge what the child wants and a GAL to tell the Judge what the GAL thinks is best for the child. The Judge will decide if you need both. The Judge may also decide to appoint a CASA for you.

WHO ARE CASAS AND WHAT DOES A CASA DO?

Court Appointed Special Advocates [CASAs] are volunteers who are specially trained to "advocate" (look out) for you and advocate for everything you need to be safe and healthy. Not all children have a CASA. If a judge appoints a CASA for you, your CASA will meet with you often and spend time getting to know you. Your CASA will look at all the records, do their own investigation of your needs, attend all meetings and your court hearings, and write a report which goes directly to the Judge before each court hearing. The Judge will listen very carefully to the CASA's opinions and recommendations.

WHO ELSE WILL HAVE AN ATTORNEY IN MY CASE?

An attorney will be appointed by the Judge to represent your mother and your father in the dependency case. CPS case managers will have their own attorney, who works for the state of Arizona to help them.

WHEN AND HOW OFTEN SHOULD I SPEAK WITH MY ATTORNEY OR GAL?

Your attorney or your GAL should contact you as soon as they are told by the Judge that you are their client. That will be before the first hearing (the Preliminary Protective Hearing). The attorney or GAL will explain to you what “dependency” means and about the court process. Your attorney and/or GAL will ask you what you want to have happen and what you want the Judge to know. Your attorney and/or GAL will also explain their own job, what is **confidential** (private among the people involved in the case) about the hearing and what is **privileged** (private between you and your attorney). Your attorney and/or your GAL will tell you how you can contact them. You should be sure that the name and phone number of your attorney and GAL are written down for you.

Your attorney and/or GAL should contact you before and after every hearing. It is your attorney and/or GAL’s job to let you know when a hearing is coming up, and what could happen at that hearing. Your attorney and/or GAL will ask you what you want the Judge to know at the hearing and what you want to have happen.

You may contact (call on the phone, email or write) your attorney and/or GAL whenever you want to. You should contact your attorney and/or GAL whenever something major is bothering you or you don’t understand something important that has happened.

WHAT IS A CASE PLAN?

The case plan is in writing and tells about the problems in the family (the reasons for court involvement), what is needed to help fix those problems, what each person must do to fix the problems, and when those things should be done. The case plan is written by the CPS case manager working with your parents, you, the attorneys, GALs, the CASA and other people working with you and your family. You and all of these people will look over the plan carefully and sign it if you agree with it. The case plan is given to the Judge. The Judge can approve it or change it. After the Judge approves the plan, your parents, CPS and you need to follow it. The case plan must be reviewed by the Judge regularly - at least every six months at the Report and Review Hearings.

WHAT IS A PERMANENT PLAN?

The permanent plan is the final goal for you and your family - what everyone wants to happen for you by the time the case is closed. It may be putting your family back together with one or both parents (called ‘reunification”), or it may be guardianship, adoption, or independent living.

WHEN CAN I GO TO MY OWN COURT HEARINGS?

Ask your attorney or GAL if you can go to any of the hearings.

By law, children 12 and over must be told ahead of time when Report and Review Hearings are scheduled and are allowed to go to these hearings.

Many Judges will allow you to attend other hearings whenever you want to. Other Judges require you to get their permission first. Most Judges will ask you to leave a hearing if they believe something will happen in court that will upset you or put you in danger.

SHOULD I GO TO COURT OR TO SCHOOL?

This may not be an easy decision for you. Going to school is important to keep up with your work. On the other hand, you may feel that you are the only person who can tell the Judge what you want him or her to know - and you will always want to know what is going on in your case. It is a good idea to discuss each upcoming hearing with your attorney and/or GAL. You can decide together whether it is more important for you to be at court or at school. Ultimately, if you are 12 or older, it is your decision.

Your attorney or GAL can ask the Judge to hold the hearing in the morning or late afternoon so that you miss as little school as possible. There may also be some days when your attendance at school is more important than on other days (such as test day or field trip), and your attorney or GAL may be able to change the hearing date to a day when it is easier for you to miss school.

WHAT DO I NEED TO DO TO PREPARE FOR COURT?

You don’t need to do anything special to prepare to go to court. However, it may be a good idea to plan what you want to say to the Judge - maybe even write some notes. You may also want to take some things with you to court - perhaps some pictures of yourself or some school papers you got a good grade on, so that the Judge can get to know you better. If you are worried about remembering what you want to say to the Judge, you may want to write a letter to give or send to the Judge.

WHAT SHOULD I WEAR?

Appropriate clothes for court would be the same clothes you would wear for any important occasion where you want to make a good impression. *What not to wear* – It is not a good idea to wear shorts, hats, bare midriffs, clothes with inappropriate words or symbols.

HOW DO I GET TO COURT?

Depending on your living arrangement, your foster parent, group home staff, your CASA or your case manager will take you to court. Make sure they know you want to go to court well before the hearing. If you have any problem arranging a ride to court, talk with your attorney or GAL.

HOW SHOULD I ACT IN COURT?

You should be respectful to everyone in court. Don't chew gum. Sit up straight. Listen to what is being said and don't interrupt. You will be allowed to talk when it is your turn. Treat everyone else just as you would want to be treated.

WHEN CAN I, OR SHOULD I, SPEAK DIRECTLY TO THE JUDGE? HOW DO I ADDRESS THE JUDGE?

You should speak to the Judge when the Judge speaks to you. The Judge will usually ask you directly if there is anything you want to say, or anything you want the Judge to know. Do not interrupt when the Judge is talking. You address the Judge as "Your Honor" or "Sir" or "Ma'am".

WILL I EVER BE ABLE TO SPEAK TO THE JUDGE ALONE?

The Judge will not speak with you - or any other person in your case - alone. That is called "ex parte" communication, and is not allowed. The Judge may arrange to talk to you with only the attorneys and a court reporter present or, with the agreement of the attorneys, with only a court reporter- but that would be very unusual.

WHAT IS THE DIFFERENCE BETWEEN "CONFIDENTIAL AND "PRIVILEGED" INFORMATION?

"Confidential" means that the court, parties, attorneys, CPS, etc. may not reveal information about the people involved in your case to other people. Violation of confidentiality may be considered a crime. Your CPS and court records are confidential by law.

"Privilege" means that your attorney cannot tell anyone about what you told your attorney unless you say it is okay. There are certain limited exceptions to privilege, such as the need to prevent a crime. Not following these rules of "privilege" could mean serious trouble for an attorney.

WHAT INFORMATION ABOUT MY CASE CAN I SHARE WITH MY FRIENDS?

It is up to you what you want to tell your friends. Once you tell your friends something, they may tell others. Remember that some information about other people in your case is confidential, so before you talk about your family situation, you should ask your attorney or GAL if it is okay. As with any personal information, be careful what you share and who you share it with.

WHAT SHOULD I DO IF SOMEONE ELSE TELLS OTHER PEOPLE ABOUT MY FAMILY OR ME?

If you are upset because you believe that someone has shared "confidential" information about you or your family, contact your attorney or GAL and discuss what happened and work together to fix the problem.

WHAT SHOULD I EXPECT OTHERS TO TELL ME ABOUT UPCOMING COURT HEARINGS?

Your attorney, GAL, and CASA should talk to you about court hearings - about when the hearings will occur and what happens at each of them. Your CPS case manager should also talk to you about the court hearings. They should each be asking you about how you are doing and what you want to have happen so that they can give the Judge that information.

CAN ANYONE COME TO A DEPENDENCY HEARING WHO WANTS TO?

Only if the Judge decides they can. When the Judge lets other people come into a hearing, the Judge tells them they cannot talk about any personal information they learn in the hearing. That means they cannot go outside the hearing and talk about who the hearing was about. You, your parents and CPS can request through each of your attorneys or GAL that the Judge not allow other outside people to attend and the Judge will decide what to do. Dependency cases are "confidential" which means that people cannot talk about what is going on in a dependency case to other people who are not already a part of the case.

WHAT DOES THE FOSTER CARE REVIEW BOARD DO?

The Foster Care Review Board [FCRB] is a group of people who look at what is going on with dependent children who are placed out of their parents' homes. These people do not work for CPS, but are asked by Judges to review cases of children in foster care at least once every six months. You, your parents, CPS and other interested people attend these reviews to tell them how things are going and what needs to happen next. The FCRB writes a report to the Judge telling the Judge what they think is happening and should happen in the case.

The FCRB wants to hear from all children in foster care. You should receive a green notice inviting you to a FCRB review about one to two weeks before your case is to be reviewed.

You are allowed to attend FCRB meetings if you wish to. If you would like to attend a review, you should let your foster parent, CPS case manager, CASA, attorney or GAL know that you want to attend the next FCRB review.

If you cannot attend a FCRB review, you may mail, e-mail or fax, or call in to leave a message for the Board before the review date. In some counties, you may participate by conference call.

For more information on how to participate in the FCRB review, call 602-452-3400 or 1-866-320-1959 or go to the FCRB website at www.fcrbyouth.org.

WHAT CAN I DO IF I DO NOT AGREE WITH THE JUDGE'S DECISIONS?

If you do not like a Judge's decision, talk to your attorney or GAL immediately. You may disagree with a decision the Judge makes, such as a decision to make you a dependent child, about where you live or the help and services you get, or how often you can see or talk to your parents or your brothers and sisters. Your attorney or GAL can ask the Judge to "reconsider" the decision, and may be able to give the Judge additional information to change the Judge's mind. Sometimes your attorney or GAL will tell you that the decision is not likely to change even though you disagree with it. You still have the right to tell your attorney or GAL to ask the Judge to review the decision again. If you still disagree with the Judge, certain decisions can be "appealed" to a higher court.

HOW DOES AN "APPEAL" WORK AND HOW LONG DOES IT TAKE FOR AN APPEAL?

You have the right to "appeal" certain decisions, such as the decision to make you a dependent child or to dismiss the dependency, and decisions about where you will live. Appeal means to ask the "higher" court (the Court of Appeals) to make a different decision. The appeal must be done quickly but a decision by the Court of Appeals can take a very long time – perhaps a year or more – before a final decision is made. In order to win an appeal, you must show that the decision was legally wrong, not just that you disagree or don't like it. If you decide to appeal a decision, the Judge's decision in Dependency Court will still hold until, and only if, the Court of Appeals changes it.

WHAT CAN I DO IF I BELIEVE THE PLACE WHERE I AM LIVING OR WHERE I AM BEING SENT IS NOT SAFE FOR ME?

You should always tell your attorney, GAL, your CASA and CPS case manager as soon as you can when something frightens you or makes you feel unsafe. They must act quickly to protect you by solving the problem, or asking the Judge to move you to a different placement, or asking the Judge to order CPS to do what is necessary to make the placement you are in safe for you.

I THINK I MAY BE NATIVE AMERICAN. SHOULD I TELL SOMEONE?

Yes. Your CPS case manager may have already asked you. But if not, you should tell your case manager, your attorney, GAL or CASA right away, because it may give you certain benefits.

WHAT HAPPENS IF I GET INTO TROUBLE WITH THE LAW?

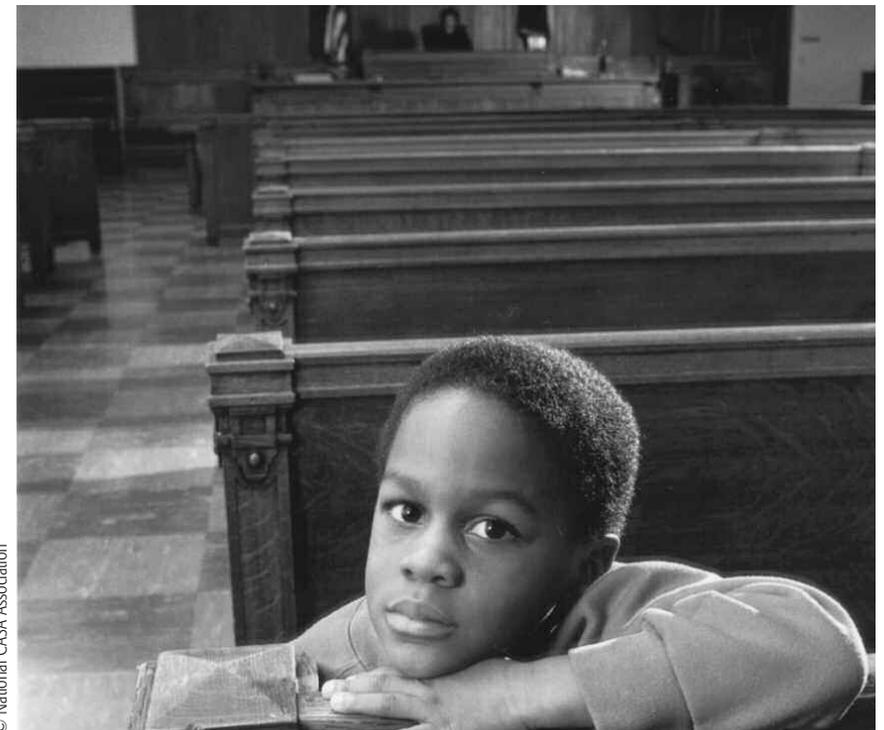
If you are accused of committing a crime, a **Delinquency Petition** can be filed with the Juvenile Court.

You are not allowed to do certain things because you are under age 18, such as running away from where you live, skipping school or refusing to obey the adults where you live. If you do, an **Incorrigibility Petition** can be filed with the Juvenile Court. (This can happen for children living at home as well as children in foster care.)

If a Delinquency or Incorporrigibility Petition is filed, an attorney will be appointed to represent you. It may be the same attorney you have for your dependency case, or a different attorney who specializes in these cases. There will be other court hearings to review the problems outlined in the Delinquency or Incorporrigibility Petitions. You may see the same Judge you see in Dependency Court or a different Judge. If the Judge agrees that you did do what you are charged with, you could be placed on juvenile probation and there could be other consequences for your behavior.

WHEN CAN I GET SENT TO DETENTION?

You can only be put into **detention** if you are accused of having committed a crime (a delinquent act). You cannot be placed into detention just because you do not follow your Dependency Case Plan.



Glossary of Terms

ADOPTION: Is when the court gives the rights, responsibilities and legal relationship to a child to a new parent(s). Adoption can only occur if the birth parents' agree to the adoption, or if their legal rights have been terminated by the court, or they have passed away. If you are aged 12 or older, the judge will ask you if you agree to be adopted.

ALTERNATIVE PERMANENT PLANNED LIVING ARRANGEMENT: A permanent case plan that does not involve adoption or guardianship but should include at least one adult playing a permanent and important role in the child's life. Includes "independent living."

APPEAL: The legal process by which a "party" (including the child) to a dependency asks a higher court (the Court of Appeals) to review a decision of the dependency court judge about ordering or dismissing a dependency, where the child lives, and certain other issues. If a party disagrees with the Judge's decision, they must file an appeal within 15 days of the date the decision was made.

ATTORNEY: An individual licensed to practice law by the State of Arizona, also called a lawyer.

CASE PLAN: A written report that tells about the problems in the family (the reasons for court involvement), what is needed to help fix those problems, what each person must do to fix the problems, and when those things should be done.

CHILD: A person under the age of 18 years.

CHILD PROTECTIVE SERVICES OR CPS: Child Protective Services [CPS] is the state agency assigned by Arizona law to protect children. CPS has the legal authority to investigate reports of family problems including children being hurt by their parents, children not being protected by their parents, children being left alone in unsafe situations, or when parents do not provide a safe home, do not provide critical medical care or neglect to properly feed, shelter or care for their basic needs. CPS can take custody of children in danger, and file dependency petitions. The court may make CPS responsible for the care of children found to be dependent, and to provide services to help the family get back together or to make another permanent plan for the child.

CHILD PROTECTIVE SERVICES (CPS) CASE MANAGER: A specially trained person who works for Child Protective Services. The CPS case manager may be

responsible for investigating problems that are reported about a family situation or may be responsible for getting services to help a family resolve its problems. The case manager will check on children in foster care and the other family members to see how everyone is doing, and write a report to the court about the progress the child and family are making before each hearing.

DELINQUENT CHILD: A person under age 18 who is under the supervision of the court for the commission of an offense that would be a crime if committed by an adult, such as stealing, destroying property, or using illegal drugs.

DEPENDENCY: A decision by the juvenile court judge to allow court intervention in order to protect children from neglect, abuse or abandonment.

DEPENDENCY ADJUDICATION HEARING: A hearing to decide whether the child will be made "dependent". The hearing must be completed within ninety days after the parents receive a copy of the Dependency Petition.

DEPENDENCY DISPOSITION HEARING: A hearing to decide where a child who has been made a dependent ward of the court will live. The disposition hearing must be completed within 30 days after the child is found to be a dependent ward of the court.

DEPENDENCY PETITION: A written legal document (pleading) which gives the facts about why a child is in danger in their home, what things were tried to help make things safe and why those things are not enough to keep the child safe. The Petition asks the Juvenile Court Judge to protect the child from neglect, abuse or abandonment by making the child a ward of the court.

DEPENDENT CHILD: A person under age 18 who is under the supervision of the court due to abuse, neglect or abandonment.

DETENTION: A locked facility which houses children accused of delinquent acts.

FOSTER CARE: Any placement for a child which is not in the home of a parent or legal guardian, and which may include a licensed foster home, group home or residential setting, a court ordered placement with a friend or relative, and an independent living setting.

GUARDIAN AD LITEM (GAL): An attorney or CASA appointed by the court to protect the child's best interest.

GUARDIANSHIP: The temporary substitution of legal (parental) responsibility for a child by someone other than a parent. Usually, guardianship is with a relative or a friend who already has a relationship with the child.

INDEPENDENT LIVING: A case plan for youth who expect to remain in foster care until they reach age 18. Special services and skills training are provided so that youth can learn how to successfully live on their own.

INCORRIGIBLE CHILD: A person under age 18 who is under the supervision of the court for the commission of acts such as running away, truancy (skipping school), refusing to obey a parent, or committing an offense which is only illegal for children.

INDIAN CHILD: An unmarried person under the age of 18 who is either a member of a recognized Indian tribe or who is eligible for membership.

INITIAL DEPENDENCY HEARING: The second hearing which is held after a Dependency Petition is filed. The first hearing is the Preliminary Protective Hearing (PPH). If a parent does not appear at the PPH, an initial dependency hearing will be held within 21 days after the Dependency Petition is filed with the court. At the Initial Hearing, the parents will be asked whether they agree with the dependency or whether they do not agree. If they agree, the child will be made a dependent ward of the court. If a parent disagrees, the next hearing will be a Dependency Adjudication Hearing.

JUDGE: A lawyer either elected by voters or appointed by the Governor to serve on the court and make decisions about questions that are brought to court, based on the law and the information that is given to him or her.

JUVENILE DEPENDENCY COURT: A special court with trained Judges who oversee the cases of abused, neglected and abandoned children who need protection.

PERMANENCY PLANNING HEARING: Within a year of the removal of any child from the home, the court will hold a permanency planning hearing, to decide what the best permanent plan is for the child. The Judge may decide that termination of the parents' rights and adoption, or guardianship, or continuing to work toward reunification with the family is the best plan, or the Judge may decide that that independent living is best for the child. Whatever the Judge decides, CPS will be ordered to do what is necessary to achieve that goal.

PERMANENT PLAN: The permanent plan is the final goal for the child and family - what everyone wants to happen for the children by the time the case is closed.

PRELIMINARY PROTECTIVE HEARING OR PPH: A hearing which will be held within five to seven days after the child is removed from home. At this hearing, the Judge will make preliminary ("for the time being") decisions about whether the child will stay in foster care and which services will be provided to the parents and child. The parents will be asked whether they agree with the dependency. If the parents do not appear at the PPH, there will be an Initial Dependency Hearing. If the parents attend the hearing but do not agree with the dependency, the judge will schedule a dependency adjudication hearing.

PLEADING: A formal written document filed with the court which asks the court to do something.

REPORT AND REVIEW HEARING: At least every six months after the child is found to be a dependent ward of the court, the court will hold a Report and Review Hearing to look at the progress the family is making. Courts usually hold review hearings more frequently in the beginning of the case. At a review hearing, the Judge may order that the child remain in foster care, or be returned to home, or placed somewhere else.

TERMINATION OF PARENTAL RIGHTS: When the court ends the parent's rights, responsibilities and legal relationship to a child. This court decision is sometimes called a "severance."

WARD OF THE COURT: Another name for a dependent child who is under the special protection of the Arizona Courts due to abuse, neglect or abandonment. When a child is a "ward of the court" the Judge will decide who has legal responsibility for the child, which means deciding where the child will live, go to school, etc. A delinquent or incorrigible child may also become a "ward of the court".



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Children's Action Alliance is a non-profit, non-partisan research, education and advocacy organization dedicated to promoting the well-being of Arizona's children and families.



Administrative Office of the Courts
Dependent Children's Services Division
(602) 452-3400
<http://www.supreme.state.az.us>

Under the direction of the Arizona Supreme Court's Chief Justice, the Administrative Office of the Courts (AOC) provides the necessary support for the supervision and administration of all state courts. The programs administered by the Dependent Children's Services Division are designed to ensure that the best interests of Arizona's dependent children are served by providing a system of information, advocacy and review.



Arizona Department of Economic Security
(602) 542-3882
<http://www.azdes.gov>

Mission: The Arizona Department of Economic Security promotes the safety, well-being, and self sufficiency of children, adults, and families.

Vision: Every child, adult, and family in the state of Arizona will be safe and economically secure.



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This guide was prepared by Children's Action Alliance with assistance and great appreciation to C. Eileen Bond, Esq. consultant and Beverlee Kroll, DES Independent Living Program Specialist. We also thank the Governor's Youth Advisory Board, the judicial officers, attorneys, and staff of the Arizona Department of Economic Security and Administrative Office of the Courts who helped to review and advise on its contents.

This publication is primarily underwritten by Home at Last (HAL), a national nonpartisan education and outreach project supported through a grant from The Pew Charitable Trusts to Occidental College and the Children's Law Center of Los Angeles. The HAL project seeks to encourage action on the recommendations of the Pew Commission on Children in Foster Care. The opinions expressed in this document are those of the authors and do not necessarily reflect the views of Home At Last or The Pew Charitable Trusts. To learn more about the Home At Last Project, go to www.fostercarehomeatlast.org.

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