

How Do I Help Myself and My Family?

“Advocate” is a word you might hear a lot during your CPS case. It means asking for what you need and making sure that you get it. You may have a pretty good idea of what you need to get your life back on track, but you should listen to what others think might be helpful, too. Your CPS caseworker and your lawyer are there to help you. They have a lot of experience and might have some good suggestions. But in the end, you are the one who knows your situation best and you need to speak up for yourself.

Keep in mind that people involved in your case are probably very busy, especially your CPS caseworker. Things you’ve asked for may be forgotten or ignored. Phone calls may take a long time to get returned. Appointments with therapists, counselors or doctors may take a long time to get scheduled. **But ultimately you are the one who will be held responsible if things aren’t done by the end of your court case.** You must keep calling and keep trying to get your appointments scheduled! Or ask what you can do to help schedule appointments or get other things done.

What Can You Do to Advocate For Yourself?

KNOW YOUR RIGHTS. Keep reading to learn about what your rights are and what you should expect from the people involved in your case. If your rights are being ignored, there are things you can do to report it. See page 91 for more information.

FOLLOW UP. If people are not returning calls or emails or helping you get started on your services, the best first step is to keep calling and remind them that you need their help. This may take several tries. Find out at the beginning of your case the name of your caseworker’s supervisor and their office and cell phone numbers. Don’t be afraid to call someone’s supervisor – or even the CPS Program Director – if that is what it takes to get the help you need.

BE ACTIVE. There are many things that you can do for yourself. If the judge has ordered some kind of treatment or service, but your caseworker hasn’t been able to set it up for you, you might find a treatment center for yourself. You might find a counselor you like or a class that would be helpful. It is important to talk to the people working on your case before signing up for treatment or services because the caseworker may have to pay for them and might need to get permission first. And be sure always to let your lawyer know and get her okay before you start down this path.

BE ASSERTIVE. Don’t feel embarrassed to ask for what you need. Don’t feel like you are a burden if you call your caseworker or lawyer several times. As long as you are being respectful, it will show that you are taking your responsibilities seriously.

FOLLOW COURT ORDERS. Sometimes a court may order you to cooperate, give consent, sign releases, or take other actions that you disagree with. It is important always to cooperate with a court order, even if you don't agree with the court's decision. Just because you agree to cooperate does not mean that you are giving up the right to be assertive or to argue in favor of what you think is the better course of action. **Always** talk to your lawyer first if you have any criminal matters pending or other concerns about following a court order.

KEEP TRACK. Use the pages in the back of this Guide to write down the name of every person you talk to, as well as their contact information and what you talked about. Write down information about court dates and other appointments. If something gets doesn't get done, don't let it be your fault.

What Can You Do to Advocate For Your Children?

Advocating for yourself so that you can become a stronger, healthier parent is important, but it is also important that you let the people caring for your child know about his or her needs. Does your child have special medical needs? Does your child take medicines or birth control that the caseworker needs to know about? Special education needs? Has your child been acting out or showing anger, frustration, or sadness? Make sure someone knows about this. It will show how much you care about your child and that you want him or her to be ok during this scary and difficult time.

MAKING YOUR CHILD MORE COMFORTABLE

Living with a different family in a different house can be hard for your child, even if they are staying with a family member. They have to learn new rules, sleep in an unfamiliar bed, and maybe even eat different foods. But there are some things you can do to help you child get used to these changes and feel comfortable in his new home:

- Give your child's caregiver your child's favorite clothes, toys, and other comfort items. (Make sure to label the items.)
- Give your child's caregiver a schedule of what your child was used to at home: When does he have sports practices and games? When does he have to be picked up from school? Is there one special TV show he likes to watch? Is there a particular friend he likes to hang out with on the weekends? Does he have regular doctor's appointments?
- Give your child's caregiver names and contact information of family and friends so that your child can call them or write them a letter if he feels lonely.

Know Your Rights!

Parents have certain rights once they become involved with CPS. These rights are written in our laws and regulations. If you believe someone has violated your legal rights, you should talk to your lawyer.

Make full use of your rights! Protect your interests and become an educated and engaged advocate.

In most cases, you have the following rights as a matter of law:

THE RIGHT TO A LAWYER. You have the right to hire a lawyer at any point in the process. If CPS files a case in court against you and you cannot afford to pay for a lawyer yourself, then the court must provide you with a free court-appointed lawyer. Before a lawyer will be appointed to your case, you will have to prove that you are not able to pay for a lawyer yourself. (A good test to see if you qualify for a free lawyer is if you are already receiving government benefits like food stamps) ***If the court has not appointed a lawyer for you by the first court hearing, you should ask for one. For more information about working with your lawyer see page 79.***



IMPORTANT

If you qualify for a free lawyer but one has not been appointed before your first hearing, ask the court for a lawyer at your very first hearing. The court must appoint a lawyer, and must move (or “continue”) the hearing to a later date to give you time to meet with your lawyer and talk about the case.

THE RIGHT TO NOTICE. During a CPS investigation, CPS must try to tell you why they are investigating you and whether they met with your child and asked him or her questions about the alleged abuse or neglect. If the investigation is closed, CPS must tell you this, too.

CPS must also give you written notice if they take possession of your child. This notice should include the reasons why CPS took your child, what your rights are, and the name of a person you can contact for more information.

THE RIGHT TO ATTEND COURT. You have the right to attend all court hearings, as well as other events related to your case such as mediation (a meeting designed to settle a case that happens toward the end of the case, see page 68) or family group conferences (a meeting that usually happens at the beginning of the case, see page 76).

THE RIGHT TO VISIT YOUR CHILD. CPS must give you the chance to see your child within five days of taking custody. Your CPS caseworker should work with you to create a visitation schedule. **However, your right to visit with your child can be limited if the court does not think it is in your child's best interest to visit with you or if visitation would conflict with another court order.**

THE RIGHT TO AN INTERPRETER. If you do not understand English or are hearing impaired, you must be given an interpreter when you go to court. CPS must take reasonable steps to make sure that you understand what is going on in your case at all times.

THE RIGHT TO IDENTIFY RELATIVE CAREGIVERS. If your child is removed from your home, CPS must give you the chance to name relatives who you would like your child to live with and who can keep your child safe while your case is going on. You will be given a form to fill out with this information. If you don't voluntarily fill out the form, you will be ordered to fill it out by the judge. Caregivers are more likely to be approved if they have a clean criminal record and no history with CPS.

THE RIGHT TO BE INCLUDED IN PERMANENCY PLANNING MEETINGS. A "permanency plan" is the goal for where your child will live at the end of your CPS case. The permanency plan for most children is to have them return safely home but there will be a backup or "concurrent" plan such as living with a relative or being adopted, if your child can't safely come home. Permanency Planning Meetings are meetings where CPS will discuss your child's permanency plan and your progress toward the goal identified in the plan. If CPS knows how to contact you, you have the right to go to these meetings and you have the right to have your lawyer with you.

THE RIGHT TO BE GIVEN A COPY OF THE JUDGE'S WRITTEN DECISIONS. After every hearing, a court order will be signed by the judge. The court order will say what happened that day in court. If the judge wants you to do something, the court order will say so. **Court orders are very important in CPS cases because your rights can be terminated simply for not obeying the court's orders.** You have a right to copies of these orders and you should ask for copies from your lawyer or caseworker if copies are not given to you.

THE RIGHT TO REQUEST A JURY TRIAL. If your case goes to trial, you have the right to ask that it be heard by a jury instead of a judge. You should talk to your lawyer about whether to request a jury trial.

THE RIGHT TO APPEAL A FINAL ORDER. If your rights are involuntarily terminated by a judge or a jury, or CPS is given permanent managing conservatorship (custody), you can appeal that decision. You should speak with your lawyer to find out more about what this means. Sometimes, you cannot appeal your case, for example, if you waived your right to appeal when you entered into an agreement, such as voluntarily giving up your rights or letting someone else have custody of your child.

THE RIGHT TO REQUEST A REVIEW OF CPS INVESTIGATION FINDINGS. CPS must review their investigation findings if you ask them to. To find out more about what investigation findings mean, and how to request a review, see page 46.

THE RIGHT TO REVIEW RECORDS OF AN INVESTIGATION. Unless a judge believes that it would be dangerous for your child, you have the right to review the records of the CPS investigation against you. This can only be done once the investigation is over and usually, you do not find out who called CPS to report you. See page 47 for more information.

THE RIGHT TO FILE A COMPLAINT AGAINST CPS. If you believe that CPS has not acted appropriately toward you, you can contact the Office of Consumer Affairs. This office will review your complaint and try to fix the problem. This office CANNOT review or change court orders or review actions taken by the police. The Office of Consumer Affairs can be reached at 1-800-720-7777.



IMPORTANT

If CPS does not know how to find you or if your parental rights have already been terminated, some of these legal rights may not apply to you. Every case is different, but these are rights that apply to MOST parents.

In addition to legal rights, there are things that you deserve, even if not written into law. We will call these “expectations.” It is up to you to make sure that your expectations are met.

You should be able to expect the following:

You should be treated fairly regardless of your gender, race, culture, disabilities, or religion.

Being poor is not a reason to lose your child. Being poor can add stress to your life and that stress can lead to a situation where your children are not safe or cared for. But, you should not lose your child simply because you are poor and there are no questions about the safety of your child.

If you have visits with your child, they should be frequent and meaningful. Every family gets a visitation plan that spells out how often and how long you will get to visit with your child. You should have input into what this plan says.

Your lawyer should provide you with quality representation. This means he or she should meet with you before every hearing, return your calls, answer your questions, give you advice about how to handle what's going on in your case and court, and tell the judge what you want and need or help you in telling the judge what you want or need.

Your caseworker should provide you with services and help to make it possible for your child to be returned home, and you should be meaningfully involved in creating your Service Plan. A successful Service Plan will identify both your needs and your strengths; it is meant to help you change unsafe behaviors and address other challenges you may have. Your caseworker, your lawyer, and the judge should listen to what you have to say in developing your Service Plan. After all, you are the one who has to follow it. This is one of your most important jobs and you should insist that your lawyer help you and make sure you are involved. See page 77 for more information about Service Plans.

If you can provide the name of a responsible friend or family member who can provide a safe home and pass a CPS and criminal background check, you should be able to have your child cared for by someone you trust.

If you treat others with respect, you should also be treated with respect.