



FOSTER PARENTS AND JUVENILE COURT



State of Connecticut
Judicial Branch
www.jud.ct.gov

This booklet includes information to assist you as a foster parent, when a child you are caring for has a case in the Juvenile Court. It describes your rights including the right to be heard in court proceedings regarding a child in your care, the role of the Judge, court personnel and attorneys, and the type of proceedings typically convened as a child's case progresses through the Juvenile Court.



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Foster Parent's Role in Court Proceedings

Under federal law, a foster parent shall be notified of and have a right to be heard at any proceeding held concerning a foster child living with such foster parent.



IN OTHER WORDS

- 1 A foster parent will receive notice of the **date and time** of any court proceeding to be held about the child.
- 2 A foster parent has the **right to go to court and comment on** the child in their care.
- 3 If a foster parent is unable to go to court after getting a court notice, and if they do not have an attorney, the foster parent can **contact the child's attorney** or the **Department of Children and Families (DCF)** social worker to give their thoughts and ideas about the child.

Foster Parent's Role in Mediation

As a foster parent you may also be invited to take part in **mediation**. Mediation is where someone who doesn't take sides tries to help people on different sides come to an agreement. **The Child Protection Mediation Program** is voluntary. Parties in a case may ask that their case be sent to mediation instead of having a contested hearing or trial. You may be invited as a child's foster parent to take part in the mediation. The types of things which are often sent to mediation include visitation, open adoption and placement issues. Other participants in the mediation might include the child's biological parents and their attorneys, the child's attorney and guardian ad litem, the **DCF** social worker and supervisor and DCF's attorney, the Assistant Attorney General (AAG), and others who might have an interest in the child, such as therapists, parent aides, and other relatives.

A team of highly skilled mediators who are invited by the parties to assist them in the mediation run the mediation sessions.

Your taking part in mediation is completely voluntary. You do not have to do it. But, in mediation, foster parents often play an important role in resolving permanency issues on behalf of children. If the mediation session is to discuss the possibility of you entering an **open adoption agreement**, you may then be able to have an attorney provided to represent you through the **Connecticut Association of Foster and Adoptive Parents (CAFAP)**. The attorney can give you advice and go to the mediation with you.

Open adoption is when biological parents can have continued contact with their children after they have been adopted. Open adoption can be created by an informal agreement between the adoptive and biological parents or by a legal contract. Contact after adoption may take many forms including exchange of progress reports and/or photos of the child through a third party and visits with the child. The Judge cannot order an open adoption unless all parties entering into the adoption agree to it. More information about open adoption is available from the **DCF** social worker or from the **CAFAP** at (800) 861-8838 or at www.cafap.com

Anything said at the mediation is private and is held in the strictest confidence. If an agreement is reached at mediation, that agreement is given to the Judge for approval.

If the parties want to have you take part in the mediation, someone from the Clerk's Office, usually a Court Services Officer (CSO), or **DCF** social worker assigned to the case, will contact you, explain the process to you and invite you to attend. The mediation sessions are held at the court where the child's case is being handled.

If you have any questions about the court or a child in your care you should first contact the **DCF social worker** or supervisor. If you still have questions, contact your CAFAP contact person. To find the number for your contact person, you may contact **CAFAP** at (800) 861-8838 or at www.cafap.com

So, How can Foster Parents be Most Informed?

1. **Contact the DCF social worker** to get the information you are entitled to. If you have no success, contact the supervisor or Program Supervisor.
2. Contact your **CAFAP contact person**.
3. **Contact the child's attorney** and let him or her know you plan to go to court.
4. Contact the court **Clerk's Office**, tell them you are a foster parent and give your name, the child's name and date of birth. You can ask to **speak to the CSO** or any other staff member who may be able to help. They cannot give you information about your case. They may be able to give you general information, scheduling information, or referrals.

5. **Go to court** on the date in the notice you received. Go to the Clerk's Office reception area, tell them who you are, and tell them the specific proceeding you are there for and that you want to be heard. Be sure to ask that the Judicial Marshal and CSO be notified.
6. When you are before the Judge, be ready to talk about things such as how the child is doing at home, in school, with visits with parents and any special services that are provided to the child.
7. **Remember** that there will be **other people who will be in court**. For example, the child's parents will probably be in the courtroom and have an attorney.
8. If you are invited, go to the mediation session and take part in what is being said.

Roles and Responsibilities of People You will See in the Court

JUDGE: **The Judge** gets information from all of the parties and their attorneys by hearing testimony and reading written materials, including DCF reports, about the child's situation. **The Judge makes decisions, findings and rulings** according to law.

CLERK'S OFFICE: Each Juvenile Court has a Clerk's Office. **The Clerk's Office is responsible for case processing** and for keeping official court records. There are a number of people who work in the Clerk's Office. **The Deputy Chief Clerk for Juvenile Matters** is in charge of the office. Other staff includes the CSO, **Deputy Juvenile Matters Clerk, Courtroom Clerk** and various administrative/clerical staff. If you contact the Clerk's Office you may speak to the Deputy Chief Clerk or one of the other staff. In the courtroom, there will be a Courtroom Clerk who is responsible for assisting the Judge in the courtroom and will produce written documents related to each court hearing, including scheduling continuances and future hearings.

The Court Services Officer (CSO): **assists the court and the parties** by providing case management, and schedules and **runs or mediates** conferences held at different stages in a case.

ATTORNEYS:

Child's Attorney: **Each child is appointed an attorney, who is also likely to serve as the child's guardian ad litem**, no matter the child's age or how long the child has been in foster care. If the

child is adopted, if there is a transfer of guardianship or if the child returns home, the case is then closed and the attorney's involvement usually ends. **The child's attorney** is required by Connecticut law to see the child and **report the child's wishes to the court.**

To find the name of your foster child's attorney, **contact the DCF social worker** or supervisor or your CAFAP liaison. If you still can't get the information, you can call the court. Be sure to say that you are a foster parent and give your name, the child's name and date of birth. The clerk's office can then give you the name of the child's attorney.

Guardian ad Litem (GAL): If there is an identified conflict between what the child's wishes are and what may be in the child's best interest, the Judge may appoint a person as GAL to speak in court as to the **best interests of the child.** In Connecticut, the GAL is not required to be an attorney.

Parent's Attorney: **Parents** can have an attorney represent them in their case. If the parent cannot pay for an attorney, the court will arrange for an attorney paid by the state through the Chief Child Protection Attorney. The parent's attorney **represents the parent's legal rights and interests in the case.**

Assistant Attorney General (AAG): The AAG is the attorney who represents the DCF in Juvenile Court cases. The **AAG will talk for the DCF social worker** in court hearings and conferences.

What Happens in Court?

ORDER OF TEMPORARY CUSTODY (OTC) PRELIMINARY HEARING: Children are sometimes removed from their parents' care because DCF has asked for and been given an **Ex-parte (without a hearing) OTC**. A first hearing must be held **not later than 10 days** after a Judge grants such an order. A **case management conference** is held, usually by the CSO, on the day of the first hearing. At the case management conference the attorneys, and, if appropriate, their clients, the AAG and the DCF social worker will talk about the facts of the case. Their goal is to talk about possible settlement options and to set court case management dates. If no agreement is reached at the conference, a contested hearing is held before the Judge. The contested hearing can take place either that day or not later than 10 days after the preliminary hearing. At this hearing the Judge hears the evidence about why a child should remain in the temporary custody of DCF while the child protection case is resolved.

PLEA HEARING: At this hearing the **parents are told of their rights and may deny or admit the facts on the petition** against them. If an OTC has been granted, the plea is usually entered on the day of the OTC preliminary hearing.

ADJUDICATION: In this phase of a case, the Judge will decide if **the facts presented in the petition** against the parent(s) are true. The Judge makes findings related to the case and decides if the child has been neglected and/or abused.

DISPOSITION: At this hearing the Judge may hear testimony and read reports and evaluations. The Judge will decide what course of action will be best for the child. The **decision may include commit-**

ment to DCF, with DCF becoming the child’s legal guardian and placement in the home of a foster parent or relative. The Judge will **order specific steps** that serve as a road map for parents and DCF to resolve the issues which brought the case into court. Usually, the **specific steps** include **visitation and services**, such as parenting classes, therapy or substance abuse treatment.

PERMANENCY REVIEW HEARINGS: A Permanency Review hearing must be held **12 months after the child has entered care**. At this hearing, the Judge reviews DCF’s proposed permanency plan for the child, including placement. The Judge will also get information about the parent(s) progress with regard to the plan. The Judge **makes findings and rules on whether there have been “reasonable efforts” to achieve a permanency plan**.

REVOCATION HEARING: A revocation hearing takes place when either DCF or a party to the case believes that the child’s stay in DCF care should end. At the hearing the **Judge decides if the current placement of the child can be changed**. This may include returning the child to the parent(s) or transferring care and custody to a relative.

MOTIONS: Motions are filed and scheduled for a hearing when a **request is made by a party asking the Judge to hold a hearing on a particular matter**. This might include hearings about requests for evaluations or some type of relief that cannot be obtained through an administrative process at DCF.

CHILD PROTECTION MEDIATION: Mediation is a form of alternative dispute resolution. The court-connected program is voluntary and confidential. Mediators who are neutral and impartial are available to assist the participants in a mediation session.

Court Contacts

Clerk's Offices

General Information and court addresses and directions are available on the Judicial Branch web site at: www.jud.ct.gov

Bridgeport Juvenile Matters Clerk's Office (203) 579-6544

Danbury Juvenile Matters Clerk's Office (203) 797-4407

Child Protection Session at Danbury
Clerk's Office (203) 797-4407

Hartford Juvenile Matters Clerk's Office (860) 244-7900

Middletown Juvenile Matters Clerk's Office (860) 344-2986

Child Protection Session at Middletown
Clerk's Office (860) 343-6456

New Britain Juvenile Matters Clerk's Office (860) 515-5165

New Haven Juvenile Matters Clerk's Office (203) 786-0337

Rockville Juvenile Matters Clerk's Office (860) 872-7143

Stamford Juvenile Matters Clerk's Office (203) 965-5708

Torrington Juvenile Matters Clerk's Office (860) 489-0201

Waterbury Juvenile Matters Clerk's Office (203) 596-4202

Waterford Juvenile Matters Clerk's Office (860) 440-5880

Willimantic Juvenile Matters Clerk's Office (860) 456-5700

Child Protection Session at Willimantic
Clerk's Office (860) 456-5700

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