

KNOW YOUR RIGHTS

in Otter Tail County Juvenile Court Child Protection Cases

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UNDERSTANDING THE JUVENILE COURT PROCESS



If you are a young person in foster care or involved in a child protection case, **this booklet is for You!** It is designed to help you understand the juvenile court process and your case.

It's **normal** to have questions or be worried about your case *or* about attending court. This booklet should help answer your questions.

If you have questions not answered in this booklet, talk to your **attorney**, your court-appointed **Guardian ad Litem (GAL)** or your **case worker**.

What's going on?

Why is my family in court?

Why can't I go home?

Will anybody listen to me?

Can I talk to the judge?

Will I have to go to a different school?

Will I be with my brothers and sisters?

(See "Frequently Asked Questions" on Page 7)

WHAT ARE YOUR RIGHTS?

(In Child Protection Cases)



1. You have the right to become a party to your case. As a party, you would have additional rights, such as the right to present information and witnesses to the judge and the right to object to what the judge is ordering.

2. You have the right to your own attorney who will be appointed by the judge. This is called your right to legal representation. You have a right to an attorney if you are age 10 or older. If this is a truancy or runaway case, you have a right to an attorney only if out-of-home placement for you is being considered. If you want an attorney, ask the judge. Your attorney should:

- Tell you what is happening with your case and what it means to you.
- Answer your questions.
- Be at all your hearings.
- Help you tell the judge what you want to happen in the case.

3. You have the right to be told about your court hearings ahead of time. This is called your right to notice. You should be told the date, time and place of your hearing, and what the hearing is about.

4. You have the right to be at all court hearings about you and your family. The judge, attorneys and caseworkers will be talking about your life. You have a right to be there. Your caretaker or case manager should help you get to court.

5. You have the right to be treated with respect by the judge and court staff. This means they should be polite and patient with you. You should also treat them with respect.

6. You have a right to tell the judge what is going on in your life

and what you want to happen in your case. At your court hearings, the judge may talk to you or your attorney about:

- How you are doing, where you live and where you attend school.
- What you would like to change in your life.
- Whether you get to see or talk to your family, friends and other people.
- Whether you need counseling, tutoring, medical care or something else.

7. You have a right to speak for yourself at each hearing. Or you can have other people, like your attorney, speak for you. You may also be able to give the judge things to see or read that others may also see.

8. You may be able to hear and read the information the judge will see. You have a right to hear the witnesses at the hearing. You have a right to have your attorney question witnesses. Your attorney can question the person who wrote a report, record or evaluation.

9. You have the right to ask for a more private hearing. The hearing might be about something very personal, or it might be hard to talk about some things in a courtroom full of people. If you are worried about this, you or your attorney can ask the judge for a more private hearing.

10. You have a right to appeal a judge's decision. If you don't like what the judge decides, you can talk to your attorney about an appeal. In an appeal, a group of judges will look at your case. They could make a different decision, or they could agree with the first judge.



If you want an
attorney,
ask the judge!

HUH? What does that mean?



This section will help you understand some of the terms that you will hear while you are in juvenile court.

Agency: (See DHS Agency.)

Appeal: When a party in a case disagrees with the decision the judge makes, he can ask his attorney to appeal the decision. An appeal is where a group of judges looks at the case to see if any important mistakes were made. They can agree with the first judge or make a different decision.

Attorney: An attorney or “lawyer” is a specially trained person who gives advice and represents clients, such as parents or children, in court. The attorney’s job is to help her client figure out how to best tell the judge what her client wants and why the judge should agree with her client.

Best Interest of Child: The judge makes decisions based upon what is best for the child. The best interest of the child is one of the rules the judge uses to determine what plan to follow.

Case Worker: A person who is employed by the social service agency and works with the family on developing a case plan to help the family overcome problems that have caused the Juvenile Court to get involved. This person may also be referred to as a case manager or a social worker.

CHIPS: A term meaning “**CH**ild **I**n Need of **P**rotection or **S**ervices.” There are a number of ways a child may be in need of protection or services. A petition must be filed with the Court stating the particular reason for the request in the child’s case. A judge will decide if a child is in need of protection or services.

Confidentiality: Keeping things private. Things you tell your attorney will not be told to others unless you give your permission. Some information in your case may also be kept confidential. You can ask the judge to make all information confidential if there is a good reason to do so.

DHS Agency: The Department of Human Services agency. It is the DHS agency that receives custody of children who are removed from their parents’ homes and provides services to children in foster care. Your case worker probably works for Otter Tail County Human Services (OTCHS).

Foster Care: When a child lives somewhere other than in her home with her parents or caregivers. It can be a foster home with relatives or a foster home with people she didn’t know before. A relative can be someone who is related to you or a significant person in your life.

Guardian ad Litem (GAL): A person appointed by the judge to make sure that the best interests of the child are being met in the court proceeding. The GAL will be meeting with you, your parents, and others involved in your family, and will tell the judge what the GAL believes is in your best interest.

Guardianship: When an adult who is not the child’s parent has parental responsibility for the child. It is usually a relative or a friend who already knows the child.

Hearing: An official "meeting" in a courtroom with the judge in charge. These hearings are open to the public, unless closed by the judge.

Independent Living Plan: A plan for a child 16 years of age or older that is directed at increasing independent living skills. The plan is developed by the child and case worker and will help identify services that can help him complete his education, participate in job skills training or find employment and learn to manage money, among other things.

Judge: The judge decides what is best for the child. The judge issues court orders, reads reports, listens and decides whether the child should be placed in the custody of DHS, or returned to a parent.

Juvenile Court: A court that deals with children younger than 18 who may have been abused or neglected or accused of breaking the law.

Legal Custody: Having the right to make major decisions about a child. Most often, one or both parents have legal custody of a child. If a child is in foster care, DHS has legal custody of the child.

Notice of Hearings: A paper issued by the court that tells people when and where there will be a court hearing that involves them. The child, her parents and all the other people important to the case should get notice of every hearing.

Participant: A person who has limited rights in a CHIPS proceeding. A participant receives notices of hearings, attends hearings, and may offer information to the judge. A participant may ask the court to become a party.

Party: A person who has full rights in a CHIPS proceeding. A party will receive notices of hearings, be present at all hearings, share information with other parties, ask the judge for help, and work with other parties to reach an agreement. A party may fully take part in all court proceedings.

Permanency Timelines: The time limit for reaching the goal of returning the child home if it is safe to do so. If that does not happen within 12 months, the judge must decide where the child will live permanently.

Reunification: The return of a child to his parents (when it is safe to do so) after he has spent time in a foster care.

Service Plan: A written document that is developed by the case worker, parent(s), and child that identifies why the agency is involved in your family's life, specific services and tasks that each family member should participate in and what happens if they do not.

Sibling: Brother or sister.

System: A word people often use when they are talking about the network of government organizations that are providing services to children and families who need help.

Therapist/Counselor: A licensed person who provides services to a child and her family, like counseling, goal planning and advocacy. Other names for a therapist might be a psychologist or a psychiatrist.



HOW TO ACT IN COURT



This section explains how you should act when you attend court-what things you should do and the things that you should avoid doing.



Dos

Before the hearing:

1. Do show up on time.
2. Do dress neatly.
3. Do show respect to everyone you meet in court.
4. Do wait patiently and quietly for your turn to appear before the judge. The judge may have to hear other cases before yours.
5. Do turn off your cell phone.
6. If you want, you may bring a book or something to read quietly while you are waiting.

In the Courtroom:

1. Be respectful.
2. If you don't understand something, tell the judge or your attorney. Someone will explain it to you again.
3. If you choose to speak to the judge, be open and honest about what you think or feel.

Don'ts

1. Don't come to court alone. Make sure there is an adult with you (your caregiver, attorney or other trusted adult).
2. Don't eat or drink in the courtroom.
3. Don't chew gum.
4. Don't bring any electronic devices (like a video game) into the courtroom.



F*A*Q

Frequently Asked Questions

It's normal to have questions or even to worry about attending Court. This section should help answer your questions.

What's going on? Why is my family in Court?

When a child is not safe in his home, the child may be placed with someone else for safety. Parents must appear in Court to explain why they could not keep their child safe and must make a plan to fix the problems.

Why can't I go home?

A child cannot go home until parents fix the problems that caused the child to be removed from home.

Will anyone listen to me?

Yes, everyone involved in your case wants to hear what you have to say.
(See No. 2 on Page 2 and No. 6 and 7 on Page 3)

Can I talk to a judge?

Yes, you have the right to talk to the judge. (See No. 5 on Page 2)

Will I have to go to a different school?

Maybe. Every effort is made to keep you in the same school, but sometimes that is not possible.

Will I be with my brothers and sisters?

Probably. Every effort is made to keep brothers and sisters together. Sometimes there is not enough room in one foster home for larger families, and sometimes it is not safe for you to be with your siblings, so you may live in different foster homes.

Why should I go to Court?

The judge decides where you live, who you can see and what help you and your family will get. Judges are supposed to make decisions using only what they learn at the hearing. *You have a right to make sure the judge hears from you. It's your life!* In some cases, you may not need to go to Court and, instead, you may be able to write to the judge. Talk to your attorney about whether you need to be in Court.

Will I miss school?

Court usually is held during school hours, so you will probably miss some school.

What if I have something important to do at school, like a test or field trip? What if I have a doctor's appointment or other important appointment?

You can request to reschedule the hearing at a time that is best for you or you may be excused from appearing in court. Talk to your attorney or case worker.

What if I am nervous about going to Court?

That's okay. Most people are nervous about going to Court. You will not be alone. Your foster parent, case worker, attorney, and guardian ad litem will be at the hearing with you. Talk with them about what to expect. They will help you get prepared.

Why so many hearings?

There are many different types of hearings and each hearing has its own purpose. Some of the hearings that you may attend are:

- **Emergency Protective Care (EPC) Hearing:** After a child is taken from a parent's home by a court order or by a police officer, this hearing must happen within 72 hours for the judge to decide if the child should stay out of the home or return home.
- **Admit/Deny Hearing:** At this hearing, parents can admit that their child is in need of protection or services or deny that the child is. If they admit that their child is in need of protection or services, a plan may be made. If they deny, a Court trial will be scheduled. If the petition is for truancy or runaway, you will be asked to admit or deny the petition.
- **Prehearing Settlement Conference:** This is a meeting with parents, attorneys, the guardian ad litem, the case manager, and children who are 10 years old or older and want to participate. At this meeting, everyone talks about the problems that are going on at home, the services recommended to help the family and whether an agreement can be reached about the plan for the family.
- **Pretrial Hearing:** At this hearing, parents, attorneys, the guardian ad litem, the case manager, and children who are 10 years old or older and want to participate, may present an agreement to the judge or, if no agreement has been reached, to discuss and prepare for the trial.
- **Court Trial:** The parties and people they bring to court will answer questions about the problems described in the petition. The judge will listen to them, look at the papers, photographs and other important items, and hear the arguments of the parties. After the trial, the judge will decide whether or not the child is in need of protection or services.
- **Disposition Hearing:** If the child is in need of protection or services, the judge will decide where the child will live and what plan will be used to work on the problems in the family, so that the child can safely return home, and whether or not the child should stay in foster care.
- **Intermediate Disposition Review Hearing:** If a child is living in foster care, all the parties will return to court every 90 days or less to review how the plan is working to correct the family problems. If the child is living at home, the hearing will be in six months or less. The judge may change the plan or change where the child lives.
- **Permanency Progress Review Hearing:** If a child is under eight years old, this hearing must be held within six months of when the child was placed in foster care. If the parent is making progress in following the plan and is visiting the child, the judge can allow six more months to work on returning the child to the parent's home. If not, the judge can order that the parties look for another permanent home for the child.

What if I have other questions?

Talk to your attorney, case worker or guardian ad litem, if you still have questions about going to court or about your case.

Contact Information

Stay in Touch with People important to your Case.

Your Attorney:

Name _____

Phone Number _____

Case Worker:

Name _____

Phone Number _____

Guardian Ad Litem:

Name _____

Phone Number _____

Judge:

Name _____

Notes:

County Attorney:

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