

Please Remember

Because these cases move quickly and you can end up losing all rights to your child permanently, you should work closely with your lawyer to protect your legal rights. You may decide that you are unable to take care of your child or that it is best for your child to live with someone else. Your lawyer can help you arrange this with the judge's approval.



Prepared by the Counsel for Child Abuse and Neglect
(CCAN)
(202) 879-1406
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A Parent's Guide to Child Abuse and Neglect Cases in the D.C. Family Court

IMPORTANT NAMES AND NUMBERS

My Lawyer's Name _____

My Lawyer's Phone Number _____

My Social Worker's Name _____

My Social Worker's Phone Number _____

My Judge's Name _____

Courtroom Number _____

Courthouse Address:

D.C. Superior Court
500 Indiana Ave., N.W.
Washington, D.C. 20001

**YOU MAY
HAVE ONLY
12 MONTHS
TO
REUNIFY
WITH YOUR
CHILD!**

8 Steps to Help You Reunify With Your Child

1. Get treatment or other help the court requires NOW - DON'T DELAY
2. Make your child your top priority
3. Visit your child as often as the court allows - don't miss a visit
4. If you have to miss a visit call your social worker in advance
5. Go to every court hearing
6. Call your lawyer and social worker every week - leave a message if they are out
7. Follow all the court orders
8. Keep a journal of important dates

Why are you in court?

You are in court because a complaint about your child's care has been filed in the Family Court. The complaint asks the court to decide **if your child has been neglected and/or abused** and who will have custody of your child.

Your case is a child neglect case. The purpose of child neglect cases is to **protect neglected and abused children**. They are not criminal cases, but separate criminal cases are sometimes filed.

Because of **deadlines for parents**, you should start working with your lawyer right away to help you meet your goals for your child's custody.

Who Will Be Involved in Your Case?

Your Lawyer: You will get a lawyer on the first day your case is in court. You must have a financial eligibility interview in the Counsel for Child Abuse and Neglect Office (CCAN) to find out if you qualify for a free lawyer. The CCAN Office is in Room 4415 on the fourth floor of the courthouse. The hours are Monday through Friday, 8:30 a.m. to 5:00 p.m., and the telephone number is (202) 879-1406.

The Government Lawyer: The Assistant Attorney General (AAG) is the lawyer for the District of Columbia government. The AAG presents evidence in support of the claim that your child is abused or neglected. You should not speak with the AAG without your attorney present.

Your Child's Guardian Ad Litem: The Court appoints a lawyer called a guardian *ad litem* to represent the best interests of your child. Your child's guardian *ad litem* will talk to and visit your child, explain to your child what is happening in the case, and tell the judge what your child wants. He or she tells the judge what he or she believes would be best for your child. Talk to your lawyer about what you can discuss with the guardian *ad litem*.

Deadlines (Continued)

1. **Termination of Parental Rights**

If the court finds that your child is abused or neglected, a motion to terminate your parental rights may be filed immediately by the government lawyer or the guardian *ad litem*. The law requires that a motion to **terminate your parental rights must be filed** if your child is in foster care for **15 months** of the most recent 22 months, unless an exception applies. If the court grants this motion you will lose all rights to your child.

2. **Your Child's Permanent Placement**

The court must set a **permanency goal** for your child **within 14 months of removal from you**. If you are not making progress toward reunification, the goal is likely to be permanent placement outside your home through adoption, guardianship, custody or another planned permanent living arrangement. A permanency goal may be set **within 30 days** if your case falls within an exception involving unusually serious abuse or neglect.

Deadlines

The Adoption and Safe Families Act (ASFA) is a law that sets **deadlines for parents who want to reunify** with their children. The purpose of these deadlines is to make sure that children do not stay in foster care for long periods of time. Children should grow up in permanent and stable families. If you do not meet the court's requirements for reunification by the deadlines, the court may decide you cannot reunify with your child. The judge may decide that your child should be adopted or in the legal custody of someone else. The government or the child's guardian *ad litem* may file a **motion to terminate your parental rights** if your child is in foster care beyond the deadlines.



**KEEP IN
TOUCH
WITH YOUR
LAWYER!**

**Be sure to tell your lawyer if
you get a new phone number**

(Lawyer's Card)

Who Will Be Involved in Your Case? (Continued)

The Social Worker: Part of the social worker's job is to provide services to you and your child and to help you and your family. The social worker also tells the court what he or she thinks should happen in your case and where your child should live. While your case is in Family Court, you will most likely have more than one social worker.

The Judge: Your case will be assigned to a Family Court judge before the first hearing. This judge will usually handle your case until it is completed.

The judge makes decisions in your case based on the law and the evidence he or she hears. Although the judge listens to everyone's input, the judge makes the final decision.

General Help and Information

Addiction Prevention & Recovery Admin.
(APRA, for substance abuse help) 727-0668

Answer Please (Information) 463-6211

Child and Family Services Agency (CFSA)
(For social worker information) 442-6000

Child Protection Hotline 671-7233 (SAFE)
(To report suspected abuse and neglect)

D.C. Housing Authority 535-1706
(For subsidized housing)

D.C. Public Schools 724-4222
(For questions about education)

Family Court Central Intake Center
(For Family Court information) 879-1212

Income Maintenance Admin. 724-5506
(For TANF, Food Stamps, Medicaid)

Mayor's Service Liaison Office 879-1904
(For referrals and information)

What Services Can You Get to Help You?

You may get help with drug treatment, counseling, day care, homemaker services, special education placement for your child, emergency financial assistance, parenting classes, anger management classes, or other help you and your children need. Work with your attorney and the social worker to identify your needs.



CALL YOUR SOCIAL WORKER AT LEAST ONCE A WEEK!

Be Sure to Tell Your Social
Worker If You Get a New Phone
Number

(Social worker's #)

What Happens in Court?

MONTH _____

There will be several **court hearings** and other meetings so that the judge can listen to all sides and decide how to help your family. Most abuse and neglect cases have at least seven different hearings and meetings during the first year:

- **Initial Hearing**
(72 hours after the child’s removal, but not Sundays)
- **Mediation**
(Within 30 days of the Initial Hearing)
- **Stipulation Hearing**
(Immediately after Mediation if you agree that your child is neglected or abused and don’t want a trial)
- **Pretrial Hearing**
(Soon after Mediation)
- **Trial**
(Within 45 or 105 days of Initial Hearing)
- **Disposition**
(Within 45 or 105 days of Initial Hearing)
- **Review/Permanency Hearings**
(At least once every six months)

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You and Your Lawyer (Continued)

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- Be sure to let your lawyer know **how to contact you**.
- If you **need more help**, let your lawyer know.
- Remember that the conversations you have with your lawyer are **confidential**. You may want your lawyer to tell the judge some of the things you tell him. You can also tell your lawyer what you wish to keep confidential.
- You may decide that you are **unable to take care of your child** or that it is best for your child to live with someone else. Your lawyer can help you arrange this with the judge's approval.
- Call the **CCAN Office, (202) 879-1406**, if you need your lawyer's name or telephone number. This is the court office that assigns lawyers. You can also call this office if you have a complaint about your lawyer.

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More About Court Hearings

Initial Hearing

This is the first hearing in your case. You will get a copy of the government's petition saying why the government thinks your child is neglected or abused. The judge will decide where your child will live (which could include a decision to return your child home) until the court can decide if your child is neglected or abused. You may be able to reach an agreement about where your child will live, but the judge will make the final decision.

Mediation

You and the other parties and attorneys meet with a mediator to talk about the case in a setting that is less formal than the courtroom. Everyone tries to arrive at an agreement. Discussions during mediation are confidential and cannot be repeated to the judge so parties can speak freely. If you agree that your child was neglected or abused, you can appear before a judge to sign a stipulation admitting neglect or abuse.

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You and Your Lawyer

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The right to have a lawyer assist you is a very important right. Take advantage of this right by working closely with your lawyer.

- Communicate with your lawyer honestly and openly.
- Give your lawyer all the information that may be helpful your case.
- Stay in contact with your lawyer between each hearing to talk about your case and discuss what is likely to happen at the next hearing.
- If you want your lawyer to ask the court for something, talk it over with your lawyer well before the court hearing.



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PRE-TRIAL HEARING

If you don't admit that your child was neglected or abused the court will hold a pre-trial hearing. The purpose of the hearing is to find out if everyone has completed what he or she needs to do to be ready for the trial.

TRIAL

The purpose of the trial is to decide whether your child was neglected or abused. If the judge decides that your child was not neglected or abused, the case will be dropped (dismissed). Your child will return to your home without any court supervision. If the judge decides your child was neglected or abused, the judge has the right to decide where and with whom your child should live.



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More Courthouse Basics

Dress appropriately and professionally.
Do not wear halter-tops, torn jeans, short skirts, T-shirts with printing and/or logos, and hats.

Address the judge as “Your Honor,”
“Judge,” “Sir” or “Madam.”

Answer yes or no questions out loud instead of nodding. Don’t chew gum.

If you have children not involved in the neglect case, please arrange for someone to care for them during the hearing. The court has a free day care center where children from the ages of 2 to 12 can be watched. The center, open 8:30 to 5:00, is located in Room C-185.

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DISPOSITION

If the judge finds that your child was neglected or abused he or she will hold a disposition hearing. The judge will decide where your child will be placed and the plan for returning the child to your care.

REVIEW / PERMANENCY

After disposition, the court will schedule another hearing called a "Review" or "Permanency Hearing." Permanency hearings will then take place about every six months or possibly more often. The goal for most cases is to reunite the family if possible. If reunification is not possible, the judge will look at other plans. If you want to regain custody of your child, you must comply with the case plan and all court orders



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Courthouse Basics

IT IS VERY IMPORTANT THAT YOU BE PRESENT AND ON TIME FOR ALL HEARINGS.

On days that a hearing has been scheduled in your case try to arrive at the courthouse fifteen minutes early.

If you don't know where your hearing is being held, you will need to check in at the Central Intake Center near the court entrance on the JM level to find out where your case is being heard.

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What is Family Treatment Court?

The Family Treatment Court is a program to **help parents who have become involved in the neglect system as a result of drug addiction**. The program helps to reunify families and provides the basics for good parenting and a drug free life style.

The program lasts for one year. It provides **six months of residential treatment and six months of aftercare**. After the parent goes through the initial program adjustment, she can have her children live with her in the residential facility. Parents who successfully complete the program are honored at a graduation that recognizes their accomplishment.

Ask your lawyer to refer you to Family Treatment Court if you think you might qualify



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