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# **A Handbook for Families in Dependency & Neglect Cases**

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This handbook contains important information that you will need to know. It is about the courts, the court process, and the people involved in dependency and neglect cases.

Please read it carefully.

Bring it with you every time you come to court.

Office of the State Court Administrator  
1301 Pennsylvania Street, Suite 300  
Denver, Colorado 80203  
1-303-861-1111

This book does not provide legal advice.

Please speak with your attorney whenever you have any questions about your case or what you are supposed to do.

*This Handbook for Families in Dependency and Neglect Cases was prepared in cooperation with Boulder District Court, Colorado Springs District Court, Prowers County District Court, Denver Juvenile Court, the Colorado State Court Administrator's Office, the Colorado Department of Human Services and parents involved in dependency & neglect cases.*

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*For additional copies or more information about the book, please call the State Court Administrator's Office at 303-861-1111 or 800-888-0001 toll free or write to: Juvenile Policy Analyst, State Court Administrator's Office, 1301 Pennsylvania Street, Denver, CO 80203. This book is available online at: <http://www.courts.state.co.us/supct/committees/courtimprovecomm.htm>.*

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Dispositional hearing - When the judge or magistrate decides what you have to do to keep or to get your children back in your home. At this hearing, a treatment plan is adopted.

GAL or guardian ad litem - The judge or magistrate assigns a lawyer called a Guardian ad Litem to represent the best interests of all children involved in your case. Sometimes a GAL may also be appointed to represent a parent.

Judge/magistrate- The judge or magistrate is in charge of your case. The judge or magistrate makes sure everyone does his or her job in your case.

Permanency planning hearing -When the judge or magistrate decides where your children will live permanently.

Protective orders - What your responsibilities are until the next hearing in order to protect your children.

Reasonable efforts - The court and the county department of human/social services has a legal obligation to show that reasonable efforts have been made to provide the necessary services to your family to help you be ready to safely be a fulltime parent to your children.

Respondent -This is the legal term that the court uses for the parent or person who has custody of the children involved in a dependency and neglect case.

Reunification -The time when your children are returned to you.

Review hearing - A hearing to check the progress of your case.

Special respondent - Someone who helps parent the children even though this person is not a birth parent.

Termination of parental rights - This is the hearing where it is determined whether you will lose your legal rights as a parent to the children who were named in your case. If this happens, your children can be adopted. You also have the right to appeal the decision. Not all cases go to termination.

Treatment plan - What you need to do before your children can be returned to you and the case can be closed.

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## **Glossary**

These are words you may either hear in court or read in this booklet. They are also highlighted whenever they first appear in this booklet.

Adjudicatory hearing - When the court has decided, either because of your admission or after a trial, that your children need some help and that there is a reason for the court to stay involved in your case.

Allegation - The reason the county department of human/social services believes that it needs to be involved with your family.

Attorney/lawyer - A person who goes to college and law school and has to pass a two or three-day test in order to be licensed to represent people in court.

C.A.S.A. - Stands for Court Appointed Special Advocate (see C.A.S.A. volunteer).

C.A.S.A. volunteer - A person appointed by the judge or magistrate to help decide what is in your children's best interests. You may or may not have a C.A.S.A. volunteer in your case.

Caseworker - This person works for the county department of human/social services and helps get what you and your family need.

County attorney - This is the lawyer for the county department of human/social services. If you live in Denver, this person is called a city attorney. This person prepares and files the paperwork with the court.

Court hearing or trial - This is when the judge or magistrate listens to the people and attorneys in your case so a decision can be made about what should happen in your case.

Dependent or neglected - This means that a child needs help from the county department of human/social services.

Diligent search - The court and the county department of human/social services has a legal obligation to search for and try to locate family members who may be a resource to your children and family.

**Appointments**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Person: \_\_\_\_\_

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**Why do you have to go to court?**

You are required to appear in court because an allegation has been made that your children may be dependent or neglected. The reasons for a dependency and neglect court case are to make sure that your children are safe and to help you provide a safe home for you and your children.

A dependency and neglect case is filed in court because the county department of human/social services believes that you and your family could use some help in learning how to protect your children.

**You are involved in a dependency & neglect case.**

**What happens next?**

- You will receive papers called a summons that will tell you when you have to come to court.
- You will receive papers called a petition that describe the allegations. These papers are written by the county attorney. The first name listed on the petition usually is the last name of one of the children in the case.
- If you cannot afford an attorney, and you qualify under the guidelines, the court may appoint one for you at no cost to you.
- You may watch a video tape about dependency and neglect cases which will tell you of your rights and will also explain the court process.
- You will meet with your lawyer, if you have one.
- You will meet with the caseworker to talk about what will happen in your case.

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*Remember - Please speak with your attorney  
whenever you have any questions  
about your case or what you are supposed to do.*

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**Some of your rights in court**

You have the right to have a lawyer represent you. If you cannot afford a lawyer one may be appointed for you. To find out if you can get a lawyer appointed, you can fill out an application that should be available at the court.

You have the right to be told about all future court hearings. You also have the right and responsibility to go to all court hearings.

You have the right to an interpreter if you do not speak or understand English.

You may have additional rights if you or your children are enrolled or eligible to enroll in a Native American tribe.

You have the right to talk about your case privately with your attorney. You have the right to talk about your case with the caseworker and the guardian ad litem, too.

You have the right to ask your lawyer questions if there is something you do not understand.

You have the right to actively participate in the development of your treatment plan. It is important to meet with your caseworker to talk about what will be most helpful for your family to include in the treatment plan.

You have a number of other rights in a dependency and neglect case. These rights will be explained to you by either the judge or magistrate, or by your attorney.

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*Remember - Please speak with your attorney  
whenever you have any questions  
about your case or what you are supposed to do.*

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**Court dates**

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Type of hearing: \_\_\_\_\_

**Some of your responsibilities in this case**

Always go to your court hearings.

Do what the court orders you to do. If you are not sure what the court ordered you to do, ask your lawyer.

If you are asked by your caseworker or the judge for the names and contact information for your children's relatives, provide this information promptly. This is important to help have your children placed as soon as possible within your extended family if they are not living with you.

You must tell the judge if you or your children have Native American ancestry.

There is limited information that the court staff can give you. For specific requests or statements about your case, contact your lawyer.

Always tell your lawyer and caseworker your address and telephone number, even if the address and phone number change.

Quickly return telephone calls from your lawyer and caseworker.

Complete your treatment plan. Show you can work hard to make improvements.

Keep your scheduled appointments. Call the person you are to meet with if you cannot make it.

If you have scheduled visits with your children, go to all the visits. This shows your children and other people that you care about your children. You should not talk about the court case with your children without the approval of your lawyer and your caseworker.

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*Remember - Please speak with your attorney  
whenever you have any questions  
about your case or what you are supposed to do.*

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## Types of hearings in your case

The following is a list and description of hearings that will take place in your case. Keep in mind that in your case, you may or may not have all of the hearings mentioned below.

### **First Hearing or Preliminary Protective Hearing or Temporary Custody**

**Hearing:** At this hearing, the judge or magistrate determines whether there is enough evidence to decide if your children can safely remain in your home or if they need to live somewhere else, at least temporarily, to keep them safe. In some courts the judge will give protective orders.

**Advisement:** At this hearing, you are advised of your legal rights. The court makes sure that you understand your rights and the court process. The court also appoints a guardian ad litem for your children. This may happen at the first hearing.

**Adjudicatory Hearing:** At this hearing, a decision is made whether or not your children are dependent or neglected under Colorado law. Your children are neglected if you are not providing your children with adequate food, clothing, medical care, education, supervision or a safe home environment. Your children are dependent if they are not capable of supporting themselves and cannot depend on the person who is legally responsible for them.

**Dispositional Hearing:** At this hearing, the department of human/social services gives the "Family Service Plan" or "Treatment Plan" to the court for approval. The Family Service Plan outlines what you must do before your children can return home. The plan may require you to take classes or have evaluations or treatment. The purpose of this hearing is for the judge or magistrate to order that you follow the treatment plan. The court will also reevaluate the issue of custody and control of the children. The judge or magistrate also carefully reviews your case to make sure everything is being taken care of at this time.

**Name:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Name:** \_\_\_\_\_

Address: \_\_\_\_\_

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**Name:** \_\_\_\_\_

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**Guardian ad Litem's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Guardian ad Litem's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Guardian ad Litem's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**C.A.S.A. Volunteer's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Name:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Review Hearing:**

This hearing helps you, the department of human/social services, and the judge or magistrate determine the following:

- If your children are safe and well in their present placement
- Whether your child needs to continue in placement
- If you and the department of human/social services are doing what the treatment plan says each of you will do
- What kind of progress is being made
- Whether the treatment plan should be changed

**Permanency Planning Hearing:** The purpose of this hearing is to plan for an appropriate permanent home for your children in as short a time as possible. The court must hold this hearing within 12 months from the time your children are removed from the home.

**Termination of Parental Rights:** The purpose of the termination hearing is to decide whether a parent's rights should end, for example, the right to make decisions about a child, the right to visit, and more.

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*Remember - Please speak with your attorney  
whenever you have any questions  
about your case or what you are supposed to do.*

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## Helpful ideas

Be on time for court.

Be on time for appointments. Call the person you are to meet with if you are going to be late or need to cancel the meeting. Missed appointments may delay your case.

Quickly return telephone calls from your lawyer and caseworker.

If you have more than one phone number, you should give all of these numbers to the people involved in your case.

It is very important to be polite at court hearings and meetings.

Be prepared for court:

- It would be good to write down what you want to say. When you write down what you want to say you won't forget it when it is your turn to talk.
- Bring all important papers to court and show them to your lawyer before court.
- Wear nice clothes. If you need some, ask your caseworker. Do not wear ripped jeans, halter tops, tank tops, or revealing clothes. If you wear a hat, please take it off before court starts.
- Come to court sober.
- Do not bring children to court. Please make babysitting arrangements or check with the court to see if there is an available child care facility.

While in court:

- Do not bring food and beverages into court.
- Do not make faces when someone says something you don't like.
- Do not chew gum.
- Turn off cell phones and pagers.
- Respond by saying "yes" or "no" when a question requires a "yes" or "no" answer. Do not nod, shake your head, or use words such as "yeah", "yah", "uh-huh," "nah," "yup" or "nope".
- Do not use foul language.
- Do not interrupt other people when they are speaking. You will have a chance to talk.
- Call the judge or magistrate "Your Honor" or "Judge".

## Names, Addresses and Phone Numbers

**Lawyer's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Office Telephone Number: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Caseworker's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Office Telephone Number: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Caseworker's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Office Telephone Number: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Caseworker's Supervisor's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_