

19th Judicial District

A Handbook for Families in Dependency and Neglect Cases

What you need to know about the court process and the people helping you with your case.

What is the Purpose of this Handbook?

Being involved in a dependency and neglect (D&N) case can be very confusing and stressful for a family. Not knowing what to expect can make it even harder. This handbook will help you understand what will happen. Keep this handbook with you so you can write the names of the people who will be helping you and the dates of meetings and court hearings.

Why Do You Need 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 purpose of the Dependency and Neglect Court is **to help provide for the safety of children and to help families.**

The Judge can require you and your family to get help, such as individual counseling or family therapy, substance abuse evaluation and treatment, mental health evaluation and treatment and/or other services. Also, the Judge can require that your child be **temporarily** placed in the custody of Weld County Department of Human Services (WCDHS). This means that, for the time being, WCDHS is legally responsible for your child and with the approval of the Court, can make decisions about where your child should live and what you need to do to have your child returned to you.

The issues that brought you to Court could result in criminal charges against you, your partner, or someone else in your family. Those cases are completely separate and will not be heard in the Dependency and Neglect Court. This handbook does not deal with those cases; this handbook is for proceedings which involve the Department of Human Services. If there is a criminal case, it will be heard in criminal court.

Dependency and Neglect cases are not criminal cases.

What Happens After Your Child Is Removed From Your Home?

If your child is removed from your home and placed in foster care or with a relative by a judge or law enforcement, you will be notified in writing of the date and time of the emergency hearing. This hearing will be within 72 hours. Weekends and holidays are not counted as part of this deadline.

Who is Involved in Your Case?

Your Caseworker

When the Weld County Department of Human Services becomes involved with your family, you will be given the name and phone number of a **Human Services caseworker** from the Weld County Department of Human Services (WCDHS). The worker will change to an ongoing worker several weeks after your case begins. Your caseworker should:

- Contact you to give you more information and ask you some questions;
- Visit you and your child regularly;
- Arrange visits for you if your child is in foster care or other placement;
- Help you understand the problem that brought you to court; and
- Help you develop and work on your **treatment plan**, which lists the steps that you must take to work on the issues that brought you to court.

If you do not hear from your Caseworker for a while, or if you have questions or problems, call him or her.

The County Attorney

The County Attorney represents the caseworker from the Department of Human Services and is responsible for beginning the D&N case by filing the petition with the Court. The county attorney works with the caseworker in your case to make recommendations to the court regarding the child's best interests.

Your Attorney

You have the right to have an attorney represent you at any time during the D&N proceedings. You can either hire your own attorney, or see if you qualify for the state to pay for a court-appointed attorney. You may fill out an application for Court Appointed Counsel at any time to help the Court determine if you qualify to have an attorney appointed for you. If you choose to represent yourself, you will be responsible for making sure that any documents you file are also given to all the other parties in your case.

Your attorney should:

- Meet with you or speak with you by phone to answer your questions before every hearing and speak for you in court; and
- Help you understand your rights and tell you about the hearing you will attend and what is expected at each meeting.

Your Child's Attorney – the Guardian ad Litem (GAL)

Your child will have a special attorney appointed by the court. This attorney is called the **Guardian ad Litem (GAL)**. The GAL does not work for the Department of Human Services or for the parents, but is responsible to the Court. The GAL's job is to meet with your child and tell the Court what they think is best for your child.

The Court Appointed Special Advocate (CASA)

In some cases, the Judge may also appoint a **Court Appointed Special Advocate (CASA)**, who is an independent lay person who will look at what is best for your child. The CASA is a trained volunteer who will meet with you and your child, as well as others involved in this case. The CASA reports to the Court on how your child is doing and what they think is in your child's best interest.

You can reach the CASA office by calling: (970) 353-5970

When Will You Have To Go To Court?

You may be asked to attend several court hearings and other meetings so that the Judge and others can listen to all sides and decide how to help your family. Most D&N cases have at least five different court hearings and meetings during the course of a year:

- Temporary Custody Hearing or Advisement Hearing
- Adjudication
- Dispositional Hearing
- Permanency Hearing
- Review Hearing(s)

Each D&N hearing has a different purpose. They are all described in this handbook on pages 8-13 so that you know what to expect at each hearing or meeting, when and where it will be held, and why it is so important for you to attend.

Please attend all hearings in person. If you know in advance that you may not be able to attend in person, please talk to your attorney about filing a motion to appear by phone. If you don't have an attorney, you can file this motion yourself.

If you have an **emergency** and cannot attend in person, you can call in for your hearing. To reach Division 7 courtroom, call (970) 475-2574. To reach Division 9 courtroom, call (970) 475-2594. Call at the exact time your hearing is supposed to start. Do not call in early.

Please remember that if you do participate in a hearing by phone, it will be more difficult for you to hear everything that is said and to understand what has happened in court.

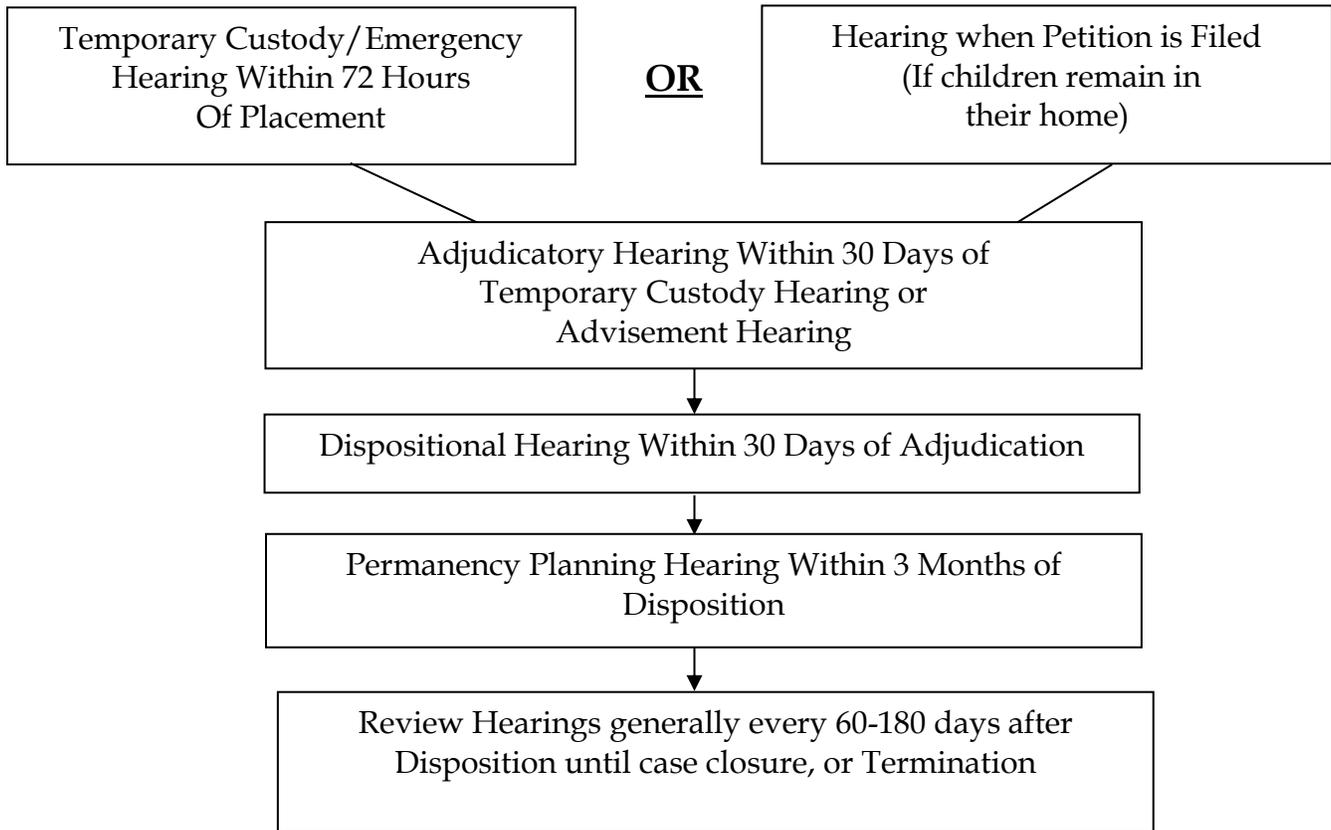
Remember, the purpose of D&N Court is to help provide for the safety of children and to help families create a safe home for their children. If you do not understand the purpose of any of the hearings you are asked to attend, talk to your attorney. If you do not have an attorney, you may want to talk to the Guardian ad litem or the Court Facilitator.

Courtroom Basics

- When you have a hearing in court, dress appropriately and professionally. Avoid sunglasses, ripped jeans, halter tops, short skirts, and hats. Do not chew gum in the courtroom.

- Please do not bring children to the courthouse, unless the court has ordered them to be present, or if you have already discussed bringing children to court with the Guardian ad litem and the caseworker.
- For some hearings, children do not belong in the courtroom, where they can see and hear things that are hurtful, confusing, and inappropriate for them. A courthouse can be a boring place for children. The court does not have a waiting area for children.
- If you have a cell phone or pager with you, turn it off before entering the courtroom.
- Address the judge as “Your Honor,” “Judge,” Sir, or Madam.
- Answer questions with a “yes” or “no” instead of nodding or shaking your head. Speak clearly and slowly. Your words are being recorded, either by a machine or a person. If you mumble, speak too quickly, too softly, or answer by shaking or nodding your head, the record will not be accurate.
- Enter and leave the courtroom quietly, so you do not disturb others.
- Please do ask questions if you do not understand something or are confused about what you are required to do.

Timeline Of Court Hearings



(Please note that this timeline and descriptions of each hearing shows approximately when hearings are scheduled, actual hearing dates may be earlier or later than listed.)

The Temporary Custody /Emergency Hearing

- At all emergency hearings, the court will decide whether a Petition in Dependency and Neglect should be filed, where the child will reside on a temporary basis (foster care, placement with a relative or return/remain home) and if there are any orders of protection needed to ensure the safety of the child.
- When you come to court you will watch a video to advise you of your rights in this case and will sign a written advisement of your rights.
- You will be able to fill out an Application for Court Appointed Counsel to determine if you qualify for an attorney at no cost to you. If you do, an attorney will be there to represent you. Under some circumstances, an attorney will be assigned to you, but will not be available for you at the emergency hearing.
- Your attorney will also be able to present information on your behalf. It is very important that you be there, too.
- A Guardian ad litem will also be appointed to represent the best interests of the children.
- Placement of your child with family members may occur at this hearing if background checks have been completed and the placement is appropriate.
- The Judge will ask you questions about how long your child has been residing in Colorado and if any other court in any state has entered orders (such as custody or divorce) regarding your child, if you, your child or the other parent has Native American/Indian/Alaskan Native tribal membership or affiliation and about the paternity of the child.
- If your child was removed from your care and you have not already had a visit with them, your first visit will be scheduled and ordered by the judge at this hearing. This visit will be scheduled within 48 hours. You will leave the courtroom knowing when you will see your children. This may not apply for parents who do not attend the emergency hearing, who are incarcerated, have protection or restraining orders that prevent contact with the child, have not seen the child in a long time or if the judge determines it is not in the child's best interests to have visits with a parent.
- The Judge will enter an Order of Protection. This order may detail what kind of contact the parents and others may have with the child, if visits will be supervised or not, and provisions for monitored sobriety and/or evaluations.

The Adjudicatory Hearing

- At this hearing, you may agree that your child is dependent or neglected based upon at least one of the allegations in the Petition, which are listed in paragraph 5 of the Petition, or you may deny the allegations and request a trial.
- This hearing should be held within 30 days after you are advised of your rights, which usually is at the emergency hearing.
- If you ask to have a trial, at the trial the Judge or jury will listen to the evidence and decide if your child is dependent or neglected.
- If dependency and neglect are determined, the Judge will then decide what needs to happen for you and your child. This decision is called the **disposition**.

- It is very important that you speak with your attorney before the Adjudicatory Hearing and discuss with him or her your options and your decision about whether or not to go to trial.

It is very important that you attend the Adjudicatory Hearing.

The Dispositional Hearing

- The **Dispositional Hearing** will be held within 30 days of the Adjudicatory Hearing.
- A proposed treatment plan will be prepared by the caseworker and submitted to the court and parties prior to the dispositional hearing. This plan will be developed with the parents, unless the parent refuses to participate or is otherwise unavailable.
- You have the right to object to the proposed treatment plan and can have your attorney argue those objections at the Dispositional Hearing.
- At the Dispositional Hearing, a treatment plan will be ordered by the Court.
- Once the Court has ordered the treatment plan you need to cooperate with it. If you do not cooperate, you could be held in contempt of Court and it could take longer for your child to be returned to you. In fact, if you don't cooperate, you could even lose your rights to your child.
- **It is very important that you attend the Dispositional Hearing, so that you completely understand what you need to do in order to have your case closed successfully.**

The Permanency Planning Hearing

- The **Permanency Planning Hearing** should be held no later than 12 months after your child has been removed from your home. If your child is under the age of six, it should be held within three months of your dispositional hearing.
- The Permanency Hearing is when the Judge will decide what the permanent plan for your child should be – it may be reunification, adoption, placement with a fit and willing relative, or an alternate planned permanent living arrangement. The law requires that children under the age of 6 be placed in a permanent home within one year of their removal.

It is very important that you attend the Permanency Planning Hearing.

Review Hearing(s)

- This is a hearing that occurs after the Permanency Planning Hearing.
- Review Hearings usually take place about every 90 days until the case is closed through the return of the child to the parents or the permanent placement of a child through the award of permanent custody or adoption.
- At the hearing the parents, lawyers and other parties review the progress of the parents and the child to determine whether they are moving forward in achieving the Treatment Plan's goals.
- At this hearing the court may adjust visitation with the parents, return the child to the parents' home, or make adjustments to the Treatment Plan.

Mediation and Court Facilitation

- When families cannot agree on issues that the Court is hearing, a third party is brought in to help them talk about their problems. This is called **mediation or a court facilitation** and the person who does this is a neutral mediator or family court facilitator. The goal of these out of court meetings is to help families come to a voluntary agreement, not impose one view or solution.
- The Court may order you to mediation or facilitation.
- You may ask for mediation or facilitation at any time.
- You may also be asked to participate in a Family Group Conference or Team Decision Making Conference with the Department of Human Services. This is a separate meeting from a mediation or facilitation that provides an opportunity for you and your family members to discuss, brainstorm and make recommendations regarding your children's care.

These are your rights:

- You have the right to an attorney. If you apply for an attorney and qualify financially, the Court will appoint an attorney for you at no cost to you.
- You have the right to admit or deny the allegations made about you and your family.
- You have the right to be notified of and to attend all court hearings.
- You have the right to an interpreter in court if you do not understand English.
- You have the right to talk to your caseworker and your attorney. But remember, they may be busy with someone else when you call. Be sure to leave a message and a phone number where you can be reached or try to call them again. Keep track of the best times to call them.
- 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.

These are your responsibilities:

- Attend all court hearings and meetings.
- If you are asked by your caseworker or the judge for the names and contact information for your child's relatives, provide this information promptly. This is important to help have your children placed as soon as possible within your extended family, if placement with that relative is appropriate.
- You must tell the judge if you or your children have Native American or Alaskan Native tribal affiliation or ancestry.
- Cooperate and complete your treatment plan.
- Stay in touch with your attorney and your caseworker. Be sure they always have a current address and telephone number for you. Make sure that your phone is able to receive voicemail if you don't always answer calls.
- Things move quickly in D&N Court. Be sure that you know what you are supposed to do and when, and then do it. It could make the difference in whether your child is returned to you or not. If you are not sure about something, ask!

- Keep your scheduled appointments. Call the person you are to meet with if you are running late or cannot make it.
- If you have scheduled visits with your children, go to all the visits. You should not talk about the court case with your children without the approval of your lawyer and your caseworker.

Definitions

Adjudication – means that the Court has determined that the children are dependent or neglected and now has a right to enter orders in the child’s best interests. After the Adjudicatory Hearing, the Court has jurisdiction over you and can order you into treatment, counseling, etc.

Caseworker – The person who works for the Department of Human Services whose job is to work with the parents and make reasonable efforts to prevent or eliminate the need for placement of children out of the parents’ home. The Caseworker drafts the Treatment Plan, makes referrals for services needed by the parents or the child, visits the child at home or in placement, and generally manages the case.

County Attorney – The attorney who represents the People and the Department of Human Services.

Court Appointed Special Advocate [CASA] – A non-lawyer volunteer appointed by the court to look out for the best interests of your children. The CASA conducts an investigation, visits with the child, and the CASA writes a report to the court making recommendations in the best interests of the child.

Department of Human Services [DHS] – The agency that investigates and pursues cases involving abuse or neglect through the court system. The Caseworker works for DHS.

Dependency and Neglect Case [D&N] – A civil case filed by the County/City Attorney where there is evidence that a child is not receiving the care he or she needs and there is concern that the child’s well being or safety is at risk.

Diligent Search – A search for parents or other relatives of a child involved in a D&N case when the children are in placement through DHS (usually foster care). DHS is required to conduct a diligent search for family members who may be a resource for the child or family.

Expedited Permanency Planning [EPP]– The practice of handling the court case and treatment of children under the age of 6 more quickly than cases involving older children. Colorado statutes require that younger children’s case be handled on this fast track. Under this law, children in EPP cases are required to be in a permanent home within one year from the date they were removed from the home.

Family Treatment Court [FTC] – This is the Nineteenth Judicial District’s drug court for parents involved in a D&N case. Many other judicial districts have similar drug courts. These courts are designed specifically for parents who have substance abuse problems that have affected their ability to properly care for their children. Typically, the court and parents meet once per week to review the parent’s progress in treatment.

Guardian ad Litem – The lawyer appointed to represent the best interests of the child.

Indian Child Welfare Act [ICWA] – This Act recognizes the sovereignty of American Indian Nations. Under the Act, notice must be given to any Native American Tribe when it is suspected that a child is a member or eligible for membership in the tribe. Under the Act, jurisdiction of the case may be transferred to the Tribal Court. If a case is not transferred to the Tribal Court, the Indian child, parent or Indian

custodian have special rights.

Intervenor – A person who is not a parent who is involved in a D&N case because they have an interest in the welfare of the child. Intervenor are often grandparents or other relatives of the child, foster parents, or unrelated persons who were involved in the child’s life before the case was filed.

Reasonable Efforts - DHS has a legal obligation to show that reasonable efforts have been made to provide services that are necessary for the parents to succeed in the return of the children to their home.

Relinquishment— means that you voluntarily give up your rights to your child. Before this can occur, you must receive counseling and have a hearing before a Judge.

Respondent— means you, if you are the biological parent of the child or are the legal guardian/custodian of the child.

Respondent Parent Counsel – A lawyer appointed to provide legal counsel and to represent the wishes of a parent.

Reunification— means that the children are returned to your care. This may be the goal in the Treatment Plan and may be the reason the Court requires parenting classes, anger management, etc.

Special Respondent – A person in a D&N case, such as a boyfriend, girlfriend, step-parent, grandparent, or other relative of a child who is involved in the case either because they are accused of causing abuse or neglect of the child or because they have an interest in the welfare of the child.

Temporary Aid to Needy Families [TANF] – The financial assistance program that is available to needy families. Families that are eligible for TANF are most often also eligible for Food Stamps. The program is administered by DHS and is sometimes referred to as Colorado Works.

Termination— means that your rights to parent your child end. If the Court terminates your parental rights, you have no authority or right to say what happens to your children. Your children may also be adopted by someone else who you don’t know.

Uniform Child Custody Jurisdiction and Enforcement Act [UCCJEA] – This Act has been passed in nearly all of the states. The Act is designed to prevent jurisdictional disputes between the courts in different states. Except in emergency situations, only one state may exercise custody jurisdiction over a child at a time.

Visitation – Contact between a parent and child. This is sometimes referred to as Parenting Time. Although Visitation may be unsupervised, in D&N cases it is often supervised. Supervised Visitation may consist of monitoring by the supervisor or the supervisor may be in constant contact with the parent and child through the course of the visit. Therapeutic Visitation also occurs in some cases. This type of visitation is used to help parents learn how to interact in more healthy ways with their children.

Visitation Assessment- In some cases, DHS will require a family to undergo a formal assessment, which consists of a visitation supervisor observing several visits using a scoring tool. The scoring tool helps the supervisor determine what level of supervision is needed to best meet the needs of the child and family.

Useful Telephone Numbers

Weld County Courthouse.....	970-475-2400
Department of Human Services.....	970-352-1551
DHS-Medicaid Eligibility (Greeley).....	970-352-1551 x6351
DHS-Medicaid Eligibility (South County).....	303-857-4052 x5985
Weld County Child Support Enforcement.....	970-352-6933
Parent Education Center (Greeley)	970-304-6579
Parent Education Center (South County).....	970-857-3028
A Woman’s Place (24 hour line).....	970-356-4226
A Woman’s Place (business office).....	970-351-0476
North Range Behavioral Health.....	970-347-2120
North Range Behavioral Health (Ft. Lupton).....	303-857-2723
Alcoholics Anonymous (AA).....	970-351-0240
Island Grove Detox Center (24 hour line).....	970-347-2290
Weld County Department of Public Health.....	970-304-6420
United Way.....	211
Probation	970-475-2800
Probation (Fort Lupton office).....	720-606-8000
Weld County Housing Authority.....	970-353-7437
City of Greeley Transit Services (the BUS).....	970-350-9287
A Kid’s Place-CASA Program and Child Advocacy Center.....	970-353-5970

Other Information

Court Mailing Address: P.O. Box 2038, Greeley, CO 80632
For further information about Dependency and Neglect court please contact
the Family Court Facilitator
erin.clark@judicial.state.co.us 970-475-2596