



Parent to Parent: A Guide to Navigating Philadelphia's Child Welfare System

Part 2

"Keep Your Eyes on the Big Picture" *The Court Process*

If the Department of Human Services (DHS) brings your case to court, you will have a hearing in front of a judge or a master at Family Court at 1501 Arch Street. The judge or master will hear the evidence and arguments given by DHS and the parties, including you and your lawyer, and then will make decisions regarding important questions. The issues that the court will decide depends on the type of hearing you are in. See below for a summary of the types of hearings. After the first hearings, you will be in court around once every three months, and you may be seen by a different judge or master.

You have the **right** and the **responsibility** to appear in court. It is important for you to be there, and you should make every effort to be at every court date. If there is an emergency and you have to miss a court date, be sure to call your lawyer as far before court as possible.

Working with your Lawyer

If you are a parent involved in the Philadelphia child welfare court system, also called dependency court, you have the right to a lawyer if you cannot afford one. If you are not being represented by Community Legal Services and you do not know if the court has appointed you a lawyer, or if you do not know how to contact your lawyer, you should find out as soon as possible so that you can start working on your case. You can call Dependent Court Operations **(215) 686-4028** to find out if there has already been a lawyer appointed for you and to get the contact information for your lawyer.

As you and your family go through the court process, your lawyer will represent you and will help protect your rights. What you tell your lawyer is confidential (private) except in rare circumstances and it will be important that you communicate regularly with your lawyer and give them information and updates.



According to parents surveyed, one of the most important things to remember is that your lawyer needs to know everything that is going on in your case. Khalif, a father of two, says, “Your lawyer will need all the facts to help your case.”

Who Else is Involved in a Court Case?

There are other people who may be part of your court case. These people may include lawyers, judges, masters, the DHS investigator, and your Community Umbrella Agency (CUA) case manager or supervisor. DHS/CUA will have their own lawyer, called a City Solicitor, and your child will have his/her own lawyer, often called a Child Advocate or Guardian Ad Litem (GAL). There may be a Child Advocate Social Worker assigned to your child's case.

The people you will work with most frequently are your lawyer, the CUA worker assigned to your case, and any other agency workers assigned to your case. It is a good idea to keep their contact information easy to find and up to date. *Check out the back of this guide for a good place to write down important names and numbers.*

Important Note: Remember that only what you say to your lawyer is confidential. You should talk with CUA, but know that what you say to them can be used against you, so speak with your lawyer if you have any concerns about questions you are being asked.



Linda says it's normal to be nervous during this process. “I was a nervous wreck, I had no idea what to expect. I didn't know how I would be perceived, how people would think of me.”

Preparing for Hearings:

Court may feel overwhelming. That's ok, many parents feel that way.

Tips for court

- Talk to your lawyer beforehand. Ask questions and give information, so that your lawyer has the information needed to understand your situation, what you want and to represent you. Remember, your lawyer is there to help you.
- Tell your lawyer about any services you receive, or want to receive, and problems relating to your case.
- Bring paperwork that shows what you have been working on. Examples: a letter from your therapist about your attendance, a certificate showing you completed a program, your child's school attendance records or a calendar log of your visits with your child.



- Arrive early and let the court-staff in the waiting area and your lawyer know that you have arrived. Your attorney may want to talk with you before going into the court room.
- You may spend a lot of time in the waiting room. If your kids are coming, you should consider bringing small toys or books to keep them busy.
- Stay calm, even if something upsets you. Talk to your lawyer privately if you have a question or want to say something in the courtroom. Remember that the Judge and parties only see you a few times a year, so presentation matters.
- If there is a “pre-hearing conference” scheduled, attend that meeting as well. This is a chance for you and your attorney to talk things out with the other parties and possibly come to some agreements before the case goes into the courtroom.



Tanisha says, “Try not to cuss out the CUA worker. Keep calm. Moms get really upset and get angry and want to cuss at the CUA worker. Be calm. Remember you’re in court for your kids. Keep your eyes on the big picture.”

What are the Different Types of Hearings?

- The **Shelter Care Hearing** is the first hearing in some cases, but not all cases have Shelter Care hearings. If DHS wants to remove your child from your care, they can make a request for an emergency order called an Order of Protective Custody (OPC) that allows them to remove your child temporarily until a Shelter Care hearing occurs. A Shelter Care hearing occurs within 72 hours of the OPC. At the Shelter Care hearing, the major decision is whether or not your child will remain in an out of home placement until your next hearing, called an Adjudicatory hearing.
- The **Pre-Hearing Conference** is a meeting that happens right before an adjudicatory hearing. At this meeting you and your attorney along with the other parties for your DHS case can try to come to agreements about your case. Some of the agreements can include which services DHS wants you to attend and which services you will accept. The other decisions about which you and your attorney can negotiate with the other parties include such things as whether or not you agree that your child should be DHS involved and the amount and type of visitation that you will receive with a child in placement.
- The **Adjudicatory Hearing** usually happens within 10 days of your Shelter Care hearing. The Adjudicatory hearing is an extremely important hearing. The court will hear evidence and make a decision about whether your child is a “dependent” child. You should receive a Petition prior to the Adjudicatory hearing with a list of the allegations (reasons) that DHS believes your child is “dependent.” The most common definition of dependent child is a child who does not have “proper parental care and control.” DHS



will present evidence to show that your child is “dependent.” After hearing evidence from all parties, the judge will make a decision about whether your child is dependent. If the judge answers “no” the court can discharge case. If the judge answers “yes” your child is adjudicated “dependent”, the court will keep your case open and can make further orders about your child.

If your child is adjudicated dependent, the next question is whether your child will be removed from the home. Just because the judge finds your child dependent does not mean that they cannot live in your home. To remove your child from your home, the judge must find removal is “clearly necessary” and that there is no safe way for them to stay at home for now. The judge must also find that reasonable efforts to prevent removal were made by DHS. After those decisions are made by the judge, there may make what is often called “dispositional” decisions like where your child should live, what evaluations and services your child and family should receive, and what visitation you can have if your child is placed.

- **Permanency Hearings:** These hearings will happen every 3-5 months. The judge will hear about what efforts are being made by DHS and by you, and will decide whether your child should stay in DHS custody for now. At each Permanency hearing, court must review the permanency goal for the child and determine your progress towards that goal. At the beginning of most cases where the child is at home, the goal is family stabilization, and where the child is in placement, the goal is reunification. This is a good time to bring evidence of your progress and to request more visits if you want.

Remember that the Adoption and Safe Families Act (ASFA) says that CUA has to file a petition to terminate parental rights (TPR) for a child who is in out of home care for 15 out of the last 22 months unless there is a good reason not to.

- **Termination of Parental Rights Hearing:** After reunification is ruled out, the law says that the next best plan for a child in foster care is adoption. However, before adoption can happen, CUA will file a petition in court to terminate parental rights. If this happens, you will be notified and there will be a special Termination of Parental Rights (TPR) hearing in court. When a parent’s rights are terminated, it means that he or she permanently loses all legal rights to be a parent to that child. This includes the right to visit or have contact with the child and to make or be involved in important decisions about the child. Make sure you talk with your lawyer about your options at this point. You and your lawyer will want to prepare for this very important hearing.



Permanency and the Court

The end goal of CUA and the court is to make sure each child achieves a safe, stable home that they can grow up in. **Permanency** is a “lifelong home.” The best permanency option for your child is to be with you! This means reunification is usually the first permanency goal. The permanency goals are: **reunification, adoption, permanent legal custody (PLC), placement with a fit and willing relative and another planned permanent living arrangement (APPLA)**. Each of the goals on that list must be ruled out before moving to the one after it. In other words, adoption must be ruled out before PLC can be the permanency goal.

Reunification: is when the child is returned home to you or the other parent.

Adoption: is next on the list and means that the parental rights are terminated on both parents and the child is adopted by a different family. Termination of Parental Rights (TPR) means that you no longer are legally the parent of your child and do not have any legal right to information or future contact with them. **It is important to remember that once your parental rights are terminated, you only have 30 days to appeal that decision.**

Permanent Legal Custody (PLC): is when the court makes a decision that Reunification and Adoption are not best for your child and gives someone else permanent legal custody. PLC is often better than Adoption for parents who want to still have some parental rights. For example, with PLC, you can still ask for visitation and you have the future ability to ask a judge to change the visitation and custody. Although you might be able to get custody back in the future by filing in court, it is not an easy thing to do and it takes a lot of time and effort. You should not assume you will be able to get custody back if you agree to PLC.

Placement with a Fit and Willing Relative: is when the court places the child permanently with another relative. This does not rule out eventual adoption or PLC with this relative. This goal is not used very often in Philadelphia.

APPLA: is usually for older children and means they are living in foster care, Supervised Independent Living (SIL), a group home or another sort of permanent living arrangement for a long time or until they become adults.

Concurrent Planning

Concurrent planning is when a back-up plan is decided along with the reunification plan. In practical terms, concurrent planning means that CUA sometimes plans for reunification and adoption at the same time. For example, CUA will help you get the services you need to reunite while at the same time looking for a placement for your child that is willing and able to adopt them if you are unable to reunify.



Reunification

If the goal in your case is reunification, you may be wondering when that will happen. Exactly when and how reunification happens depends on many things that are individual to each case, but reunification will only happen if the judge sees that you have made significant progress with fixing the reasons DHS removed your child in the beginning and fixing any problems that would make your child unsafe to return. It also means showing that you can meet the child's needs. This is why it is so important to go to all of your own and your child's appointments and meetings and to take full advantage of the services the CUA offers to help you.



"I think it's about not focusing on the timeframe, but focusing on the things I needed to do so when it came time, I could say, 'Yes, I did this and yes, I did that.'"

Aftercare and Ongoing Services



In Linda's case, CUA remained involved after her daughter Kayla came home. She says, "For me, because of my drug use, once she came home we had an agency worker in twice a week, and the social worker came once a week to check in and see if she was doing well, and I had to give three randoms (random urine screens)."

Even if your child is returned to you, the judge may order ongoing supervision. What this means is that you and your family will continue to work with CUA and to attend hearings until the judge decides that supervision is no longer necessary.

Think about what problems might come up after reunification and start planning for them. Don't be afraid to ask for help—you want reunification to be successful! Some common post reunification problems to prepare for:

1. **Plan for your child's services to continue uninterrupted if needed.** It is usually not a good idea to stop helpful therapy and other treatment that your child received while in care. Get the contact information for all of your child's various treatment providers and a copy of their treatment plans, including any special education plans (IEP). You may also need to ask for copies/originals of their social security cards or other forms of identification that you gave to CUA.
2. **Plan for potential adjustment difficulties upon reunification.** Many children have a mixture of emotions when they return home. Your child may behave differently when he/she comes home. It's normal for parents to need advice on how to step into the parent role again – plan on how to use your support system to navigate this transition.



3. **Plan for your child's immediate concrete needs.** Figure out whether and when you need to apply for welfare, medical, social security benefits and food stamps for your child, if applicable. Locate and apply for childcare if needed. Figure out where your child will attend school and what educational supports will be needed.
4. **Create an aftercare plan.** Think of the things you will need once your child returns home – such as school uniforms, dressers for the kids, a stove, or summer camp assistance – and specifically request them in your aftercare plan. If you think it would help, don't be afraid to ask for it.



Important People and Numbers

It is very important that you are able to get in touch with your lawyer and any agency workers and caregivers who are a part of your case. Remember what you say to anyone other than your lawyer can be used against you.

Your Lawyer's name:	
Phone Numbers: (____) ____ - _____ ext._____ (____) ____ - _____ ext._____	Mailing Address:
FAX: E-mail Address:	
DHS investigates allegations, then cases are transferred to a CUA agency. So for a period of time you may need to contact DHS because you are in the investigation phase	
DHS Investigative Caseworker Name:	Mailing Address:
Phone Numbers: (____) ____ - _____ ext._____ (____) ____ - _____ ext._____	
Supervisor Name: Phone Numbers: (____) ____ - _____ ext._____	
How to reach DHS general phone number 215-683-4347 (215-683-4DHS)	
CUA Agency:	
Caseworker Name:	Mailing Address:
Phone Numbers: (____) ____ - _____ ext._____ (____) ____ - _____ ext._____	
Supervisor Name: Phone Numbers: (____) ____ - _____ ext._____	