

Guide for Parents

Juvenile Court Abuse & Neglect Proceedings



ILLINOIS STATE BAR ASSOCIATION

Child Law Section Council

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Important Names, Phone Numbers, Dates and Addresses

Your Attorney: _____

Address: _____

Phone Number: _____

Your Caseworker: _____

Agency: _____

Address: _____

Phone Number: _____

Juvenile Court Address: _____

The Judge Hearing Your Case: _____

Your Courtroom/Calendar: _____

Date Your Child Was Taken Into Care or the Date Your Case Was Opened: _____

Next Court Date _____ Time _____

Next Administrative Case Review Date _____ Time _____

Next Parent-Child Visit _____ Time _____

Next Meeting with Caseworker _____ Time _____

Notes:

When Your Child Is In Foster Care

Introduction

If your child has been removed from your care, you may be feeling scared, powerless and angry. Often, once a child has been removed from the care of his or her parents, it is a long and difficult process to get that child returned home. The biggest priority for the Department of Children and Family Services (DCFS), the judge, State's Attorney and Guardian ad Litem is to protect your child, do what is best for your child, and if possible, reunite your family. In some cases, once a child has been removed from his or her home, it is not likely that the child will ever be returned.

One of the most beneficial things you can do right now for yourself and your child is to be cooperative and honest with DCFS and the court. This may be hard to do, especially at first, when you are trying to adjust to this situation. Another priority is to advocate for yourself and for your child. Let your caseworker, your lawyer, and the court know what your child's needs are and what you need. If it is important to you to be reunited with your child, let the people involved in your case know that you are going to try your hardest to do whatever it takes to have your child returned to your home.

The law requires that DCFS make reasonable efforts to help you get your child back and that your and your child's case be resolved within a certain period of time. You have a limited time to engage in and complete the services that are required of you.

You have an opportunity now to receive support and help, to make positive changes in your life. In order for your child to be returned to your care, you must change the conditions that caused your child to be placed in foster care. It is best to do what the judge, the caseworker, and the Service Plan tell you to do. If these requests do not make sense to you, talk to your lawyer.

In order to provide you with assistance, support and services, DCFS needs to know where you live and how to contact you. It is important for you to keep in contact with your caseworker. Tell your caseworker if you are going to move, and try to notify her or him before you move.

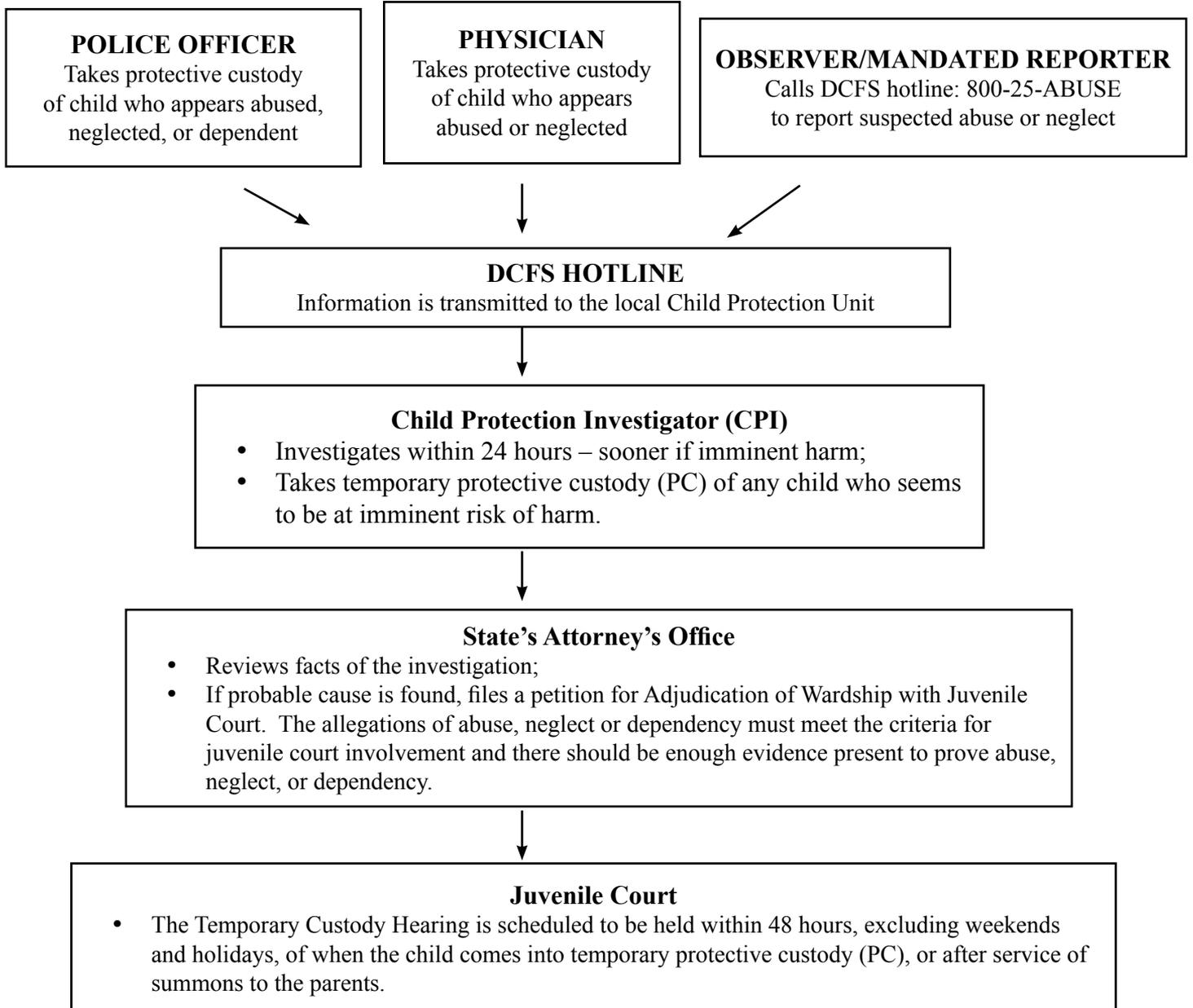
This booklet is intended to provide parents with general information and advice about the child welfare system, DCFS and the Juvenile Court. It does not constitute legal advice. The information in this booklet is only intended to serve as an overview and does not cover all situations or facets of the law governing child welfare and foster care in Illinois. Legal advice is dependent on the unique circumstances of one's case and should only be provided by a competent lawyer who represents you.

Acknowledgement: The ISBA wishes to acknowledge that the charts on pages 6 and 10 were adapted from the Foster Family Handbook, Illinois Department of Children and Family Services, © 2003.

How A Foster Child's Case Comes to Juvenile Court

Child Appears Abused, Neglected, or Dependent

- **Physical Abuse:** A parent or person responsible for the child's welfare inflicts, causes or allows to be inflicted upon the child physical injury, creates a substantial risk of physical injury, and/or commits acts of torture.
- **Sexual Abuse:** A parent or person responsible for the child's welfare sexually exploits, molests, penetrates, or transmits diseases to a child.
- **Neglect:** A parent or person responsible for the child's welfare deprives or fails to provide adequate food, clothing, shelter, supervision, or needed medical treatment. Additionally it is considered neglectful to permit the child to be in an injurious environment or to give birth to an infant who has been exposed to a controlled substance.
- **Dependence:** A child who is without a parent or guardian; who is without proper care because of either a physical and/or mental disability or the death of his parent or custodian; who is without proper medical care through no fault of the parent; or a child who has a parent who for good cause wishes to be relieved of all parental rights and responsibilities.



Your Rights as the Parent of a Child in Foster Care:

You have the right to ask the lawyers, caseworkers and the judge questions.

You have the right to a lawyer. If you do not have the money to hire a lawyer, the judge will appoint one for you. Write down your lawyer's name and telephone number.

Regarding the home in which your child is placed, if you know of a relative (including godparents) who would be appropriate to care for your child, tell your caseworker. If the worker refuses to place the child with a relative, ask your lawyer if you can challenge the placement decision.

You have the right to and should make every effort to participate in court hearings.

You have the right to a visit with your child within 14 days of when DCFS takes Protective Custody. Your initial visit will be supervised. If visitation does not occur, contact your caseworker and lawyer.

Through your lawyer, you have a right to testify in court, bring in your own witnesses, and have your lawyer question the people who testify against you. If at any time you do not understand what is happening, or think there is a problem, tell your lawyer.

You have the right to be provided with services that will help you with your case.

If you are in jail or prison, it is likely that the facility in which you are housed offers services that will be helpful to you, such as parenting classes, high school or community college-level classes, substance abuse treatment and counseling. If you participate in and successfully complete services while in prison or jail, you should get credit for having completed them.

You have the right to appeal some of the judge's decisions. Make sure you contact your lawyer if you want to file an appeal.

You have the right to examine court files and records.

You have the right to copies of the judge's orders regarding your case.

You have the right to understand and get help with what you need to do in order to get your child home with you. Your caseworker has a responsibility to work with you and to assist you in making the necessary changes to get your child home.

Important Facts for Fathers

In general, you are presumed to be the legal and biological father of a child if you and the child's mother are or have been married to each other, and the child is born or conceived during such a marriage. You are also presumed to be the father if you and the mother signed a voluntary acknowledgment of paternity, or if a court previously entered a court or administrative order declaring you to be the father, or if your name is on the child's birth certificate.

If there is a question regarding who the father of your child is, ask the court for a paternity test based on DNA.

If you were not married to the mother of your child when your child was conceived or born, you are not your child's **legal** father unless (a) a court or an administrative law judge has determined that you are the child's father and made a finding of paternity; or (b) you and the mother signed a voluntary acknowledgment of paternity.

Your Responsibilities When Your Child is in Foster Care

VISIT your child as often as possible, at least once a week if allowed by the court. Let your caseworker and attorney know you want to visit your child as often as possible.

WORK with your caseworker to create your Service Plan and to change the conditions that caused your child to be placed in foster care.

DO everything required by the Service Plan. Be sure that you have a clear understanding of what the plan specifically requires from you and how it will help you. If you encounter problems in getting access to services, be sure to notify your caseworker and your lawyer.

KEEP a record of your participation in services. Talk to your lawyer about what this means. Failure to cooperate in services can result in the termination of your parental rights.

GO to EVERY court hearing and administrative case review. Listen carefully, write down important information, and follow the judge's orders. Don't be afraid to ask your lawyer when something is not clear. If you cannot attend a court date, call your lawyer to let him/her know.

RECORD the names of people involved in your case -- the names and phone numbers of your attorney and caseworker, phone calls and appointments you have made, dates you visited your child, and any services you have completed in order to show the court that you have participated in services.

NOTIFY your lawyer and caseworker of any changes in your address and phone number.

Your Child's Foster Parents and You

Ideally, your child will be placed with a relative who is familiar to you and your child. DCFS is required to consider relatives for possible placement before placing your child in a traditional foster home.

It is helpful to your child if you and your child's foster parents get along well. In some cases, children can be returned home more quickly because parents and foster parents work together.

Ask your caseworker to arrange for you to meet your child's foster parents.

You can let your child's foster parents know that you want to stay involved with your child and ask for their ideas about how they can help and how you can help them.

You may also tell your child's foster parents that you would like to talk to your child on the phone during the week. Perhaps certain days and times each week can be established for the call or calls. If such times are arranged, it is VERY IMPORTANT for you to follow through and engage in the contact on schedule.

Visitation

While your child is in the care of DCFS, visits with your child should be a top priority for you. Your caseworker is responsible for developing a visitation plan for you to have visits with your child.

Request that visits with your child be scheduled at times/days when you are able to participate. For example, if you have a job on weekdays from 9 – 5, you can request that visits be scheduled outside of your work hours.

If the visits are scheduled at a time when you are not available, be sure to let your worker know and explain the reasons why it is hard for you. Similarly, if the visits are set to occur in a location that is very difficult for you to get to, let your worker know. If the worker is not responsive, contact your attorney right away. Visitation plans also provide a plan for brothers and sisters who are in foster care to visit one another if they are placed in different homes. As long as the Service Plan goal is return home, most parents have a legal right to visits.

Visits can occur in your home unless your caseworker has decided it is not safe for your child to visit you there. Ask your caseworker to plan the visits either at your home, at the home of a relative or friend, or at a place in your neigh-

borhood that your child likes to visit. Depending on where your visits take place, you may want to take things with you to share with your child, such as nutritional snacks, games, toys, books, or art activities.

Be sure that you understand from your caseworker how he/she arranges visits. Typically, a parent will request a visit, and then will have to call their caseworker again the day before the visit to confirm it. You do not have to wait for your caseworker or your children to mention visitation. If you have any difficulty setting up visits, call your lawyer right away.

Your worker may observe your visits with your child. In the future, the worker may testify how you interacted with your child during the visits. At the end of the visit and outside of the presence of your child, ask the worker how you did and for suggestions as to how the next visit might go even better.

The court may require visits between parents and children to be supervised. If you have supervised visits, someone else must be present with you when you and your child visit. This person could be an approved relative, a caseworker or another employee of DCFS or the private agency that has your case.

Your first visit is to occur within 14 days of Protective Custody and your initial visit will be supervised. If visitation does not occur, contact your caseworker and lawyer.

As you participate in and complete the services identified in the Service Plan and make progress, the court usually will allow you to have longer and/or more frequent visits with your child. Generally, the court allows a parent to have supervised visits, then allows unsupervised daytime visits, and finally unsupervised overnight or weekend visits. The pace at which the court increases visits depends on the reason the child was removed from the home, the progress the parent is making in correcting the conditions that caused the child to be placed in foster care, the child's needs, and the parent's behavior during the visits.

Regular visits with your child are very important. They help your child to feel close to you, even if he/she is living someplace else. They also help you to know that you are still a part of your child's life. They make your child's return home easier.

Remember that the purpose of your visits is for you to spend productive time with your child. Discussions with your caseworker should take place before, after, or on another day – not during your visits with your child.

Tell your caseworker that you want to be involved in your child's life. This might include taking your child to buy some new school clothes, or to an appointment with a doctor or dentist. You can also ask to be told about sports, plays,

and other activities your child is in. Tell your caseworker you want to go to these events, especially if your child wants you there. Ask your child's foster parents or the caseworker to send school papers, report cards, and art work to visits so you can see them. That way you can keep up with your child's development and interests.

During visits, keep them as positive an experience for your child as possible. Do not make critical or negative statements about the child's current foster parent or caseworker in their presence. If you have concerns or complaints about something, talk to the caseworker or your lawyer about them when your child is not present.

When you visit with your child, be sure not to make any promises that you cannot keep.

If a visitation plan is made but you are not able to visit your child on a specific date, your child will likely be very disappointed. If you aren't able to get to a visit with your child, notify the caseworker as soon as possible. Ask that you have phone contact with your child so you can at least talk to him or her instead.

If you repeatedly miss visitation dates without excuse or explanation, the State may seek to have your parental rights terminated. If the judge determines that you are not showing an interest in your child or are not fit to care for him/her, your rights as a parent will be terminated.

Child Protection Case Timeline in Illinois Step-By-Step Guide

DAY 1: Protective Custody (PC)

- Emergency removal of child from the home by DCFS to protect the child's safety.

Within 48 Hours of the Child's Removal from the Home

(Excluding weekends & holidays)

Temporary Custody (TC) Hearing

- The court decides if there is probable cause, urgent and immediate necessity, and if the "best interest of the minor" requires the court to place the child in the custody of DCFS.

Extended Temporary Custody Hearing

- A meeting is held among parents, attorneys, and caseworkers, to discuss alternatives to removal, services, visitation, and placement.

If no, the child goes home, the petition is dismissed & court case is closed.

Within 55 Days of Temporary Custody

Court Family Conference (Cook County only)

Parents, caseworkers, attorneys, and the judge discuss the case plan, the parents' progress to date, how the children are doing, and what must be done before the child can be returned home.

Within 90-120 Days of Temporary Custody

Adjudicatory Hearing (Trial)

The Court decides whether the child was abused, neglected, or dependent.

If no, the child goes home and the court case is closed.

Within 120-150 Days of Temporary Custody

Dispositional Hearing (Dispo)

The Court decides whether the child can safely be returned home with or without further supervision by the court.

If the court finds that the child can safely be returned home without supervision, the child goes home and the case is closed. This is rare.

If yes, the Child is made a ward of the court and is returned home under Court Order:

Generally, Court supervision is required and an Order of Protection (OP) is entered. Progress Reports are made to the court as necessary, until the case is closed. If the requirements of the OP are violated, the child could be removed from the home.

If no, the Child is made a ward of the court and is placed under DCFS Guardianship:

Child remains in foster care. 12 months after TC, the first permanency hearing is held before the judge. There are permanency hearings every 6 months from then on, until the case is closed.

Child Protection Case Timeline in Illinois, continued

The DCFS Hotline (800-25-ABUSE; TDD: 800-358-5117 for the hearing impaired): The DCFS Hotline is available to take reports of abuse or neglect 24 hours per day, 7 days a week, from anyone with relevant information. The job of the DCFS Hotline worker is to:

- a. Talk with the caller to get as much information as possible about the allegation, the alleged victim/s, and the alleged perpetrator, and
- b. Determine whether the harm, as described by the caller, is considered to be abuse, neglect, or dependency under the law and DCFS guidelines.

If the Hotline intake worker feels the caller's information meets these criteria, the worker will take the report and transmit it immediately to the local Child Protection Investigation Unit.

Caller Confidentiality: The identity of all callers to the DCFS Hotline is confidential and will not be released to the person/s who are investigated as a result of a report unless a court or administrative order is issued to release the caller's name. Anonymous caller's reports will also be taken, if the criteria for taking the report are met.

Child Protection Investigation: The local Child Protection Investigator responds to the reports faxed by the DCFS Hotline by investigating the caller's allegations.

- 1 **Unfounded Report:** If an investigator finds no credible evidence of abuse or neglect, he/she will show the allegations as unfounded in his/her report.
- 2 **Indicated Report:** If an investigator finds credible evidence of abuse or neglect, he/she will show the allegations as indicated in his/her report.

Leaving a Child in the Home: After investigating the allegations, the Child Protection Investigator may decide not to remove the child from the parent's home if they are not in immediate danger;

1. **No Court Monitoring:** The family voluntarily accepts DCFS services. These are called "intact cases." Families who need help may receive services from DCFS. DCFS opens an intact family case and works with the family. Intact family cases may not be screened into Juvenile Court by the caseworker unless there is a need for additional monitoring or court intervention.
2. **Court Monitoring:** It appears that a Court Order of Protection would enable the child to remain with the parents. The Child Protection Investigator presents the case to the State's Attorney to determine whether the facts of the case support asking the judge to issue an Order of Protection. A Court Order of Protection lists the services in which the parents and

family must participate, and the actions the parents need to take or not take for the child to remain at home. The judge, after hearing the facts, may either issue the Order of Protection as requested, may order the child to be taken into temporary custody (TC), or may dismiss the case entirely if the facts of the case do not support keeping the case open (this is unusual). Even if the judge closes the court case, DCFS may decide to keep the child welfare care case open to help the child and family.

Removing a Child from the Home: A DCFS Investigator will assess the safety of the child using a risk assessment protocol (Child Endangerment Risk Assessment Protocol/CERAP) to help him/her make a decision about whether or not the child is in immediate danger. The Child Protection Investigator is authorized to take the child into temporary protective custody (PC) if there appears to be urgent and immediate necessity to remove him or her from home for the child's own protection. In this case, a Temporary Custody Hearing (or a Shelter Care Hearing) must be scheduled in Juvenile Court within 48 hours (excluding weekends and court holidays) of the child being taken into protective custody. Police officers and physicians may also take children into protective custody if they believe the child is in immediate danger. After taking custody, they call the DCFS Child Abuse Hotline.

Who Works at Juvenile Court?

The Judge: The judge listens to all the evidence presented by the lawyers in court and makes decisions based on that evidence. The judge decides what is legally right and necessary to protect your child.

Assistant State's Attorney (ASA): The Assistant State's Attorney, or prosecutor, brings the case involving your child to the court. This begins with a petition, which is a legal document telling how your child has been harmed or is in danger. The Assistant State's Attorney also presents evidence to the court about the danger to your child.

Parents' Attorney: Your attorney, or lawyer, represents your interests and rights regarding your child. You may hire your own lawyer. If you do not have the money to hire a lawyer, the judge will appoint a lawyer to represent you. This lawyer may be from the Public Defender's office or from a private practice. You can ask your lawyer to explain anything to you that you do not understand. Be sure to write down your lawyer's name and telephone number before you leave court, and to provide your lawyer with your address and phone number. Let your lawyer know whenever your contact information changes.

Assistant Public Guardian or Guardian Ad Litem (GAL): Every child will have a lawyer appointed by the court to represent that child. If your case is in Cook County, this will be a lawyer from the Office of the Public Guardian. This lawyer is also known as the Guardian ad Litem or GAL. His

or her duty is to represent your child in court and to protect your child's best interests.

DCFS Attorney: The DCFS Regional Counsel is employed by DCFS to represent the interests of the Department. They work closely with caseworkers and other personnel in the courtroom.

Caseworkers: Caseworkers (or case managers) can be either from the Department of Children and Family Services (DCFS) or from a private agency. Caseworkers work with families and children. Their job is to see that children are kept safe, and that parents have a chance to fix the problems that brought the family to the attention of DCFS and the Court. Caseworkers come to court to tell the judge and attorneys about the services they think you and your children need. The caseworkers will talk about what you are doing to help your family and what the caseworker has done to help you. They will inform you of your Administrative Case Review dates (with DCFS) during which your Service Plan and Service Goals will be reviewed. Caseworkers also recommend where your child should live and make a plan for you and your child to visit. Be sure to talk to your caseworker often.

Court Coordinator/Courtroom Clerk: The Court Coordinator calls the cases and gives the court dates.

Court Reporter: The Court Reporter types a word-for-word record of what is said in court.

Court Interpreters: A Court Interpreter translates all the questions and testimony in court into the language used by the individuals involved in the court hearing. In many counties court interpreters have to be requested in advance so they can attend the specific court hearing.

DCFS Court Facilitators (in Cook County only): DCFS Court Facilitators are experienced social workers who are assigned to some of the abuse and neglect courtrooms in Cook County. They ensure that caseworkers are present in court, take notes on cases that are called, and provide assistance and support to DCFS Regional Counsels, caseworkers and the judge.

Sheriff's Deputy: The Sheriff's Deputy monitors the courtroom to assure the safety of everyone present.

Court Appointed Special Advocate (CASA): CASA workers are trained volunteers who are sometimes appointed by judges. This can occur at any time in a case. CASA workers cooperate with everyone in the case to protect the child's best interests.

Things You Should Know About Types of Court Hearings and What to Expect

The court will set a goal (sometimes referred to as 'permanency goal' or 'court set goal') for your case, and re-determine it at various points as your case progresses. The goal will show

you and your child the direction in which the case is moving. The court set goal will also determine what services will be provided to you. If the goal is not for your child to return to live with you, DCFS will no longer offer you services to get your child back.

The judge will conduct the first permanency hearing within 12 months of the date that your child was put into temporary custody (TC). After that, a judge will conduct a permanency planning hearing on your case every six months. The judge will do two things at permanency hearings:

- Set a permanency goal; the goal set by the judge is not what will happen on that day, but it is the goal that those involved in the case will be working toward in the near future.
- Decide whether you and your child are receiving the correct services.

Temporary Custody Hearing: At the Temporary Custody (TC) Hearing, also known as the Shelter Care Hearing, the judge decides if a child can live safely with a parent, or if it is necessary for a child to be removed from the home for awhile. The judge's decision will be based on what is necessary for the safety of the child. At the Temporary Custody Hearing the judge will decide one of three things:

1. The judge may decide that there is no reason to believe that the child is unsafe at home. The judge will allow the child to go home with you and there is no need for you to come back to court, or;
2. The judge may decide that although there is a problem, that the child will be safe at home if you agree to certain rules. In this case, the judge will issue an Order of Protection. This is a court order that lists certain rules that must be followed for the child to remain safe with the parent, or;
3. If the judge believes you cannot protect your child or your child is not safe living with you, the judge will "take temporary custody" – that is, remove your child from your care and have him/her live with someone else for awhile. When your child is removed from your care, custody is usually given to DCFS and the judge names the DCFS Guardianship Administrator as the child's temporary custodian. The judge will actually say the name of the person who is the Guardianship Administrator for DCFS. That person will not be in court. No children actually live with the Guardianship Administrator. DCFS will place the child with an available family or agency that can care for the child. DCFS will try to have a child live with a relative, (including godparent) whenever possible. Be sure to tell your caseworker if you (or the child's other parent) have relatives who you believe could take good care of your child. If you have a relative who could take good care of your child, try to bring him/her to court with you.

Status Hearing: The status hearing happens after the Temporary Custody Hearing and before the trial. At this hearing, the court makes sure that both parents know about the trial date, and the caseworker gives a written report about you and your family to the judge. This report is called a social investigation.

The Court Family Conference: For cases in Cook County, a Court Family Conference will be held approximately 55 days after the Temporary Custody Hearing. The date for this conference will be set by the judge at the end of the Temporary Custody Hearing. This conference is 'off the record' -- no court reporter will be there -- and it is considered to be a fairly informal process. The Court Family Conference is held to help you understand what the court expects of you and helps you to learn about what must be done before your child may return to live with you and your court case can be closed. The conference also helps the court to learn about you and your child. In addition, the Court Family Conference is a good time for you to make sure everyone is aware of your child's particular needs. For example, if your child has asthma, make sure that everyone is aware of it. The Court Family Conference will be attended by you, your lawyer, your caseworker, the judge, and the other lawyers working on the case. Everyone will talk frankly about the problems that caused your child's case to come into this court, and what progress you have made in solving these problems. If you like, you can have a friend or relative attend the Conference with you.

Adjudication (Trial): The trial is also called Adjudication or the Adjudicatory Hearing. It happens about three months after the Temporary Custody Hearing. This is when the judge listens to evidence about your case to decide if your child was abused, neglected, or dependent at the time the case first came into court. At this hearing the court can only receive information about the reasons that the case came into court in the first place. The judge cannot hear anything at this time about efforts that you have made to correct problems since the case came into court. Witnesses will tell what they know about the facts of the case involving your child.

Your lawyer can ask questions of witnesses. Your lawyer also can have you and any other persons you wish tell the court what you know about the facts of the case. After all the witnesses have been heard, the judge will decide if your child is abused, neglected, or dependent. If the judge decides that your child is not abused, neglected or dependent, the judge will return your child home. If the judge decides your child is abused, neglected, or dependent, the judge will set a date for a Dispositional Hearing (Dispo). The Dispositional Hearing may occur on the same day as the trial, but usually it is held later in order for the judge and all of the attorneys to get a report about you and your children, your progress in services, and your needs for additional services.

Dispositional Hearing (Dispo): At the Dispositional Hearing, your caseworker tells the judge about your progress. He/she also tells the judge about your child's needs. The Dispositional Hearing will happen within about 30 days after the trial, unless the lawyers and the judge agree to a later date for a good rea-

son. The judge must decide if each parent is unwilling, unable, or unfit to care for his or her child at this time. The judge must also decide if it is in your child's best interests to stay in foster care or to return home to you. If the judge decides your child should stay in foster care for now, the judge will name someone as the child's guardian. This is usually DCFS. When this happens, the DCFS Guardianship Administrator is named in court as the guardian. That does not mean that your child will have to move. The Guardianship Administrator is a DCFS official, and not someone with whom your child will live. At the end of the Dispositional Hearing, the judge will set the next court date.

At this point, it is important for you to have worked with your caseworker to make the needed changes so that you can safely care for your child. In order for your child to be returned to you, you must show you can protect and care for your child. The court may also consider your visitation history with your child, as well as assessments by the agency of your visits with your child.

Motion for Return Home: Once a child has been taken into temporary custody and placed in foster care, the child can only return home to live with his/her parents with permission from the court. You may ask the court to consider returning your child to you as soon as you are able to prove to the court that you can provide adequate care and a safe home for your child. This can occur at any time. Generally, it does not happen before the Dispositional Hearing, but it is possible. From the time your child is removed from your custody, you can and should be working toward having your child returned to you.

In order for the court to consider a child's return home, a court hearing must be held to determine whether the conditions leading to the child's removal from the home have been corrected. This hearing requires that witnesses tell the court about your situation. Your caseworker might tell the court what you have done to correct the problems and why it is in your child's best interest to return home. Usually before returning home, a child has progressively longer unsupervised visits with his/her parents, including overnight and weekend visits at home. Once a child is returned home, the family will have to report to the court and follow the rules ordered by the court for a period of time. *When you believe you have done everything that was required in order to have your child /children returned home, talk to:*

YOUR CASEWORKER: to find out whether your caseworker agrees that you have done everything required and can support you in court to have your child/children returned home.

YOUR LAWYER: to find out what letters, certificates, or other documents your lawyer needs you to get and when he/she plans to file a motion for the court to hear evidence about your child/children returning home.

Remember that this can be a very slow process. Everyone, including you, needs to feel certain that return home is not only best for your child/children, but that your child/children will be safe at home.

Permanency Hearing: As mentioned above, if your child has not been returned to your care within one year, a court hearing will be held to decide on a permanency goal for your child.

Possible permanency goals are:

Return Home: Being able to safely return to the parent/s is almost always the preferred permanency option for any foster child. Children are returned home by the juvenile court when the parent/s have corrected the conditions that led to the child being removed. DCFS must provide services for at least six months following the return home to help stabilize the family.

Variations on the goal of return home:

- The child will be returned home by a specified date within five months.
- The minor will be in short term care with a goal to be returned home within a year, where progress of the parent/s is substantial, giving particular consideration to the age and individual needs of the child.
- The child will be in short term care with a goal to return home pending a status hearing. When the court finds that a parent has not made reasonable efforts or reasonable progress to date, the court shall identify what actions the parent and DCFS must take in order to justify a finding of no reasonable efforts or reasonable progress and will set a status hearing to be held no sooner than 9 months and no later than 11 months from the date of adjudication, at which time the parent's progress will again be reviewed.

Substitute Care Pending Court Determination on Termination of Parental Rights: The court is being asked to determine if it is appropriate to free your child for adoption by terminating your parental rights.

Substitute Care Pending Independence: A minor over the age of 15 may be in substitute care pending independence. This means that your child will live somewhere other than home, such as a foster home or group home, until he or she is able to live independently.

Adoption: If a child is unable to return to the parent/s, adoption should be considered as the next best permanency option. Adoption gives a child a lifelong family relationship. Adoptive parents are the legal parents of a child, with the same rights and responsibilities as if the child had been born to them.

Private (Subsidized) Guardianship: Permanent legal guardians, unlike adoptive parents, are not the child's legal parents. The court appoints legal guardians so that they have legal authority to provide day-to-day care for the child, and make important decisions in the

child's life without DCFS being involved in the care, supervision, or custody of the child. Guardianship lasts until the child is 18 years old. Usually, as a parent, you have the continued right to visits/contact with your child when the child has a legal guardian. You also have the ability, in the future, to petition the court to have the guardianship vacated (dismissed) and custody returned to you. To succeed in this, you would need to convince the Court that you are fit, willing and able to care for your child, and that it's in your child's best interests to be returned to your custody.

Home Environment Not Appropriate: The minor will be in specialized/institutional care because he/she cannot be provided for in a home environment (either your home or a traditional foster or relative home) due to developmental disabilities, medical complexities, mental illness or because he/she is a danger to themselves or others and the goals of return home and adoption have been ruled out. This goal is only given to a few children in very special circumstances.

Termination of Parental Rights Hearing:

If your parental rights are terminated, the legal relationship between you and your child will end. When both parents' rights have been terminated, a child is available for adoption. Under certain conditions, the Assistant State's Attorney can begin court action to terminate your parental rights. This cannot happen in secret or be a surprise to you and your attorney. Keep in mind that you have to keep in touch with your caseworker and lawyer. Your caseworker will tell you if things are not going well and termination of parental rights is being considered in your case. Your parental rights can be terminated by the state without your agreement in Juvenile Court. If you are opposed to your parental rights being terminated, a lawyer will represent you in an effort to keep the state from terminating your parental rights. If you cannot afford to hire a lawyer, the judge will appoint one to represent you. If you agree that it is best for you to no longer parent your child, you should consider consenting to your child's adoption or private guardianship.

In a termination hearing the court must decide two things:

- 1 *Whether the parents are unfit (the 'fitness hearing'):* There are many reasons that the court can find you to be an unfit parent and terminate your parental rights; it does not mean that you are a bad person. For example, you can be found unfit because 9 months have passed since your trial and although you have been offered help, you have not done the things required by your Service Plan. You can be found unfit as defined by legal expectations because you have not shown enough interest in your child over the past year. If the court finds that you are unfit to parent your child, then the court will determine if it is in the best interest of your child to terminate your parental rights.

- 2 *Whether it is in the child's/children's best interest to terminate parental rights (the 'best interest hearing'):* If the court finds at the fitness hearing that you are unfit as a parent, the court will also hear evidence whether it is in the best interests of your child for your rights to be terminated. In most cases where a parent has been found to be unfit, the court will also agree that it is in the child's best interests for your rights to be terminated. In other cases, however, you may be able to show that it is not in the best interest of your child. For example, you may be able to provide strong evidence to the court that you have a close, loving and positive relationship with your child.

If the court terminates your parental rights, your child will be free for adoption. The legal relationship between you and your child will end, and you will no longer be entitled to make any decisions about your child or, in general, to visit your child. DCFS will be responsible for your child, and can determine where your child will live and who will be permitted to adopt your child.

Parent's Consent to Adoption

Generally speaking, at any time that you feel that it would be best for your child to be adopted by someone else and you would like to be a part of making that plan for your child, if your child is in a pre-adoptive home and DCFS is in agreement, it is your right to do so. *You may consent to the adoption of your child in one of two ways:*

- o **Specific Consent to Adoption:** You may consent to your child's adoption by the person caring for your child if that person is approved by DCFS and certain other criteria are satisfied. A Specific Consent, sometimes referred to as a Directed Consent, is valid only for the named adoptive parents to adopt your child. After you sign a Specific Consent, you cannot revoke it or change your mind. The only current exception to this is if more than 1 year goes by after you sign the Consent, but no Petition for Adoption has been filed in court yet.
- o **Final and Irrevocable Surrender for Purposes of Adoption:** A surrender for adoption is final and irrevocable. It acts to terminate your parental rights. After you sign a surrender for adoption, you cannot revoke it or change your mind. A surrender gives DCFS the responsibility of deciding who should adopt your child.

If you are considering consenting to adoption via Specific Consent to Adoption or a Final and Irrevocable Surrender, talk to your lawyer first. You may also wish to consult with others who provide you with support. For example, you might find it helpful to talk to family members, your minister or another responsible person who knows you well.

Consenting to the adoption of your child is a very important, serious, and personal decision, and should only be made when

you are sure that it is the right one for your child. You must consider how a stable and permanent home can best be provided for your child. You should make this decision only after consultation with your lawyer and careful thought.

Before making the decision to consent to the adoption of your children, you should consider:

1. **Who will the adoptive parents be?** A child can have only one set of legal parents. If your child is adopted by the relative or foster parent now caring for him/her, you will no longer have any rights as a parent of that child. The law cannot cancel the fact that you are the birth parent of your child, but the law does say that the adoptive parent becomes the legal parent. All the rights that you have as a parent are given to the adoptive parent, and the adoptive parent will make all decisions about the child.
2. When you **consent to the adoption**, you sign a final and irrevocable consent to adoption by specified person/s OR a final and irrevocable surrender to adoption. Once you sign the consent or surrender you cannot change your mind about the adoption. The consent cannot be undone, cancelled or taken back, unless you can prove in Court that you were forced to sign it or were lied to by the agency, the adoptive parents, or the attorney. This is a very difficult thing to prove. In some cases, it may be possible to have a Specific Consent voided by the court if more than a year goes by after you sign it and your child still isn't adopted -- talk to your lawyer about this if you have questions.
3. **Your relationship with your child after adoption.** You and your child will always share the special relationship of biological parent and child, but after adoption you and your child will have no legal right to stay in contact or to visit with each other. Nevertheless, your child will probably have many questions about you, your family, and him/herself that only you can answer. Access to personal and family history may become important for medical reasons. Your child may just need to know how you are doing and that you still care. You too may want to see your child as he/she grows up. It might also be possible for you and the adopting parents to work out an agreement before the adoption occurs that allows you and your child to visit, to talk on the telephone, write letters, or exchange pictures. However, such agreements are not legally enforceable. This means that even if the adoptive parents agree to let you visit your child or to send you pictures, there is no way to make them do it if they choose not to do so after the adoption.



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