



# Clinton County Children & Youth Parent Handbook

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## **What happens after a report of neglect or abuse is made?**

Clinton County Children & Youth is required by law to investigate all reports of child abuse and neglect. Clinton County Children & Youth must provide services that will keep a family together whenever possible. A Judge will only remove a child from a child's home to protect the child's safety or health.

If Clinton County Children & Youth think your child cannot safely remain with you, Clinton County Children & Youth must file a petition with the Court and get an emergency order allowing them to remove your child from the home. You must stay in contact with Clinton County Children & Youth and go to all meetings to plan for your child's safe return home. In some situations, Clinton County Children & Youth may agree to a family arrangement for care of your child by a relative without involving the court.

## **Why was my child removed from the home?**

Your child was taken from your home because the Judge believes there is serious concern about your child's safety. This concern may come from reported neglect (you did not meet the basic needs of your child) or abuse (physical, sexual or emotional). Sometimes emergencies like sickness, injury, or death of a child's parents or caregivers put a child at risk and the Judge decides that child cannot remain at home.

## **Where will my child be placed? What should I do?**

You have an important role in helping Clinton County Children & Youth decide where to place your child. When possible, Clinton County Children & Youth will try to place your child with a family member or good friend who knows your child well. Children do best when living with people they know. Make sure to give your caseworkers the names, addresses, and phone numbers of family members and/or close family friends who might be willing to care for your child.

You may be able to arrange for your child to stay with a relative. If you do this, the court may not be involved. Clinton County Children & Youth may agree to the

family making a private agreement to care for the child. Although Clinton County Children & Youth does not have legal custody of the child, they must first do a background check of the relative and all adults in the home as well as check the home before placement. In other cases, Clinton County Children & Youth may place the child with a relative who can apply to become a licensed foster parent. Your relative can only apply if the child is in the custody of Clinton County Children & Youth. Placement with a relative is called kinship care.

It is important that you assist the Caseworker in identifying family members. The Caseworker will discuss a document called **Fostering Connections**. These are letters that will go out to relatives to invite them to become resources or connections to your family or child. The letters will not reveal any details about the situation and will not even list your child's name; only the child's initials. The Caseworker will ask you to try to list family members to the fifth generation in order to reach out to all possible connections and resources.

Another term that the Caseworker will use is **Family Finding**. Family Finding is a more extensive search for relatives and friends. The Caseworker may put in a referral for this service to assist in identifying family and friends. Family Finding can increase the chances of your child going with a relative, reduce the length of a foster care stay and help maintain connections with relatives and friends known to your child.

It may not always be possible to place your child with someone the child knows. If that cannot happen, your child will live with a foster family. In some cases, a child's special needs may require a more structured home, such as a treatment foster home, group home, or live-in treatment center. Clinton County Children & Youth will try very hard to place your child somewhere close to your home and school. Clinton County Children & Youth will also try to place siblings together whenever possible.

**Can I visit with my child?**



You can help your child adjust by visiting. Your visiting plan will usually be decided during your meetings with Clinton County Children & Youth or by a Judge. Talk about this with your attorney and Caseworker. By law, you can visit at least one time every two weeks. Tell your Caseworker about any problems you may have that would prevent visiting. Visit with your child as often as possible according to the plan and go to the doctor appointments, school activities and meetings, and other important events in your child's life. If you must miss a visit, call 24 hours prior to the visit if possible and explain why you can't make it, and ask to reschedule. If you need help getting to a visit with your child, let your Caseworker know.

It is very important to keep in touch with your Caseworker and service providers (people who try to help you like a counselor, therapist, etc.). Also keep in touch with you attorney. Tell your Caseworker and attorney if your phone number or address changes. Go to all meetings and Court Hearings.

### **How do I get an attorney?**

At Court Hearings, you have the right to be represented by an attorney. The Caseworker or another representative from the Agency will ask you if you would like to be represented by an attorney. If you choose to be represented by an attorney, one will be appointed to you. If you are not sure who your attorney is, call your Caseworker at 570-893-4100 if you cannot afford to hire your own.

Remember, it is your responsibility to talk with your attorney. You should tell your attorney about the progress you are making or how your visits with our child are going. Call your attorney if you have questions about your case. If something happens that worries you or that you think might hurt your case, call your attorney to talk about it. Always tell your attorney if you change your phone number or address.

### **Who will be working with my family?**

When your child leaves your home you will begin working with different people. Your main contacts, however, is the Caseworker working with your family.

Clinton County Children & Youth Caseworker: The Caseworker sets up planning meetings, and checks in with the service providers working with your family. The Caseworker must make sure you and your family are getting the services you need. Your Caseworker must report your progress, or lack of progress, to the Court.

Your Caseworker may change from time to time. Clinton County Children & Youth will contact you via telephone to make you aware of this, tell you during a meeting, or notify you via mail if your Caseworker changes. If at any time you don't know who your Caseworker is, or if you don't know how to get in touch with your Caseworker, call 570-893-4100.

Attorneys: You will have an attorney, and your child will have an attorney. Your child's attorney may be called a 'Guardian Ad Litem' or 'GAL.' Attorneys are also called 'advocates,' 'lawyers' and/or 'counsel.' Clinton County Children & Youth will have an attorney called a 'solicitor' to represent the view of the Agency. Stay in contact with your attorney and tell your attorney if your address or phone number changes.

If at any time you don't know who your attorney is, or if you don't know how to get in touch with your attorney, ask your Caseworker.

Judges: The Judge will be making decisions during Court Hearings about your child and family. If you have any questions, ask your attorney.

Foster Parents: Foster Parents are people who have been trained and licensed to care for children removed from their home. If Clinton County Children & Youth has placed your child into the care of a licensed relative, this is called kinship foster care.

Service Providers: These are the professionals providing services to you and your child. They may include (but are not limited to) a therapist, mental health specialist, drug or alcohol counselor, in-home service provider, child profile worker, child prep worker, independent living coordinator, and supervised visitation staff.

## **Why do I need to go to court?**

You need to go to all Court Hearings because a Judge will be making the decisions about your family. It is important that the Judge sees you in Court so he/she knows that you care about what is happening with your family. Your attorney will tell your views during the Court Hearings. It is very important that you attend all hearings in Family Court. If you miss a hearing, the Judge may still make decisions about your family based on what Clinton County Children & Youth and the attorney representing your child have told the Court. Your attorney may not be able to represent you if you do not come to Court every time you have a hearing.

When you are involved with Clinton County Children & Youth, you will need to attend several Court Hearings. If a parent or guardian is incarcerated, he/she still has the right to participate in Court Hearings and team planning meetings. In these cases, the incarcerated parent or guardian will be transported by sheriff deputies to the Court Hearings or may participate by telephone. Caseworkers can also travel to the jail to discuss paperwork, Family Service Plans, Court Reviews, etc. with the individual.

## **Each Court Hearing has a specific purpose:**

### **Shelter Care Hearing**

If the Court granted an emergency order to remove your child for placement, the next thing you will need to do is go to an Emergency Shelter Care Hearing. This Hearing must be held within 72 hours (3 days) of the emergency order. At this hearing, the Judge will hear preliminary evidence and decide whether your child needs to remain in placement until an Adjudicatory Court Hearing, which will be held in 10 days.

- ✓ If the Judge decides your child must remain in placement until the Adjudicatory Court Hearing, your child will not come home.
- ✓ You should discuss obtaining an attorney with your Caseworker before this Hearing, so you can have an attorney at the Hearing.



## Adjudicatory Hearing

The next Hearing that you will need to go to is an Adjudicatory (fact-finding) Hearing at Court. Before this Hearing, Clinton County Children & Youth will file a petition with the Court (tell the Court in writing) saying why your child was removed from your home (these are called “allegations”). This Hearing must be held within 10 days from the date of the Shelter Care Hearing. The purpose of this Hearing is to find out what Clinton County Children & Youth said in their petition (allegations) is supported by the facts of the case. You will have an opportunity to tell your side and present evidence at this Court Hearing.

## Dispositional Hearing

The Dispositional Hearing is held after the Adjudicatory Hearing. The Court will outline what services need to be provided to you, and what you will be required to do to have your child returned home.

- ✓ If the Judge decides that the allegations are not true or the situation has changed, your child will return home.
- ✓ If the Judge decided that some or all of the allegations are true, the Judge will then decide who should take care of your child until the next hearing. The Judge might decide to return your child home with you at that time. The Judge may also decide to keep your child in care.
- ✓ During these Hearings the Judge may also order certain tasks, such as going to therapy or a drug evaluation or parenting support that you must do for your child to safely return home. These tasks will often be included in your Family Service Plan (FSP) (see page 12).

If the Judge decides that your child cannot live with you, **you have a limited amount of time to get your child back.** Termination of parental rights or TPR (meaning you will no longer be allowed to parent you child) can start as early as 6 months after the date Clinton County Children & Youth removed your child from your home. You should start working on your Family Service Plan (FSP) right away. If your Clinton County Children & Youth Caseworker is not helping you with

your FSP, you should call a Children & Youth Supervisor. If you are still not getting help, you should call your attorney and let your attorney know.

### **Permanency Review Hearing**

This Hearing is held every 3 months to review the permanency plan and case progress. The Judge will hear testimony about services you have been offered and your progress towards completing your goals. Your goals will be written in a Family Service Plan (FSP, see page 12).

You need to show the Judge the steps you have taken to fix the problems that caused your child to be removed from your home. You also must show the steps you've taken to comply with your Family Service Plan (FSP), such as going to visits and working with services. At this Hearing the Judge will decide if your child needs to remain in care and if the permanency plan decided by Clinton County Children & Youth is appropriate (see page 14 for an explanation of permanency plans).

### **Termination of Parental Rights Hearing**

If your child has been in care for 15 of the past 22 months, the federal Adoption and Safe Families Act (ASFA) says Clinton County Children & Youth **must** petition, that is, ask the Court, to end your parental rights and therefore free your child for adoption. Clinton County Children & Youth may, however, petition to terminate your parental rights after your child has been in care for 6 months for one of several reasons. For example, Clinton County Children & Youth may petition to end your parental rights if:

- ✓ You failed to show you are working on the problem that caused your child to be removed from your home (for example, you are not working on the Family Service Plan); or
- ✓ You abandoned your child.

There are some exceptions known as compelling reasons that allow Clinton County Children & Youth not to file to terminate parental rights if the child has been in foster care for 15 of the last 22 months. They include:

- ✓ Reunification with the parent, guardian, or custodian will occur soon (within the next 6 months);
- ✓ Grounds to end parental rights do not exist under the law;
- ✓ If there is a good reason why ending the parents' rights is not in the best interest of the child.
- ✓ If the child's family has not gotten the services they need to achieve a safe return to the home within the timeframes set in the FSP;
- ✓ If the child is over the age of 12 and does not want to be adopted; or
- ✓ If the child is placed with a fit and willing relative.

If any of these exceptions apply, the Judge will consider them when making decisions about your child's permanency plan. All termination of parental rights hearings are heard by the Judge. Do not wait until the last minute to start following your Family Service Plan (FSP) and hope the Judge does not end your parental rights because a compelling reason exists.

Termination of parental rights is forever. By law, when the Court ends your parental rights, **all** of your rights to your child are terminated.

If Clinton County Children & Youth petitions or has petitioned to end your parental rights, you will be personally served a copy of the petition or receive a copy of the petition by certified mail at least 10 days before the Hearing. The petition will include the date, time and court room of the Hearing. Your attorney will also be told about the petition to end your parental rights.

If you do not agree with the petition to terminate your parental rights, you **must** go to Court on the date and time in the petition and tell the Judge that you do not agree and wish to fight the termination of your parental rights. **If you do not attend this Hearing your parental rights could be ended on that day without the Judge hearing your position.**

If you do not want Clinton County Children & Youth to pursue adoption for your child you may contest (fight) the petition in a Hearing. At this Hearing all parties will have witnesses testify about what is best for the child and what the parent has done to help safely return the child to the parent's home.

The Judge will decide what is in the child's best interest; the Judge will either grant the petition, and therefore free the child for adoption or the Judge may deny the petition. If you do not agree with the Judge's decision, you can appeal it – this means that you ask a higher Court to review the Judge's decision.

If you agree with the plan to have your child adopted by another person, you may voluntarily relinquish your parental rights. There are a few reasons why you might do this. You may feel you are unable to keep up with the responsibilities of parenthood. You may feel your child is very attached to his/her caregiver and it would be best for your child to remain with that person forever to give him/her a stable home. That is a big decision with many legal effects. Talk to your attorney before voluntarily relinquishing your parental rights.

If you decide to voluntarily give up your parental rights, you will testify that you agree to have your parental rights ended and allow the adoption of your child. At a Hearing the Judge will ask you if you want to give up your parental rights. If you decide to relinquish your rights, the Judge will order the termination of your parental rights. You can only change your mind about deciding to voluntarily relinquish your parental rights within 30 days and only if the Judge determines your decision was not voluntary.

### **Subsidized Permanent Legal Custodianship (SPLC)**

The Court's and Clinton County Children & Youth's goal is to have your child live with you. If that can't happen, the next goal is to have your child adopted. Subsidized Permanent Legal Custodianship (SPLC) is another option to give your child permanency, if reunification and adoption are no longer a choice.

Sometimes at the Permanency Review Hearing (see Page 10) the Judge will decide if it is in the best interest of your child to give the caregiver SPLC. You may agree

with this plan or you may contest (fight) the petition to change the child's goal to SPLC.

The child must be living with the caregiver for at least 6 months before the Court can grant SPLC. This plan allows you to keep your parental rights while someone else becomes your child's legal custodian. Most times, this person will be a relative, close friend of the family or your child's foster parent. The legal custodian will provide a permanent home for your child, and will be legally responsible for raising your child. This person will be making important medical and school decisions for your child, and will receive a subsidy from the Agency.

Your parental rights must be ended before your child may be adopted, but with SPLC your parental rights are not terminated. With SPLC:

- ✓ You may visit with your child as ordered by the Judge.
- ✓ You may still have to pay child support (depending on your resources)
- ✓ Clinton County Children & Youth will not need to stay involved with your family.
- ✓ You can petition, or ask the Court to change visits or custody if the change is in the child's best interest.

Ask your Caseworker or your attorney to explain both adoption and SPLC if you have questions about these other options to having your child live with you.

### **What is a Family Service Plan?**

The Family Service Plan (FSP) tells you what you need to do to have your child returned to your care. The Family Service Plan also tells you what the Clinton County Children & Youth Caseworkers need to do to help you reach your goals. You should meet with your Caseworker to help create your Family Service Plan.

The first meeting between you and your Caseworker to discuss your Family Service Plan (FSP) should happen within 30 days after the removal of your child. The Caseworker will tell you the date, time, and place. Bring family members and other people who support you to these meetings if they will be helpful. If you

agree with the FSP, review and sign the plan. The Caseworker will give you a copy of the FSP. Your attorney and service providers will also get copies.

During these meetings, you will talk about the strengths and needs of your family. You may feel everyone is asking a lot of questions, but the answers to these questions will help the Caseworker understand how they can help you get your child back home. Ask questions if you do not understand something in these meetings. There will be a Family Service Plan meeting every 6 months to review your Family Service Plan (and more often if necessary).

If the Family Service Plan is not working for you, and/or you are having trouble getting the services you need, ask for another meeting. The purpose of these meetings is to see how your child is doing and to follow up on the work you have done to reach the goals of the Family Service Plan. The Caseworker can change the FSP at any time to show the changing needs of the family. The FSP may also include service for your children, such as therapy, educational services, Child Preparation and Child Profile (see below).

- ✓ Child Preparation is helping children make the transition from foster care to the permanency option (reunification, kinship, PLC, or adoption) chooses for them. It includes developing a written plan outlining activities during at least 10 meetings with the child over 6 months.
- ✓ Child Profile details the child's life history, current functioning and special needs. Referrals for this service must come from the county having legal custody of the child.

Remember, there is a time limit for returning a child home. You should start working on your Family Service Plan right away. If your Caseworker is not helping you get involved in your Family Service Plan, you should call a Children & Youth Supervisor. If you are still not getting help then you should call your attorney and let him/her know.

The Family Service Plan is about you, your family and your children. Go to all Family Service Plan meetings and make sure the services are helpful to you and that you know what you need to accomplish.

### **Why do I have to go to so many different meetings?**

Having your child removed from your home is very hard for you and your family. You, the Caseworker, the attorneys and the Judge should be focusing on what needs to happen for your child to safely return home. Decisions will be made about you, your child and your family at many different meetings and Court Hearings. It is very important you attend **all** meetings and Court Hearings so you have a voice in what is happening and so people know how important family is to you.

You should plan to attend: (1) all Court Hearings; (2) all Family Service Plan meetings; and (3) all meetings about your child and your family. If you think it is important to have a meeting to discuss your progress or questions you have about your case or Family Service Plan, ask to meet with your Caseworker. If you feel like your Caseworker is not helping you or is not including you in important meetings or decisions, talk to a Children & Youth Supervisor first and then talk to your attorney if you feel you are not receiving help.

### **What is a “permanency plan” and how do I get my child back home?**

The Adoption and Safe Families Act (ASFA) is a federal law that says there must be a “permanency plan” for children removed from their parents so they don’t end up spending their childhood in foster care. Your child’s permanency plan goals can be return home, adoption, permanent legal custodianship, placement with a relative or placement in another planned permanent living arrangement. One of the goals of the ASFA is to stop children from spending a long time in foster care. Federal law says that the Caseworker must work on other permanent plans for your child while he/she is working with you to reunify your family.

Clinton County Children & Youth must try to reunify your child with you. At the same time Clinton County Children & Youth must also create a back-up plan,

known as the **Concurrent Plan**, in case your child cannot return home to you. Clinton County Children & Youth will develop this plan as soon as your child enters foster care. Sometimes it is called concurrent planning. You can help Clinton County Children & Youth develop this concurrent plan by giving the names and address of relatives or family friends that might be able to care for your child, if you are not able to have your child return to you.

You should know that Clinton County Children & Youth, the Court and other parties involved with your child may discuss permanency with your child's caregivers, including relatives. They may discuss adoption and/or other permanency plans even while Clinton County Children & Youth is working with you on reunification. These connections may be valuable even if your child returns to your care.

### **Reunification (return home):**

In most cases, the primary permanent plan goal is for your child to return home to you. To accomplish this, you need to work on your Family Service Plan and follow all Court Orders to address problems that caused your child to be removed from your home. You must make your home safe and guarantee proper care of your child if returned. Remember, you have limited time to complete the Family Service Plan. Federal law also requires the Caseworker to help you with your Family Service Plan so you and your child can be reunited. The work the Caseworker does to help you is called reasonable efforts.

### **Adoption**

If you cannot reunify with your child, federal law says the next best permanent plan for your child is adoption. If your child's permanent plan is adoption this means your parental rights will be ended and someone else will legally be your child's parent. Termination of parental rights is permanent. By law, when your parental rights are ended, all your rights to your child are terminated. However, the adoptive parent may voluntarily enter into an open adoption agreement with the parents to continue contact or communication after the child is adopted. This

agreement is voluntary and subject to Court approval. (For review of termination of parental rights hearings and your right to present evidence to the Judge, see page 9).

### **Permanent Legal Custodianship (PLC)**

In many cases, if your child cannot be reunified with you, your child's other permanent plan will be adoption. If adoption is not possible, your child's alternative plan may be permanent legal custodianship. This may or may not be supported with money from the state (subsidized). If it is subsidized, it is called Subsidized Permanent Legal Custodianship (SPLC). If PLC is your permanent plan this means you keep your parental rights but someone else becomes your child's legal custodian. The legal custodian will provide a permanent home to your child and is legally responsible for raising your child. This person, often a relative, will be responsible for making important medical and educational decisions for your child. You may visit with your child, if the Judge orders it.

### **Placement with a Fit and Willing Relative**

If your child cannot reunify with you and adoption and permanent legal custodianship are not possible, then your child's other permanent plan may be placement with a fit and willing relative. This means your child will live with a relative, godparent or family friend and that the Caseworker will continue to work with your family and monitor your child. The Court case will stay open and the Judge will review your child's case every 6 months. You keep your parental rights, but your child lives with his/her relative, not with you. You may visit with your child, if the Judge orders it.

### **Another Planned Permanent Living Arrangement (APPLA)**

If your child cannot reunify with you and none of the other permanency options described above are available, then the permanency plan for your child will be another planned permanent living arrangement. Another planned permanent living arrangement offers your child permanency similar to that provided by a family, that is, it should provide consistent emotional support and shelter for your

child until your child achieves independence or one of the other permanency goals described above. This often includes placement in a group home or residential treatment facility. If your child's permanency goal is another planned permanent living arrangement this means your child will not be living with you. You may visit with your child, if the Judge orders it.

### **What is confidentiality and why am I being asked to sign a release of information?**

Often, Family Service Plans include services for parents like: mental health treatment, substance abuse counseling, family therapy, and/or parenting education. Usually, your meetings with mental health treatment providers, substance abuse counselors and therapists are confidential – this means they cannot share information about you with anyone else. Because your situation is unique – you are working to reunify your family – the Caseworker will probably ask you to sign a “release of information” so the service providers you are working with can share information about you with each other and with the Caseworker and Judge.

In most cases, allowing a release of information is important and can help you reunify with your child. The Caseworker may need to talk to service providers about you to figure out what services are most helpful. Also, the people working with you might want to talk to each other about how you are doing and what they should each be doing to help you. The Caseworker cannot recommend that the Judge return your children to you unless he/she knows how you are progressing on your Family Service Plan.

In some cases, you may not want to sign a release of information – if you have any questions about whether or not you should sign a release of information, talk to your attorney.

### **What if I am in jail or prison?**

It can be very overwhelming if you are incarcerated and your child is involved with Clinton County Children & Youth. By law your parental rights cannot be

terminated just because you are in jail. It is very important that you keep in contact with the Caseworker, your attorney and your child. If your child is in foster care for 15 months (or sometimes even less time), Clinton County Children & Youth may try to end your parental rights. Here are some important steps to maintain your relationship with your child:

- ✓ Stay in contact with your child. You can do this through writing letters, making phone calls and requesting visits. It is important that you stay in contact with your child, no matter what your child's age, so your child, the Caseworker and the Judge know how much you care about your family.
- ✓ Stay in contact with the Caseworker. You need to be involved with making decisions about your child and your family. Stay in regular contact with the Caseworker. You can do this by writing letters or through phone calls. Talk to the Caseworker about your Family Service Plan – ask to participate in Family Service Meetings by phone or ask if your Caseworker would be willing to come to the jail to meet with you.
- ✓ If the Family Service Plan says you need to take part in services, see if they are available at the jail or prison. Ask your Caseworker to help you find services you can do while in jail. If you don't know who your Caseworker is, or if you don't know how to get in touch with him/her, call 570-893-4100. Also talk to your prison social worker/counselor about services you can receive at the prison.
- ✓ Make sure your attorney, the Caseworker and the Court know where you are. You should get written notice about what is happening in your family's case. Write a letter to the Caseworker and your attorney giving them your address and asking to participate in the case.
- ✓ Ask to visit with your child. While you are in jail you may still be able to visit with your child, under certain circumstances.
- ✓ Go to the Court Hearings. You have a right to have an attorney for Court Hearings involving your child. If you do not have an attorney, ask the Judge to appoint one. If you do not know who your attorney is, ask you

Caseworker. Ask your attorney to ask that you be brought to all Court Hearings.

### **What are my rights?**

You have the right to raise your child, as protected by the United States Constitution. The state can only get involved if a Judge decides your actions harm or could harm your child. This includes things you should do for your child like getting him/her to school, taking him/her to the doctor, watching over him/her and making sure he/she gets enough to eat and has a safe place to live. Clinton County Children & Youth is required to check reports of child abuse and neglect. If Clinton County Children & Youth thinks your child cannot safely remain with you, Clinton County Children & Youth must tell the Judge.

You have a right to be told when there are Court Hearings concerning you, your child and your family. You also have a right to tell what happened at the Court Hearings. You have the right to have an attorney to represent you in Court. If you cannot afford an attorney and you meet the income guidelines, you have the right to a free attorney appointed by the Court. Your attorney should explain the Court process to you and explain your rights to you. You have a right to an interpreter appointed by the Court if you do not speak or understand English or if you are deaf or hard of hearing. Being involved in the child welfare system is hard. This is probably a time of great stress for you, your child and your family. It is important to have someone you can trust guiding you through the process. This booklet will answer some of your questions about what is happening with your family. Remember to stay involved with your child, keep in touch with your attorney and Caseworker and above all, ask for help if you don't understand something or are feeling overwhelmed.

# Important Information

**Caseworker:**

**Phone:**

**Supervisor:**

**Phone:**

**My Attorney:**

**Phone:**

**My next Court Hearing is:**

