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# **When My Child is Unable to Remain in My Care: What Happens Next?**

*A Guide for Parents*





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## *A Guide for Parents*

Provided by  
The Supreme Court of Ohio  
Advisory Committee on Children,  
Families & the Courts

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**Important Note to Parents\***

You have the right to have someone explain everything that is happening.

You should ask questions and make sure you understand the answers.

You may want to write down what is said to you so you can read it again later.

You should tell your lawyer your side of the story and listen to his or her advice so you can make good decisions.

This guide tells you what Children Services must do to ensure safety when children cannot remain at home. It will tell you why the Juvenile Court gets involved and what you need to do for your child to come home.

This booklet includes information on:

- Why your child is unable to remain in your home
- Your rights and responsibilities while your child is living somewhere else
- What you need to do for your child to come home
- What happens in court
- Words you might hear.

\* Although this booklet uses the words "parent" or "parents," this information also may be helpful to others who have responsibility for caring for a child.



## Why Can't My Child Stay with Me?

There are many reasons why situations occur that put a child's safety at risk. But a child only is removed from his or her home when a court decides the child is not safe.

When a situation is serious enough to go to court, a juvenile court judge is the person who makes the decision on the child's housing and care. Children are removed from their home because the judge decides the child is not safe at home. This is called "temporary custody."

We know every parent wants to do the best they can for his or her child. We help families become strong by providing services and working with parents to bring children home.

Sometimes children are placed in our care because of some other serious family problem. This could be if a parent is in the hospital and does not have anyone else to care for their child, for example.



The use of the word "we" within this Guide refers to Children Services' workers.

In most cases, Children Services and parents work together to bring children home. Your child cannot return home until the court says it is safe. It is important to work with your caseworker to follow your case plan. Talk to your caseworker or lawyer so you know what the court wants you to do to make your home safe.

## Where Will My Child Live?

This guide uses the words “substitute care” to refer to various care settings.

*Your child probably will stay with family or with foster parents.*

### Family/Kinship Care

If possible, we believe it is best for your child to stay with family. This is called kinship care.

We will look for relatives who we are sure can

take good care of your child. It is important to tell your caseworker about any family or close family friends who might be able to care for your child.



### Foster Care

If we cannot place your child with a family member, your child may stay with people who have special training to be foster parents.



*Sometimes, because of a child's special needs, the child may be placed in a group setting.*

### **Group Home**

This is where groups of children live together in one home with people trained to care for them.

### **Residential Center**

Some children need care that is best provided in a hospital or other treatment center.

## **What are My Rights while My Child is Not Living at Home?**

You still have parental rights, even while we have temporary custody of your child. **This means you are still your child's legal parent.**

Unless a court decides it is not best for your child, you will be able to:

- Visit your child
- Be told about you child's care
- Help make major decisions for your child.

For example, you can take part in school meetings about your child and help make choices about medical treatment your child may need.

This also means you may be required to help financially support your child.

## **What Can I Do to Get My Child Back?**

You should work on following your case plan. A case plan says what we expect you to do. It also says everything we will do to help you.

The case plan should be clear about what needs to happen for your child to safely come home.

Make sure you get a copy of your case plan, and that you understand it. If you do not understand it, please ask for help.

## **When Can My Child Come Home?**

We want your child to be away for the shortest time possible. Your child will be able to come home as soon as it is safe to do so.



## **Can I Visit My Child?**

Yes. Your caseworker must set up visits with your child, even if your child is placed in a family member's home.

The only reason visits would not be scheduled with your child is if the court thinks it would harm the child.

Sometimes visits will be supervised. That means someone else will be present during visits.

Scheduled visits will be included in your case plan. It is very important to visit your child when scheduled. Time together is one of the most important ways you can help your child while he or she is in foster care.

Your child's brothers and sisters also can contact your child if they are separated.

## **Will I Go to Court?**

We do not have the right to keep a child from home against your wishes without the court's permission. If your child is removed because of an emergency, the case will go to court the next working day.

We will ask the court to find your child has been abused, neglected, or is dependent. We will do that by filing a document called a **complaint**.

You will get a paper saying when and where to go for court. Make sure you go to every hearing and are on time.

## **Do I Need a Lawyer?**

Yes. Tell the court if you do not have money to pay for a lawyer. The court may be able to appoint a lawyer at no charge to you.

**Talk to your lawyer before you go to court** and ask questions about what will happen. Ask your lawyer to explain anything you do not understand.

There will be other lawyers involved and Children Services also will have a lawyer.

Your child will have a **Guardian ad Litem** (GAL) appointed by the judge. This person either will be a lawyer or a volunteer called a CASA (Court Appointed Special Advocate). This person's job is to tell the judge what he or she believes is best for your child.

Your child also may have his or her own lawyer appointed by the judge.

## **What Different Hearings are Held?**

Your case probably will go to court many times while your child is in foster care, and you should go to every hearing.

There are different kinds of court hearings:

### **Shelter Care Hearing**

The judge will decide if your child is in danger and must be removed from your home.

If your home is not safe, the judge will ask if there is a family member who will care for the child. Tell your caseworker about any family members or close family friends who can take your child.

### **Adjudicatory Hearing**

This court session must be held no later than 30 days after the case first goes to court, unless there is a good reason to delay.

This hearing is when the judge decides if your child is safe. You will be able to tell your side of the story.

Your child will return home if the judge finds the child is not abused, neglected, or dependent.



If the judge finds your child is abused, neglected, or dependent, then there will be another hearing (dispositional hearing) to decide what is best for your child.

### **Dispositional Hearing**

This court hearing must be held no later than 30 days after the Adjudicatory Hearing. It may even occur on the same day as the Adjudicatory Hearing.

At the Dispositional Hearing, the Judge has these choices:

- Return the child home
- Order a person to stay away from the child
- Keep the child in substitute care
- Give legal custody to a person other than the parent, such as a relative
- Give permanent custody to the state
- Order permanent placement somewhere else.

### **Dispositional Review**

Your case will be reviewed at least every 6 months while your child is in care.

These reviews help the court make sure you are following your case plan and we are doing what we promised.

## **Permanency Hearing**

This hearing must happen if your child remains in our temporary custody for 12 months out of a 22 month time period.

The court will decide the child's permanent plan:

- Return the child home
- Give permanent custody to the state so the child can be adopted
- Give legal custody to someone else
- Order permanent placement somewhere else.

## **Appeals**

If you disagree with the judge's decision, you have the right to appeal to a higher court. You should discuss this with your lawyer.

## Words You Might Hear

**Abused:** A child who has been physically or emotionally harmed.

**Best Interest:** When a judge decides what is best for a child.

**Case Plan:** The written agreement between you and your caseworker that is used to measure progress. It outlines Children Services' concerns, what you must do, what services you and your child will receive and how Children Services will help you.

**Complaint:** A paper asking the court for a hearing about the child. You will be given or sent a copy of the complaint.

**Dependent:** A child who is not properly cared for, even though it is not the parent's fault.

**Foster Parents:** People specially trained to care for children who must live away from home while their parents work with Children Services.

**Guardian ad Litem (GAL):** A lawyer or a volunteer called a CASA (Court Appointed Special Advocate). This person's job is to tell the judge what he or she believes is best for your child.



**Hearing:** A scheduled time when the judge or magistrate listens to evidence or testimony.

**Kinship Care:** When a child is placed with a family member or close family friend.

**Legal Custody:** A person appointed by a court of law to assume legal responsibility for the care and supervision of a child. Legal custody is intended to continue until a child reaches adulthood.

**Neglected:** A child who is not properly cared for.

**Permanent Custody:** If a child is in foster care for 12 months, the law says we must ask the court to make a decision about where the child will live permanently.

**Reasonable Efforts:** Children Services works with the family to keep the child safe at home or to return the child home safely.

**Safety Plan:** An agreement between you and your caseworker that lists what must happen now to keep your child safe. It must be in writing and signed by both of you.

**Temporary Custody:** When a child is not safe at home, the court may give Children Services custody while we work with you on making your home safe.

## **Important Contact Information**

### **Caseworker**

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

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

Lawyer: \_\_\_\_\_

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

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

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**CASA (Court-Appointed Special Advocate)  
or Guardian ad Litem (GAL)**

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

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

Juvenile Court: \_\_\_\_\_

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

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**Other Important Names & Numbers:**

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## Hearing Dates & Times

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If you have a complaint, tell your caseworker or call your local Children Services office.

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

Federal and state laws and rules say you cannot be treated differently (discriminated against) because of your race, color, country of origin, age or disability.

If you think you have been discriminated against, you may call or write the Ohio Department of Job and Family Services, Bureau of Civil Rights at:  
30 East Broad Street, 37<sup>th</sup> Floor, Columbus, Ohio 43215

1.866.227.6353 (Toll Free) • 614.644.2703 (Voice)

1.866.221.6700 (TTY) • 614.752.6381 (Fax)





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