

# *Court Participation by Foster Parents*



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With Support of  
National Resource Center for Family-Centered Practice and Permanency Planning  
Hunter College School of Social Work  
*A Service of the Children's Bureau/ACF/DHHS*

# Legal Resource Manual Seminar

## Module Three:

### Court Participation by Foster Parents

*from Legal Resource Manual for Foster Parents  
Court Participation by Foster Parents*

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#### **OBJECTIVE:**

The objective of this seminar is to provide the participants with information about “notice and opportunity to be heard” in court for foster parents. Participants will understand the extent and limits of this right and how foster parents can participate to exercise this right.

#### **CAUTION TO THE TRAINER:**

It is advised that this training be conducted by an attorney versed in child welfare issues. Participants may have questions about a personal situation. The answers to those questions may go beyond the scope of the included materials. The trainer is cautioned to not try to answer questions beyond material included here or in the *Legal Resource Manual for Foster Parents*. It will be helpful to the participants if the trainer knows specifics of the laws in the jurisdiction in which the training is being held. At various locations throughout the curriculum, there are notations suggesting what specific information the trainer would be advised to research in preparation for doing this training.

#### **LENGTH OF TRAINING:**

3 hours

#### **LEARNING OUTCOMES:**

Participants will be able to:

- 1) Define “notice and opportunity to be heard.”
- 2) Prepare an appropriate oral presentation for a court.
- 3) Identify strengths and weaknesses in written reports for the court.
- 4) Verbalize how foster parents can make a difference in the life of a foster child by exercising their right to provide input to the court.
- 5) Define what is meant by “party status.”
- 6) List four things foster parent associations can do to help make court participation easier and less intimidating.

This curriculum, developed by the National Foster Parent Association, is based on the *Legal Resource Manual for Foster Parents*, authored by Cecilia Fiermonte, J.D., American Bar Association Center on Children and the Law and Regina Deihl, J.D., Legal Advocates for Permanent Parenting. The information in the manual and this curriculum is based on laws in effect in September, 2004. Participants should be advised that federal and state laws can change at any time. This information is not a substitute for legal advice or counsel. For questions related to specific cases, participants should contact an attorney in their state with experience in child abuse and neglect cases.

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### **MATERIALS/EQUIPMENT:**

- \* PowerPoint Presentation or overheads
- \* LCD projector or overhead projector
- \* Computer for PowerPoint
- \* Screen
- \* Flip chart and markers
- \* Index cards
- \* Masking tape
- \* Handouts
- \* *Legal Resource Manual for Foster Parents*
- \* Stopwatch or watch with second hand

### **Trainer Preparation:**

- \_\_\_1. Read chapter three of the *Legal Resource Manual for Foster Parents*, or the **Reference Notes** sections included in the curriculum.
- \_\_\_2. Reproduce handouts included in the Appendix.
- \_\_\_3. Obtain equipment.
- \_\_\_4. The **Reference Notes** are intended as material for the presenter to impart to the attendees. Please be sure to incorporate the information.
- \_\_\_5. Research state/local laws and/or regulations in areas identified in the curriculum.
- \_\_\_6. Review the PowerPoint slides. They provide a comprehensive outline of the material. Material in the **Reference Notes** expands upon the slides.



This symbol is used on the slide where there are examples or additional reference material in the curriculum. The page number is noted beside the symbol on the slide and the reference information also has a symbol.



calls special attention to trainer notes you will want to read before the training, or information you will want to obtain prior to the training.

**I. Introduction**

Slide #1



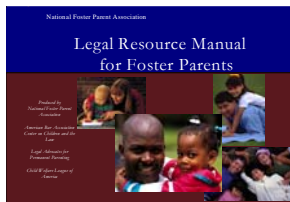
- A. (Slide #1) Welcome
- B. (Slide #2) Say, “Don’t get up and leave. You are not in the wrong room. Legal jargon, as well as courts and judges can be intimidating, even to those close to the system. Rest assured, you will understand these terms and a lot more about the juvenile court and your role by the time you leave today.”

Slide #2



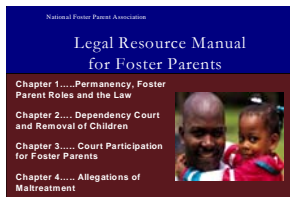
- C. (Slide #3) Explain that this training is module three of a four-part series of trainings based upon the *Legal Resource Manual for Foster Parents*. Explain that the purpose of the manual, and of the trainings, is to educate foster parents about the legal process, giving them the knowledge and confidence they need to become active participants in the system.

Slide #3



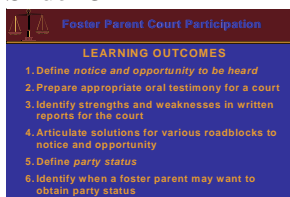
- D. (Slide #4) Display a copy of the manual and identify the four chapters of which it is composed.
  1. Permanency, Foster Parents and the Law
  2. Dependency Court and Removal of Children
  3. **Court Participation by Foster Parents**
  4. Allegations of Maltreatment

Slide #4



- E. (Slide #5) Tell the participants that they can expect that by the end of the session they will:
  1. Be more knowledgeable about what “notice and opportunity to be heard” means for them.
  2. Be able to prepare appropriate written reports and oral statements for the court.
  3. Understand what is meant by “party status” and when it may be desirable for a foster parent to obtain it.
  4. Know how foster parents can make a difference in the life of a foster child by exercising their right to provide input to the court.
  5. Know what foster/adoptive parent associations can do.

Slide #5



Slide #6



- F. (Slide #6) Personal Background: Tell the group a little about yourself, your job, your training, what experiences you bring to the following discussion..

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## REFERENCE NOTES

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**1. When children are removed from their home and placed in foster care, their world is thrown off balance. Even though they are leaving a home where they were neglected or abused, they are often scared, ashamed and nervous about the unknown.**

**2. Good foster parents help to restore the balance to the child's world. It is foster parents who comfort the child, determine his needs, provide support, and often love. Foster parents are the players in the system who are often unseen, laboring behind the scenes to make a home for the child. That can mean getting the child enrolled in school, taking him to doctors, making sure he has contact with his family. Countless day-to-day needs are met by foster parents. Foster children often become part of the family, confiding in their foster families and turning to them for support.**

**3. While our legal system recognizes the rights of biological families, foster parents often have no formal rights granted to them by legislatures or courts. It is often up to the foster parent to take the initiative to learn the system, so they can advocate for themselves and the children in their care.**

**4. This training is intended to educate foster parents about the legal process, giving them the knowledge and confidence they need to become active participants in the system. Knowing how to work with the agency and court benefits both foster parents and foster children.**

5. There are many reasons that foster parents should actively participate in agency and court processes. They are often in the best position to give an account of the child's well being. Foster parents see the child every day and have an understanding of the child's developmental level, needs, routines, likes, dislikes, etc. That level of knowledge cannot be achieved by courts or agencies that have limited contact with the child.

6. By becoming more regularly involved, foster parents can learn about the system, and gain a better understanding of how and when to speak up or take action when needed. If others in the system become used to hearing from foster parents on a regular basis, they will be more comfortable with foster parents participating in the courtroom or at case planning meetings. The court and agency will benefit from the information offered by foster parents and be better able to make sound decisions based on more complete information. Foster parents who are involved and understand the system can be strong advocates.

7. There are many reasons foster parents do not participate in the legal process. Sometimes they are expressly excluded. But often they do not participate because of their own fears and beliefs, or the beliefs and prejudices of others in the system. Foster parents often fear that if they speak up in court they will be reprimanded, misunderstood, or will anger the judge and/or agency, either of whom may retaliate by removing the child. Learning about the adversarial process can help minimize some of those fears. In this chapter, we will discuss some techniques for presenting yourself effectively in the courtroom.

*Notes continued pg. 9...*

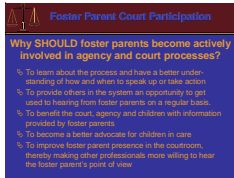
## MATERIALS/NOTES

## OUTLINE/INSTRUCTOR ACTIVITY

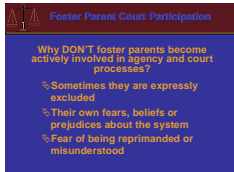
### Slide #7



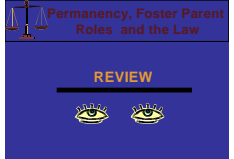
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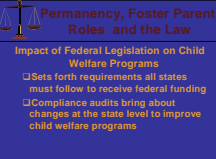
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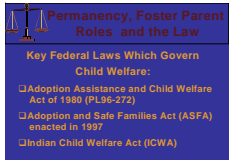
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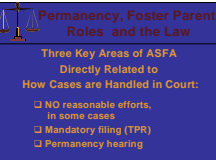
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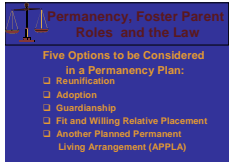
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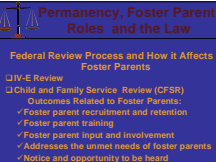
### Slide #13



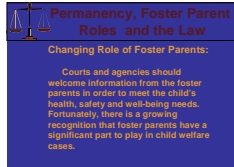
### Slide #14



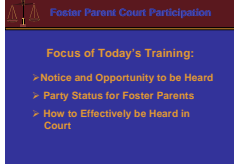
### Slide #15



### Slide #16



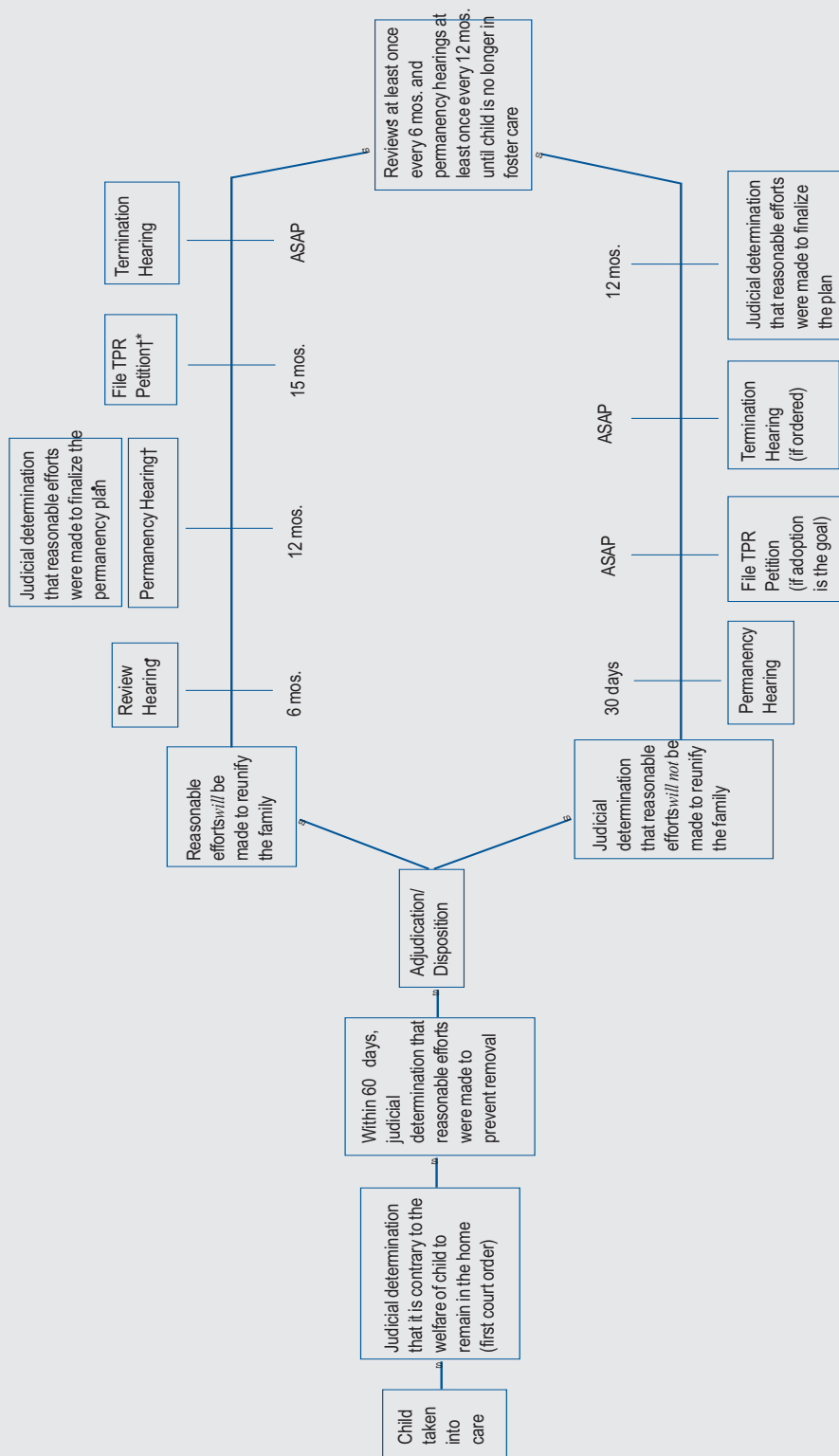
### Slide #17



- G. (Slide #7) Read, or paraphrase, the first four paragraphs in the **Reference Notes** page 5 to accompany the slide.
- H. Say that we are going to quickly review modules one and two to provide background.
- Go through the summary slides (#8-16) from module one. **Spend more, or less, time depending on how long it has been since the group has had module one training. Review the dependency court chart (Reference Notes pg. 7) to remind the participants of the sequence and where their opportunity to provide input is required by law. A copy of this is in the appendix to reproduce as a handout if any of the participants has not had the training, Dependency Court and Removal of Children.**
  - (Slide #8) Ask, “Why should foster parents become actively involved in agency and court processes?” Quickly brainstorm a few ideas. Use slide #8 to summarize.
  - (Slide #9) Ask, “If foster parents should be actively involved in agency and court processes, why is this not happening on a widespread basis?” Brainstorm a few ideas. Use slide #9 to expand upon these ideas.
  - (Slides #10-16) Use these slides to review the federal role and federal law as it impacts foster care.
- I. (Slide #17) Tell the participants that this training will be narrowly focused on the following:
- “Notice and opportunity to be heard”
  - Party status for foster parents
  - How to effectively be heard in court
  - How foster parents can make a difference in the life of a foster child by exercising their right to provide input to the court
  - What foster/adoptive parent associations can do

## REFERENCE NOTES

### ADOPTION AND SAFE FAMILIES ACT TIMELINE



\* If the review hearing is held by the court, it must be held at least once every six months.

† The determination that reasonable efforts to finalize the plan be made is often made at the permanency hearing, ~~at the adoption hearing~~ at another point in the proceedings as long as the 12 month deadline is met.

‡ When calculating when to have the permanency hearing or the 15 of 22 months, use the earlier of the date of adjudication or the date the child is removed from the home.

\* Unless one of the following exceptions is documented: child is being cared for by a relative, agency has not provided ~~it has~~ deemed necessary to rehabilitate the family, or a compelling reason exists.

Original appeared in *Making it Permanent: Reasonable Efforts to Finalize Permanency Plans for Foster Children* (2002), by Cecilia Fiermonte and Jennifer Renne, published by the ABA Center on Children and the Law. Reprinted with permission.

**II. Outcome Number One:**

**Notice and Opportunity to be Heard**

*Foster Parent Rights Under Federal and State Law*

A. Remind the group that we learned in module one that the Adoption and Safe Families Act (ASFA) recognizes that foster parents and relatives caring for children often have valuable information that will help the court make its decisions. It is for that reason ASFA included the requirement that they receive notice and an opportunity to be heard in court.

B. (Slide #18) Ask, “What does notice and opportunity to be heard really mean?” Brainstorm ideas. Summarize what it means under federal law and regulations using Slide #19.

1. Foster parents must be allowed to have input at periodic review and permanency hearings.

2. **Note that each state decides how foster parents may participate in the court in their state.**

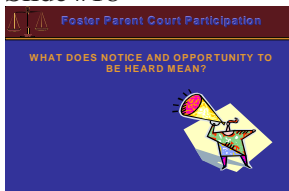
They may...

- a. ...Attend all or part of court hearings.
- b. ...Speak to the judge in court.
- c. ...Send a written report to the court before the hearing.
- d. In some states the choice is left up to the foster parent on how to provide input to the judge.  
They may..
  - 1) ...Present oral information in court, or
  - 2) ...Submit information in writing to the court, or
  - 3) ...Do both.

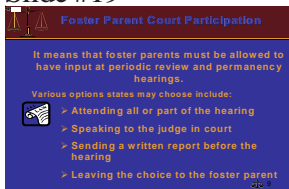
C. (Slide #20) Note that there are two types of hearings to which foster parents must receive notice.

- 1. Six-month periodic review
  - a. These generally address how a child is doing in

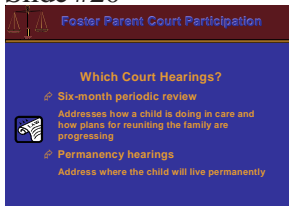
Slide #18



Slide #19



Slide #20



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## REFERENCE NOTES

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...continued from pg.5

8. Improving foster parent presence in the courtroom will make the professionals involved more willing to hear the foster parent's point of view. Others in the system, such as caseworkers, attorneys, and judges may be wary of hearing from foster parents. They may think foster parents are biased against the biological parents and cannot present an objective viewpoint or they may fear that including foster parents would be too time consuming. Judicial resources are often strained. Many courts deal with high caseloads and lack time to devote to each case. Judges may believe that inviting other players in, especially foster parents, who are not as familiar with the legal system as others, may be a needless or ineffective use of time.

### ***What does “Notice and Opportunity to be Heard” really mean?***

Under the federal law and regulations, foster parents must be allowed to have input at periodic review and permanency hearings. However, the federal regulations allow each state to decide how foster parents can participate in court in their state. The regulations say that states can meet the requirement of foster parent input in whatever way they see fit. States may allow foster parents to attend all or part of the court hearing, to speak to the judge in court, or to send a written report to the court before the hearing. Some states extend to foster parents and relative caregivers *additional* rights to participate in court proceedings—rights that are not limited to those granted to foster parents in ASFA. State laws vary and are constantly changing. Foster parents in each state need to know what their current state law says about how they can participate in court in their state.



Some states allow foster parents to choose how they would like to give their input to the judge. For example, in one state, foster parents have a right to give *oral testimony* (speak to the judge in court) and to *cross-examine witnesses* in the courtroom (ask others questions about what they have said in court) and can submit information in writing to the court as long as they have provided copies to the other people (or their lawyers) involved in the case. In another state, foster parents can attend review and permanency hearings or submit information to the court in writing and have a standardized *Caregiver Information Form* they can use to give information to the court. In one state, foster parents are required to submit a report to the court about the child's progress and needs.

### ***Which court hearings?***

The federal law (and the regulations that implement the federal law) means that foster parents must be given some way to have input into six-month periodic review and permanency hearings. Periodic review hearings generally address how a child is doing in foster care and, in cases where the plan is for the child to return home, how plans for reuniting the family are progressing. In some places, review hearings are held at the child welfare agency rather than in court. Permanency hearings are held in court and address the plan for where the child will permanently live. Most children in foster care return home or are permanently placed with relatives.

- care and how plans for reuniting the family are progressing.
- b. This may be held at the child welfare agency rather than in court in some places.
- 2. Permanency hearings
  - a. Address the plan for where the child will permanently live.
  - b. Are held in court.

**Transition Statement:**

**Now that we know what notice and opportunity to be heard means and that foster parents have that right for review and permanency hearings, we want to know how to maximize the opportunity in court.**

Slide #21

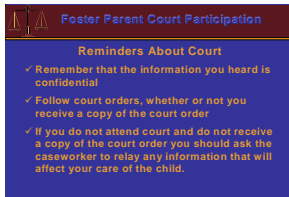


**III. Outcome Number Two:  
Maximizing Opportunity in Court-Oral  
Presentation (Slide #21)**

A. (Slide #22) Stress the confidentiality of hearings in most states and the importance of maintaining that for the child and the birth parents.

- 1. Note that at court hearings judges make legal findings and also issue court orders that must be followed.
  - 2. Foster parents may receive a copy of the case plan, or the portion of it that sets out the services the agency will provide to the child.
- B. Tell the group that, despite the requirement that foster parents receive notice and have the opportunity to be heard at certain court hearings, not everyone knows that.
- 1. Emphasize that ideally both the agency and the court would welcome input from foster parents.
  - 2. Tell them that implementation of this provision is, to a certain extent, in their hands. Emphasize the importance

Slide #22



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## REFERENCE NOTES

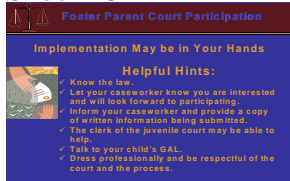
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### *Maximizing the Opportunity in Court*

Most courts hear a large number of cases each day. As a result, judges have very little time to spend at each hearing listening to all the court participants and making decisions about the child and family. Court hearings often last less than ten minutes in total. Foster parents must be prepared to clearly state their comments to the court, usually in less than two or three minutes. If the foster parent will be attending the court hearing, and wishes to speak directly with the judge, she should carefully prioritize a few important issues to bring to the court's attention. Writing down two or three main points on an index card may help remind the foster parent of the most important information to tell the judge. In general, foster parents should focus on giving firsthand information about the child and not offer opinions about other people involved in the court process (for example, the caseworker, the child's birth parents, or the attorneys involved in the case).

The information foster parents provide to the court for periodic review or permanency hearings is meant to assist the judge in understanding the child's progress and needs and in making decisions about the child's future. Written reports often contain more specific information than can be communicated orally in court, and will be read by the judge prior to the court hearing. Written reports should be no more than a few, well-organized pages. Most judges do not like to receive reports longer than three pages.

Slide #23

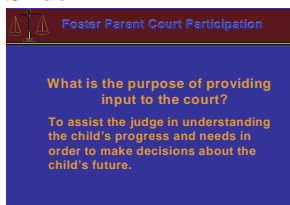


of teamwork with the caseworker and being open about their understanding of the law and their intention to exercise their rights. Suggest to the participants that rights can and should be exercised with respect and courtesy.

3. (Slide #23) Using the slide, go over the following helpful hints.
  - a. Know the law.
  - b. Let your caseworker know that you are interested and will look forward to participating in the process.
  - c. Inform your caseworker before attending court and provide the agency with a copy of any written information being submitted to the court.
  - d. The clerk of the juvenile court may be able to tell you how the judge likes to receive written submissions.
  - e. Talk with your child’s attorney or GAL. You may be able to submit information through him or her.
  - f. When going to court, dress professionally and be respectful of the court and the process.

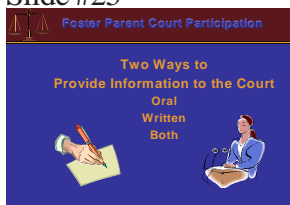
**Transition Statement: The important decisions made in court can profoundly affect a child’s life. There are two ways to provide information to the court either in person or in writing.**

Slide #24



- C. (Slide #24) Emphasize to the participants that the purpose of providing input to the court is to assist the judge in understanding the child’s progress and needs and in making decisions about the child’s future

Slide #25



- D. (Slide #25) State that there are two ways to provide input to the court, orally and in writing, and that there are advantages to both. First we are going to focus on oral presentations.

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## REFERENCE NOTES

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### *Useful Information for the Court*

#### ***Placement Information***

- The date the child came to the foster home and a brief description of the child's physical and emotional condition at that time.

#### ***Medical Information***

- Doctor visits or hospitalizations since the last court hearing, and the results of those visits.
- Any medications the child is taking, and the dosages.
- Any adverse reactions the child has had to medical procedures or medications.
- A brief description of the child's physical development, and any developmental lags the foster parents have observed.

#### ***Dental Information***

- Visits to the dentist since the last court hearing, and the results of those visits.

#### ***Educational Information***

- The child's grade in school, and whether the child is performing at grade level.
- The dates of any school conferences foster parents have attended, and the results of those conferences (especially if the child is in special education classes).

#### ***Behavioral Information***

- A brief description of the child's behavior while in the foster parent's home.
- Any services the child is receiving to address behavioral problems, who is providing the services, and how often the child goes for the services.
- A brief description of how the child expresses his feelings and needs.
- A brief description of the child's eating and sleeping patterns and any problems the child has eating or sleeping.

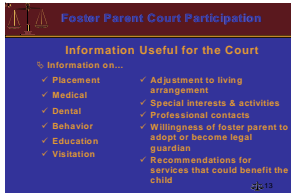
#### ***Child's Adjustment to Living Arrangement***

- A brief description of the child's social skills and peer relationships.
- A brief description of how the child is interacting with other members of the foster parent's family.

#### ***Child's Special Interests and Activities***

- A brief description of any special activities the child participates in (Scouts, music lessons, religious groups, etc.) and how often the child participates in them.

Slide #26

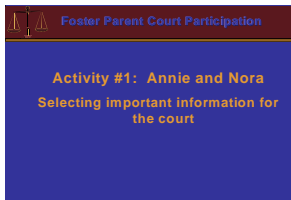


1. (Slide #26) Tell the participants that presentations should concentrate only on the issues that are most important to the child’s case. Go over the following list of possible areas to focus on, noting the type of information that could be included in each category.

**Note: Use the expanded information in the Reference Notes beginning page 13 to elaborate.**

- a. Placement information
- b. Medical information
- c. Dental information
- d. Educational information
- e. Behavioral information
- f. Adjustment to living arrangement
- g. Special interests and activities
- h. Visitation
- i. Professional contacts
- j. Willingness of foster parent to adopt or become a legal guardian
- k. Recommendations for services to benefit the child  
 opinions about other people involved in the court process (caseworker, birth parents, attorneys).

Slide #27



- E. (Slide #28) “Annie and Nora”

1. Provide each of the participants a copy of the handout “Useful Information for the Court” that was just covered (Appendix .)
2. Provide each with the handout “Annie and Nora.” (See also **Reference Notes** p. 16-17)
3. Allow a few minutes to read the case study.
4. Using the “Useful Information,,” brainstorm, and list on a flip chart, ideas about what they think is most important for the court to know about Annie and Nora in making a permanency decision.

Handouts:

1. Case study-- “Annie and Nora”
2. Useful Information for the Court

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## REFERENCE NOTES

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- A brief description of any talents, interests, hobbies, or skills the foster parent has observed in the child.

### ***Visitation***

- The dates of visits between the child and her parents or other family members.
- A brief factual description of the child's behavior (and, where relevant, physical appearance) before and after visits. *Carefully describe only the child's behavior or appearance unless the child welfare agency has specified supervision of birth parent visits as part of the foster parent's role. In that case, follow the instructions of the child welfare agency on reporting child/ birth parent interaction. In general, foster parents should not comment on the reason for the behavior.*
- A brief description of any arrangements for sibling visitation.
- The dates of contacts between the child and the child's parents or other family members, including telephone, letters, e-mail.

### ***Professional Contacts***

- All in-person and telephone contacts between the foster parents and the child's caseworker.
- All in-person and telephone contacts between the foster parents and the child's attorney or guardian ad litem/GAL (GALs represent a child's best interest).
- All in-person and telephone contacts between the foster parents and the child's Court Appointed Special Advocate (CASA), if the child has one.

### ***Willingness of the Foster Parent To Adopt or Become a Legal Guardian***

- If services to the child's birth parents have not been terminated, the ***ability*** of the foster parents to adopt or become a legal guardian for the child if he cannot return home. If services to the birth parents have been terminated, the ***desire*** of the foster parents to adopt or become legal guardians for the child. *Foster parents should communicate their own ability and desire to care for the child. They should never compare themselves to the birth parents.*

### ***Recommendations for Services That Could Benefit the Child***

- The child's need for any specialized services that she is not currently receiving. (For example, Independent Living Services, tutoring, mental health services, disability assessment, etc).

### ***A Photograph of the Child***

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## REFERENCE NOTES

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### **The Smiths Making a Difference in Court for Annie and Nora**

Nancy and Fred Smith became foster parents after seeing television and internet messages promoting foster care and adoption of abused and neglected children. They became licensed through an agency. They agreed with the agency to support reunification efforts fully, but also agreed they would commit to providing a permanent home for a child placed in their care if he or she could not return to their birth family.

The agency placed two half-sisters, twelve-year-old Annie and four-year-old Nora with the Smiths. Annie and Nora had been removed from their mother, Carol and Carol said she did not know the girls' fathers. Carol had longstanding substance abuse and mental health problems that meant she often left her daughters alone and forgot to feed them, though she loved them dearly. The girls were removed from their mother after a neighbor called child protective services because she thought the girls had been left alone all night in Carol's apartment. When the caseworker arrived, the apartment was strewn with garbage, there was no food in the apartment and Nora was alone. Annie arrived at the apartment about 10 minutes after the caseworker with a couple of candy bars for herself and her sister. She said her mother had been at home most of the night, but the caseworker didn't believe her. The caseworker removed Nora at that point but left Annie with her mother. Carol voluntarily placed Annie in foster care a few weeks later after she got in trouble for skipping classes at school and stealing food at a local liquor store.

When Annie and Nora arrived at the Smith's home, neither were current in their immunizations, both had a severe case of head lice and they seemed very hungry – often hiding food under their beds. Annie was behind in school and didn't want to do her homework. She would also sometimes get very angry and aggressive when Fred or Nancy tried to care for Nora. At one point, she told Nancy that she was in charge of Nora and “she didn't need any stupid foster parent telling her what to do.” Nora, on the other hand, seemed starved for attention and was always trying to get her sister to do things for her. She had never been to pre-school, didn't know her ABC's and relied on Annie to talk for her. As a result, Nora's speech was delayed and it was hard for Nancy and Fred to understand her. They also weren't sure Nora heard everything they said, since she sometimes didn't respond when they spoke to her from across the room. Both children told Fred and Nancy they missed their mother and “just wanted to go home.”

After an initial adjustment period, the sisters slowly began to adjust to the routines in their new environment. Without being coached, Nora began calling Fred and Nancy “mom” and “dad.” The Smiths didn't know if that was appropriate, but didn't want to hurt the children's feelings either. Annie continued to be somewhat aggressive, but was often more withdrawn than Nora. She hated school and was always complaining of headaches or stomachaches. The only way the Smiths got her to school was for Fred to drive her there and walk her to class every morning. Even with better attendance, Annie was still getting some failing grades. The Smiths requested a meeting with the school to ask whether Annie

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## REFERENCE NOTES

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needed special services, but the school said that special education issues could only be discussed with parents or legal guardians. They had heard from their social worker that the girls had an attorney, but weren't sure if the attorney might be able to help make sure Annie's educational needs were being met. They kept hoping the attorney would call, but didn't know how to contact her to ask for help with the school district rules.

They decided to take Annie to a doctor to see if there was a reason she might be complaining so much. Because the children were covered by Medicaid, there were few doctors to choose from, and those doctors had long waiting lists. Fred's employer told him that if he was a legal guardian, he could get both children placed on his health insurance plan. As of the date of the permanency hearing, neither Nora nor Annie had had a complete physical.

About 6 months after the Annie came to live with the Smiths, she began asking when her father would be allowed to visit. The Smiths weren't aware of any fathers, but Annie said that her father use to live in town and visited her a few times before the children came into foster care. The caseworker told the Smiths she didn't have any names or addresses for the fathers and that she didn't think paternity had been established.

Visits for the children were supposed to occur twice a week unsupervised for an hour with Carol. The agency asked Nancy to help out with transportation since she was home with Nora during the day. Nancy drove the girls 45 minutes each way to the visits at Carol's apartment. At first, Nancy would go to a shopping center twenty minutes away during the visits, but after awhile Carol told her she should stay during the visits. Nancy wasn't sure that was a good idea, but Carol insisted. Nancy was worried that Carol often watched adult TV shows during the visits and would sometimes leave the apartment and return near the end of the visit time. At times, Carol showed affection for the children by hugging them or telling them they were good, but sometimes she yelled at them and called them names like "monsters".

Since Carol rarely had food for the girls, Nancy made a point of bringing some extra snacks and also sometimes gave Carol photos of the girls doing their latest school activities. Quite a few times, Nancy drove the girls to Carol's only to find that she wasn't home. After missed visits, Annie was angrier than usual and notes would be sent home from her teachers about her fighting at school. Nora, on the other hand, seemed relieved when her mother wasn't home and would ask anxiously if they could just go home (to the Smiths) instead. When her mother was at home, Annie usually liked to visit with her but would spend most of the time watching adult TV shows.

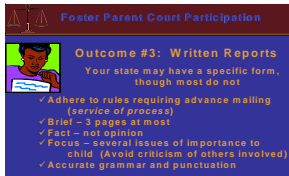
The caseworker had visited the girls on a monthly basis and been helpful in providing a Medicaid card, but didn't know what to do about Annie's educational problems and couldn't answer the Smiths' technical questions about legal guardianship and adoption. The Smiths hoped that the girls' attorney would contact them before the permanency hearing so they could relay information to her about how the girls were doing.

**Transition: Tell the participants that judges have different preferences: Some prefer written reports so that they can review the information before the hearing. Others prefer seeing and hearing from a caregiver in person. As mentioned before, time is very limited, even to read a report submitted in advance. This is an opportunity to tell the court what you want it to know so you will want it to be good. Let's talk about what makes a helpful written report.**

**IV. Outcome Number Three:  
Maximizing Opportunity in Court -Effective  
Written Reports**

A. (Slide #28) Tell the group that there are a few guidelines for preparing a written report.

Slide #28

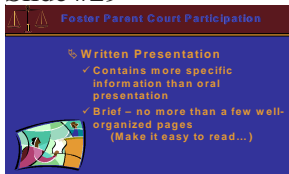


1. Protocol
  - a. Your state may have a specific form to use, but most do not.
  - b. There may be rules requiring advance mailing (called *service of process*) to parties, including the child's caseworker.
    - 1) Failure to follow this may force the judge to delay (*continue*) the process.
    - 2) Your child's attorney, GAL or caseworker should be able to tell you how far in advance written reports should be submitted.
  - c. The report needs to be fair to all parties.

Handout:

1. Effective Written Reports
2. Sample Court Reporting Form (for inclusion in their legal binders)

Slide #29



2. Handout "Effective Written Reports."
  - a. Thoroughly go over the list. **(See also Reference Notes p. 19)**
  - b. (Slide #29) Note that written reports should include the same type of information discussed under oral reports. Point out that with written reports it is possible to include more detail and cover more areas.

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### Effective Written Reports

- Focus on the child.
- Find out what the court will be deciding at the upcoming hearing and provide information that will assist the court in making those decisions.
- Provide facts, not personal opinions.
- Be brief – a few (two or three) well-organized pages.
- Type or use a word processor, if at all possible.
- Make the information easy to read, with headings or subtitles.
- Use foster parent court forms, if your state has them.
- Avoid negative comments about birth parents and others involved in the case.
- All information must be legible.
- Attach supporting documents, if appropriate.
- Use a professional tone, but do not try to appear to be an expert.
- Submit written reports to the court well before the hearing (10 days is usually adequate, but ask about state and local procedures).
- Provide copies to the caseworker and all the lawyers involved in the case.  
Bring additional copies with you to court.
- Understand that the court may make decisions that you do not agree with.

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## MATERIALS/NOTES

## OUTLINE/INSTRUCTOR ACTIVITY

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### Handouts:

1. Written court submission #1
2. Written court submission #2

### Note to Trainer:

The following points should be discussed:

- Is the information presented in an objective way?
- Is it child-focused?
- Is it clear?
- Is it well organized?
- Is the information prioritized?
- Is the length appropriate?

### C. Activity #1: “Annie and Nora”

Say, “If you want to be sure you cover all the important information about the girls and have more than two or three major points, you may want to prepare a written report for the court. Let’s take a look at two written reports, one good and one ‘not so good.’ Use the information in the handout, ‘Effective Written Reports’ to determine why one report is better than the other. We’re going to do this in groups.”

1. Break down into small groups.
2. Distribute the written court submissions.
3. Allow about 15-20 minutes for the group to compare the written report with the handout “Effective Written Reports.” Participants should use the handout on effective reports as a checklist to evaluate the written reports, noting how one is better than the other., as well as comparing it to the case study to be sure all important points are covered.
4. Reconvene as one group.
5. Discuss specifically how one report is better than the other. Ask the group why they think the judge would pay more attention to the well-written, report.
6. Summarize the main points to be followed in a written submission to the court.
  - a. Brief, three pages at most
  - b. Fact, not opinion
  - c. Focus on several issues of greatest importance to the child and avoid criticism of birth parents, caseworker, GAL, etc.
  - d. Legible
  - e. Accurate grammar and spelling

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Dear Judge,

I am giving you this letter this morning because I want you to know what is going on. I want to let you know that I am upset about what is happening with these girls. I have tried my best to straighten things out, but nothing good is going on. First of all, the visits aren't working out. The mother isn't there and also it just gets me and the girls all upset. The kids are really hard for me to handle when she's not there. She has all these TV shows on that aren't right for the girls and Annie is just watching them. I don't think it is right. And I'm staying there because someone needs to and the mother wants me to. Sometimes she leaves and I guess I should be there but I don't really know what to do. I think it would be best to just stop this but the social worker isn't doing that. The teachers don't like it either and it causes fights at school.

And the social worker isn't much help with the school either. She can't figure out what to do for Annie and my husband is stuck taking her to school all the time. And the school is really hard to get to do anything about her schoolwork. We tried but they don't listen to us even though Annie is having a real hard time. I really think you have to do something about this. And I can't get her into the doctor to find out if there is a problem there because they are too busy to do it. Besides maybe the father can help but we don't know what that is all about and neither does the social worker.

It's been a really hard time trying to settle these girls down. Now it's better but it could get worse again. The girls love their mother but it just isn't a good situation there. We have gotten Annie so she doesn't have to take care of Nora all the time and she can let us do it, but they could start hiding food and candy again if some of these problems don't get worked out. Nora wants Annie to talk for her all the time, but I don't let it go. I just tell her to do it herself and she does it at our house but she doesn't do that with the mother. Nora needs to see the doctor but we haven't been able to work that out. Nora calls me Mom and I think she needs to do that because it is natural for a child to do that, right? I didn't ask her to do that. It took us forever to get rid of the lice. Besides, the girls need good food and we have that at our house. I just want the right things to happen for these girls. Please listen to what I said because we are trying to do the right thing.

Thank you,

Nancy



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## REFERENCE NOTES

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### **Special Interests and Activities**

Annie loves to sing, and recently received an award at school for her participation in the school chorus. She has also mentioned that she would like to learn how to play the flute, so we are checking into whether lessons can be arranged through the school band teacher.

### **Visits with Parent**

I transport Annie and Nora to twice weekly visits with their mother, Carol at her home. Carol has been home for 29 out of 48 scheduled visits. After missed visits, Annie is angrier than usual and I received notes from teachers 7 times about her fighting at school after missed visits (see attached). During most of the other visits, I remained at the visits at Carol's request. I usually bring snacks and sometimes photos of the girls to give to their mother. Carol sometimes shows affection for the children at visits by hugging them or telling them they are good, but sometimes yells at them and calls them names. She often watches adult TV shows during the visits. Annie recently asked when her father would be allowed to visit her. We are not aware of any fathers and there are no visits currently planned.

### **Professional Contacts**

Annie's social worker visits her monthly in our home. He was very helpful in getting us Annie's Medicaid card. We do not know who Annie's attorney/guardian ad litem is.

### **Permanency**

We are willing and able to provide a permanent home for Annie and her sister, Nora if the court decides that the children will not be going home. We are interested in obtaining additional information about adoption and legal guardianship options for foster parents, especially about access to health insurance coverage and how to handle special education issues.

### **Other Important Information**

We love Annie and her sister, Nora very much and want the best for both of them. Annie has made great strides since the last court hearing and seems to be enjoying childhood activities more than when she first came to our home. We are available to provide care for the girls for as long as they need us.

Respectfully submitted,

Nancy Smith  
Foster parent



**Note:** Ideally, a real judge or judicial officer should help with this portion of the training to give foster parents as realistic an experience as possible. If that is not possible, an attorney who can give the audience some advice on presenting in the courtroom should play the role of the judge.

Handout:  
New Information on  
Annie and Nora

### Slide #30

**Foster Parent Court Participation**

**Guidelines for Oral Presentations**

- ☞ Prioritize a few important issues
- ☞ Write down two or three main points on an index card
- ☞ Focus on firsthand information
- ☞ Do not offer opinions on others involved in the case
- ☞ Be brief—no more than 2-3 minutes

### Slide #31

**Foster Parent Court Participation**

**Foster Parents Making a Difference**

- ☞ Did Nancy/Fred follow the correct process for making themselves heard?
- ☞ Was the information he/she provided appropriate?
- ☞ How might Fred/Nancy's court participation affect the outcome for Annie and Nora?

## V. Outcome Number Four:

### How Foster Parents Make a Difference in Court

#### A. Transition Statement:

We have looked at Annie and Nora's case study and a long list of what is important to tell the court. We have seen that a written report allows you to go into some detail. Now we are going to put all of this into practice by preparing an oral presentation to the court. There are a few differences in preparing an oral presentation. (Slide #30) Because time in the court is very short, you will want to prioritize a few important issues from our list. Write down these points on an index card to serve as a reminder. All the points we discussed for written reports also apply here. We are going to see how this plays out in a real life situation by preparing and presenting an oral submission to the "court." You're not going to be on your own for this dry run. We will divide into groups. Select one person in your group to make a short presentation to the "court."

**But first, it is just before the permanency hearing and we have just gotten some new information about Annie and Nora. Distribute the New Information handout.**



#### B. Activity 2: The Smiths go to Court

1. Break into approximately five small groups.
2. Give the following directions:
  - a. Discuss the case scenario and the new information.
  - b. Formulate an oral presentation to be presented to the court, keeping in mind the information learned about oral presentations and the approximately 3-minute time limit.
  - c. Select one person to make the presentation.
3. Set the scene for the presentations.
  - a. Tell who is in the court room.
  - b. Review what happens at a permanency hearing.
4. Have each group make a presentation to the "court." The judge should offer a helpful critique to each group. After all presentations are finished, the judge should rule on the case explaining how she/he arrived at the conclusion and telling what information was most helpful in making the decision. Use slide #31 to review.

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## REFERENCE NOTES

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### **New Information Three Weeks Before the Permanency Hearing**

The girls' caseworker has been contacted by Joe, a man claiming to be Annie's father. He said he does not want to care for Annie or have any contact with her. However, he has requested that Annie be placed with Lucy, an out-of-state paternal great aunt. Aunt Lucy is nearing seventy, has quite a few health problems but once had a close relationship with Annie as a little girl. Lucy was not aware that Annie is in foster care. Lucy is not related to Nora. No one previously told the agency or the court that Lucy existed.

When the caseworker mentioned Lucy to Annie, Annie spoke fondly of her "Auntie Lucy." But when the caseworker raised the possibility with the girls of Annie moving to live with her aunt, both girls became upset. Annie's school counselor has begun calling Nancy nearly every day to report that her behavior at school is deteriorating.

The Smiths had hoped that both girls would permanently remain with them, but now don't know what will happen.

### **Pretend you are Fred or Nancy, preparing at home for the permanency hearing.**

*What information will Fred or Nancy want to tell the judge:*

- a. Information about the children*
- b. Information about themselves*

*Prepare a short presentation that Fred or Nancy will make to the court.*



**Trainer Note:**  
Before presenting this information, it is very important to read the Reference Notes ps. 29-37

**Transition Statement:**

The Smiths exercised their right under ASFA to be heard in a permanency hearing. Having this right does not confer the status of being a “party” to the case. They did not need party status, but there may be times when you will want to be able to participate in a case in a more substantial way. We are next going to look at what it means to be a party in a case, how party status is obtained and what rights it confers.



**VI. Outcome Number Five:  
Party Status**

- A. Tell the group that even though ASFA provides them with the right to have input in juvenile court hearings through notice and opportunity to be heard, it does not require courts to make them “parties” to the case on that basis.
1. (Slide #32) Define *party status* as a designation given by law or by the court to people who are able to more fully participate in court proceedings. Explain that party status is NOT necessary in order to provide information to the court about the child’s well-being. Add that it is not required that a foster parent obtain party status, but there are times when they may want more involvement.
  2. Note that party status is not automatically granted to foster parents, but it is automatically granted to the following:
    - a. Child welfare agency
    - b. Birth parents, to protect their constitutionally protected interest in raising their own children
    - c. Child
  3. Most parties to a case are normally represented by an attorney and/or a *guardian ad litem* in the case of a child.

Slide #32

**Foster Parent Court Participation**

**What are Parties?**  
Those people designated by law or the court to participate fully in court hearings.

**\*More rights than non-parties**  
**\*Typical parties:**  
Birth parents  
Child welfare agency  
Child

Confers *standing*, the right to have the court listen to a legal claim

## Slide #33

**Rights of Parties**

- > Varies depending upon the jurisdiction
- > Basic Rights
  - ✓ Receive notice of *all* court hearings
  - ✓ Right to be represented by counsel
  - ✓ Access to court documents
  - ✓ Full access to the court process
  - ✓ Able to file motions to request court orders
  - ✓ Able to cross-exam witnesses

- B. (Slide #33) General Rights of Parties--Briefly go over the general rights of parties, using the slide.
1. Parties have the right to receive notice of **all** court hearings, not just periodic case review and permanency hearings. This may include dispositional hearings held prior to the first periodic case review, hearings related to modification of existing court orders, hearings regarding TPR, and will usually be allowed to participate in all *dependency* (child abuse and neglect) court proceedings concerning the child.
  2. It confers the right to be represented by counsel. (Foster parents will normally need to pay for an attorney.)
  3. It provides access to court documents.
  4. Parties may file motions to request court orders (though the court may not grant every request.)
  5. Parties may cross-examine witnesses.

## Slide #34

**Procedures for Requesting Party Status**

Procedures vary:

- > Formalized written motion with time deadlines requiring the services of an attorney
- > Respectfully worded hand-written request to the judge
- > GAL simply telling the judge the foster parent wants party status

- C. (Slide #34) Procedures for requesting party status vary by state, and sometimes between courts within states, from very informal to very formal. Foster parents who are interested in obtaining party status should check the laws in their states.

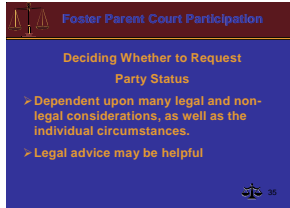
## Slide #35

**Factors Affecting When Courts May Grant Party Status**

- > Time period child has resided with foster parents
- > Foster parent has information that may assist the court
- > Foster parent has assumed the obligations of parenting
- > Nature of the relationship between the foster parent and the child
- > Best interests of the child
- > Foster parents have siblings of the child

- D. (Slide #35) Factors affecting when courts may grant party status
1. Time period child has resided with foster parents
  2. Foster parent has knowledge or information about the child that may assist the court.
  3. Foster parent has assumed the obligations of parenting
  4. Nature of the relationship between the foster parent and the child
  5. Best interests of the child
  6. Foster parents have siblings of the child

Slide #36

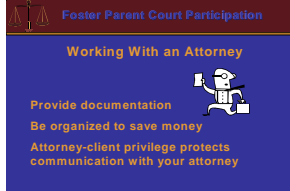


Handout:  
Tips on When and  
How to Hire an  
Attorney

Slide #37



Slide #38



F. (Slide #36) Deciding whether or not to request party status status

1. Tell the group that there are both legal considerations and non-legal considerations.
2. Take time to discuss the “Non-Legal Considerations” for their potential impact on their working relationships with birth parents and the caseworker. See **Reference Notes on both p.35**. Major points include:
  - a. Maintain good communication with other participants
  - b. Maintain a non-adversarial relationship with the birth parents
  - c. Contact caseworker and attorney/GAL prior to bringing motion to obtain party status--reassure them of intent to work in a collaborative manner.
3. Note that if party status is denied, it can be appealed.

**Transition statement: Tell the participants that the intention of this training is to provide information, not to train foster parents to be attorneys. Throughout this series of trainings the goal is to help foster parents know their rights and responsibilities and know how to exercise them in a manner that is beneficial to them and the children in their care. At some point an attorney may be needed.**

G. Hand out “Tips on When and How to Hire an Attorney” (Appendix and **Reference Notes** pg. 37)

1. (Slides #37-38) Go over the major points
2. Suggest that they put this handout in their manual, if they have one, or start a binder of legal information.

**Transition statement: Foster parents do not have to go it alone in this process. Foster/adoptive parent associations can do a great deal to help more foster parents make their unique contributions to better outcomes for children in care.**



**Note: Skip to page 38.**

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## REFERENCE NOTES

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### Party Status for Foster Parents

As explained above, all current foster parents have a right to provide input for juvenile court hearings under the federal AFSA and their own state law. In addition, some foster parents may be eligible to request full *party status* (those people designated by the law or the court to more fully participate in the proceedings). In most cases, foster parents do not need to apply for party status to provide information to the court about the child's well-being. Only rarely does a foster parent need to request party status to become more fully involved in the court proceedings.

Parties have certain rights that non-parties do not, including expanded rights to gain access to court information, to call witnesses to appear in court, to cross-examine witnesses and to be present at all court hearings in the case (See page 30 for more information on the rights of parties). Some individuals, such as the child welfare agency, the child's birth parents, and the child are automatically parties in juvenile court proceedings. These parties are normally represented by a lawyer or some other person charged with their interests (for instance, the child may have a *guardian ad litem*, also known as a *GAL* representing their best interest).

Unlike foster parents, birth parents are automatically afforded rights as parties to ensure that their constitutionally protected interest in raising their own children is protected. As a matter of public policy, and to protect the value of relationships between birth parents and their children, the law requires agencies to show that a child cannot safely remain in her own home before allowing an agency to intervene in a family to separate a child from her parents. The child welfare agency must show the court, initially, that it is proper to separate a child from her parents and, at subsequent court hearings, to keep the child placed in a foster home. In contrast, the law does not protect the relationship between foster parents and their foster children in the same way, and as a result, foster parents are not usually automatically made parties and must request party status in most cases to be able to participate more fully in court.

While foster parents are not usually made parties unless they specifically request party status from the court, there are a few states that automatically allow foster parents to participate as parties at permanency hearings, under certain circumstances. In most situations, the court has *discretion* (meaning it is up to the judge to decide) whether or not a foster parent meets the requirements to be made a party. In some rare cases, it is possible that a child may have multiple foster parents or other caregivers who are granted party status in the same case. For example, a teenaged foster child who has spent several years in foster care might have had a long-term foster parent who knows the child very well, and later may go to reside with a grandmother. The court might grant both the grandmother and the foster parent party status. If a foster parent achieves party status, she will have *standing* (the right to have the court listen to her legal claim) to participate in the case more fully than she could without it. Foster parents with party status have enhanced legal rights that foster parents without it do not have.

### Philosophical Basis for Granting Party Status

Courts do not have the time to hear cases brought by individuals who are not directly affected by the outcome of a specific case. For example, a traffic accident may injure someone in the community, but only the individuals involved in the accident (or sometimes someone close to them) have standing to ask the court to listen to their complaints about who was at fault.

On the other hand, courts generally do want to hear from individuals who are directly affected by their decisions and who have a legal interest of enough importance to allow them to become a full party in

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the court proceedings. Foster parents who request party status must show that they have a sufficient legal interest in the child's case that could be adversely affected unless they are allowed to fully participate in the case.

### **Party Status Is Creature of State (Not Federal) Law**

Unlike the federal ASFA that requires all states to provide foster parents with “notice and an opportunity to be heard,” the right of a foster parent to apply for party status is covered by each state's law. Some states have written *statutes* (specific laws enacted by the state legislature and published as a compilation of that state's laws in a given subject matter) that relate to party status for foster parents. For example, Illinois and Indiana have statutes addressing the right of a foster parent to *intervene* (get involved) in a juvenile court case involving their foster child. Most states rely on *case law* (a group of reported cases decided by higher court judges that guide the lower courts in making their decisions) to define and clarify the situations in which a judge will allow a foster parent to participate in court as a party. Courts across the country have issued literally hundreds of decisions affecting foster parents' rights to participate as parties in court. Some states also have *rules of court* (rules that regulate practice and procedure in various courts) that provide direction on how foster parents may participate more fully in the judicial process.

### **Names for Party Status Vary**

Because state laws vary, states use a variety of names for party status. In many states, courts refer to foster parents who wish to become parties as *intervenor*s (individuals who are seeking to “intervene” in an existing court case). In those states, foster parents who are requesting party status may bring a *motion to intervene* (a request to the juvenile court to grant the foster parent *intervenor status*). Some states refer to individuals seeking party status as *interested persons* or *interested parties* (individuals who have an interest in a case who are seeking to become a party). In such states, foster parents may file a *motion to participate as an interested person or interested party* (a request to the juvenile court to grant status as a person with an interest in the court case). In one state (California), foster parents who wish to participate more fully in juvenile court proceedings are referred to as *de facto parents*. Foster parents in California use standardized court forms to request *de facto parent* status, which include a *De Facto Parent Request* form and a *De Facto Parent Statement* form. These computerized forms are available on the Internet for easy access by foster parents and others seeking to become parties within the State of California.

## **Rights of Parties**

The rights foster parents gain when they become parties in a child's case varies depending on the *jurisdiction* (the geographic area over which a court has authority). In some instances, foster parents may be considered parties for the purposes of some court hearings, but not others. Since courts interpret party status somewhat differently in each state, foster parents who have party status should educate themselves on their rights and responsibilities under their specific state law.

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## REFERENCE NOTES

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### ***Notice of All Court Hearings***

Current foster parents should be receiving notice of periodic case review and permanency hearings, whether or not they are parties. Foster parents with party status will usually receive notice of *all* court hearings once the court grants the foster parent's request for party status. This could include dispositional hearings held prior to the first periodic case review, hearings related to modification of existing court orders, hearings regarding termination of parental rights, and various other court proceedings. Once a foster parent becomes a party, she will usually be allowed to participate in all *dependency* (child abuse and neglect) court proceedings concerning the child.

### ***Right To be Represented By Counsel***

Some parties have a right to have a lawyer appointed by the court to represent their interests, usually free of charge. Foster parents do not normally have that right. However, foster parents who are parties have a right to hire a lawyer of their choice to represent them in court. In rare instances, the court may appoint a lawyer at court expense to represent a foster parent with party status if the foster parent cannot afford counsel and the court believes the foster parent needs representation to protect his or her legal rights.

### ***Access To Court Documents***

Foster parents who are parties have expanded rights to gain access to legal documents about their foster child's court case, either automatically, or by filing a *motion* (request) with the court asking for access to certain documents. Rules and procedures vary on how foster parents can request access to documents. In some jurisdictions, certain documents (such as caseworker reports) are automatically provided to foster parents who are parties.

### ***Full Access to the Court***

Some state statutes only allow foster parents without party status limited access to court hearings. For example, in some states foster parents who are not parties are only allowed in the courtroom during the time they are speaking and may be excluded when others are permitted to remain. In some places, foster parents may only be allowed to submit written information rather than being allowed to attend court hearings. In most instances, party status allows a foster parent full access to the court proceedings.

### ***Filing Motions to Request Court Orders***

While the federal ASFA allows foster parents the right to provide input to court hearings under the "notice and opportunity to be heard" provision, it does not require that courts allow foster parents to request court orders. In contrast, foster parents who are parties have the ability to request court orders requiring other parties in the case to perform certain tasks, such as requiring the child welfare agency to provide services to the child. Foster parents should keep in mind that courts may not grant every request a foster parent has and that all requests for services should be made to the child welfare agency before resorting to the court. In some instances, child welfare agencies may not have the resources to respond to all requests a foster parent makes.

### ***Cross-Examination***

Foster parents who are parties have a right to *cross-examine* (ask questions of witnesses under oath), just like other parties in court. Additionally, foster parents who are parties and present evidence to

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## REFERENCE NOTES

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the court may be more likely to be cross-examined by lawyers for the birth parents, the caseworker, the child and others involved in the case. Cross-examination can be an intimidating experience for most foster parents. In cases where one of the lawyers already involved in the case has requested that a foster parent testify for his or her client, that lawyer will usually prepare the foster parent for cross-examination by the other lawyers. In cases where the foster parents themselves are presenting evidence and anticipate being cross-examined, the foster parents may need to retain an experienced lawyer to assist them in presenting their evidence and in preparing for cross-examination by other parties' lawyers.

### **Appealing a Denial of Party Status**

Foster parents who are denied party status by the court may wish to appeal the denial to a higher court. In general, parties that are negatively impacted by a court's order may appeal (often referred to as an *aggrieved party*). In order to be an aggrieved party, the denial of party status must affect a substantial interest the foster parent has in becoming a party to the case. Foster parents who wish to appeal a denial of party status should contact an experienced attorney in their state to learn appropriate procedures to appeal a denial of party status, and should be aware that there are strict time deadlines for appeals.

### **Procedures for Requesting Party Status**

#### ***Varies By State***

Court procedures vary from state-to-state, and sometimes between courts within states. In most states, foster parents who wish to request party status must file a motion with the court. In some places, courts accept fairly informal motions and foster parents need not retain a lawyer to file the legal documents. There are some instances where foster parents are granted party status after making a simple verbal request for it in open court. In some courts, the child's attorney or the agency attorney typically tells the judge, on behalf of the foster parent, that the foster parent wants party status. In some courts, judges will even consider hand-written letters and home-made "motions" by foster parents, as long as they are respectfully worded and have been provided to the other parties in the case. In other courts, a more formalized written motion is required, there are certain time deadlines and procedures that must be followed, and foster parents need to retain an attorney to assist them in filing for party status. In one state, there are simple, standardized court forms for foster parents and others who wish to request party status.

### **Factors Affecting the Court's Granting of Party Status**

State courts have taken a number of different factors into account in deciding if and when to grant party status to foster parents. Some of the more common factors courts have considered are listed below. It is important to remember that, in most instances, it is up to the court to decide whether the foster parent will be a party and there may be any number of other factors a court may consider.

### ***Time Period the Child Has Resided With the Foster Parents***

Some states have statutes that require courts to automatically allow foster parents who have had a child in their home for a specified period of time to participate in certain hearings as parties. In New York,

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for example, foster parents whose foster child has lived with them for twelve months or more must be allowed to participate in the permanency hearing as a party. In Hawaii, foster parents are entitled by statute to participate in review hearings as a party and no review hearing can take place until the foster parents are served with notice.

Other states have statutes that give foster parents a right to intervene in a child's case as a matter of right within a specified time period. For instance, in Colorado, foster parents who have had a child in their care for more than three months may intervene as a matter of right with, or without, a lawyer once an *adjudication* (a determination whether the allegations of abuse or neglect against the parents are true) has taken place.

By statute, some states have a list of factors a court must consider in determining whether or not a foster parent meets the criteria for party status. Such lists usually contain a reference to the period of time the child has resided with the foster parent. Kansas law, for example, states that "the court shall take into consideration the length of time the child has resided with the person" as one of the factors to be considered in whether or not to grant a person status as an interested party.

At least one state has a statewide *rule of court* (a rule that regulates practice and procedure in courts) that provides guidance to judges when they are considering whether or not to grant standing to a foster parent. In California, courts may grant foster parents standing as de facto parents when they meet certain criteria and have had the child in their care for a "substantial period." Determination of what time period constitutes a "substantial period" for purposes of requesting the status varies depending on the facts of the case and is left up to the judge.

In most states, the characteristics necessary to qualify for party status are described in case law. Judges look to published decisions of higher courts to determine what set of circumstances entitle a foster parent to participate in the legal proceedings as a party. Cases in most states usually make reference to the period of time a child has lived with the foster parent. For example, in an Illinois case, the court considered the amount of time the foster parents had cared for the child (for two years informally as a friend of the child's mother before a petition for neglect was adjudicated and as foster parents after the court found that the child had been neglected in his mother's care) in finding that they were interested parties in the case.

### ***Foster Parent Has Information About the Child That May Assist the Court***

Foster parents who are caring for a child often have more knowledge about the child's current day-to-day activities and experiences than anyone else involved in the case. Some courts have granted foster parents party status in order to ensure that their information is available to the court. For example, an Ohio court allowed a child's foster parent to participate in an adjudicatory hearing, citing an earlier case where the court said that, "In many instances, it is the foster parents who know the most about the child's present situation and circumstances, and who also are likely to be concerned about the child's welfare." The court emphasized that because the participation of the foster parent helped the court to develop all the available information, the foster parent should be allowed to participate as a party. Likewise, courts in California have recognized that the juvenile court can only benefit from having as much information about the child as possible.

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### ***The Foster Parent Has Assumed the Obligations of Parenting***

Some courts look at whether the foster parents have assumed a parental role toward the child. Under Kansas law, for instance, the court must look at, “the degree to which the person has been standing in the place of or assumed the obligations of the child’s parent.” In California, a de facto parent is defined as, “a person who has been found by the court to have assumed, on a day-to-day basis, the role of parent, fulfilling the child’s physical and psychological needs for care and affection, and who has assumed that role for a substantial period.”

### ***Nature of the Relationship Between the Foster Parent and the Child***

Courts frequently look to the nature of the relationship between the foster parent and the child in deciding whether to grant party status. In a Florida case, the court explained that, “...as the nature of the foster parent/child’s ‘familial relationship’ becomes closer and stronger, so as to approach the level of the relationship between natural parents and their offspring, so too do the rights of the foster parents to preserve that relationship.” Some states have statutes that specifically mention the relationship between the foster parent and the child as a factor, such as Kansas, which requires the court to consider, “the nature of the custody, the relationship between the child and the person...”

### ***Best Interests of the Child***

In many states, the foster parent must show that it is in the best interests of the child to allow the foster parent to participate in the court proceedings as a party. For example, foster parents in Indiana may intervene in a case, “if the court determines that intervention of the petitioner (foster parent) is in the best interest of the child.” The best interest of the child is a concept that is interpreted by the court based on the facts of the specific case. Foster parents who are thinking about requesting party status will want to consider how the child’s best interests will be enhanced by their participation in the case as a party.

### ***Foster Parents Have Siblings of the Child***

As maintaining sibling ties has received more attention from child welfare agencies and courts, a few courts have looked favorably at requests by prospective adoptive parents to intervene in adoption proceedings for a sibling of their foster child. In a case where the prospective adoptive parents already had the child’s three siblings living with them, a Florida court found that they had an interest in the outcome of the case that was sufficient enough to allow them to intervene as parties when other foster parents with whom a fourth sibling was placed also filed an adoption petition. In contrast, other courts have held that foster parents who wanted to intervene in a case where the child was placed elsewhere, and the siblings had no personal relationship, were not allowed to do so.

### ***Limiting Foster Parent Rights as Parties***

A few courts have limited the rights of foster parents who are parties to doing only the things necessary to protect their interest in the child, and stopped short of granting them all the rights of other parties. For example, in a recent case, a Colorado court held that while a foster parent was entitled to participate in the child’s permanency planning hearing as a party, her participation was limited to her own direct testimony as to the child’s physical, mental, and emotional condition. The foster mother was not allowed to present other witnesses or evidence, examine or cross-examine any witnesses, or make any motions, objections, or legal arguments.

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## REFERENCE NOTES

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### **Deciding Whether or Not to Request Party Status**

#### *Legal Considerations*

There are many legal and non-legal considerations to weigh when deciding whether or not to request party status. In most cases, foster parents do not need to request party status and do not need to hire a lawyer to represent them. Simply providing information to the court for regularly scheduled court hearings does not require party status. Foster parents who wish to provide information to the court on the child's progress and needs may do so under the "notice and opportunity to be heard" provision in ASFA discussed earlier in this chapter.

Foster parents who are considering applying for party status will need to reflect on the individual circumstances of their foster child's case in determining whether (and when) to bring a motion for party status before the court. Many foster parents find it useful (and in some states, necessary) to speak with a lawyer experienced in child abuse and neglect cases to advise them if party status is proper in their individual situation. Factors to consider include whether or not the foster parent meets the legal criteria for the status in their state, whether it is the right time in the case to bring the motion, whether the local court has specific protocols or practices about when the status will be granted, whether there is a special application process, and whether the foster parent needs party status to accomplish her goals in the case. Foster parents should also be aware that foster parents who are parties are expected to attend every court hearing and it is more likely that they will be asked to testify, and be available for cross-examination. Foster parents who wish to become parties should inquire about specific protocols and procedures for making a request to the court for party status in their own jurisdiction.

#### *Non-Legal Considerations*

Foster parents who anticipate bringing a motion for party status should consider its effect on their relationships with others involved in the case. Communication with other system participants is important to ensure that there is no misunderstanding about why a foster parent is requesting the status. Foster parents should take care not to create an adversarial relationship with a child's birth parents, especially when reunification is the case plan goal for the child. Foster parents should contact their caseworker prior to bringing the motion to explain why they are requesting party status and to reassure the worker of their intent to work together in a collaborative partnership. Likewise, the child's attorney or guardian ad litem may be interested in knowing that a foster parent plans to request party status prior to the actual filing of the court documents.

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Courts vary in their perceptions of foster parents who request party status. In some instances, judges appreciate the unique perspective foster parents who are parties bring to the proceedings. Other judges are concerned, however, that foster parents who are parties may thwart the efforts of birth parents to have their child returned to them. Especially in cases where the foster parent has a long-term emotional bond with the child, courts may be more inclined to grant party status to that child's foster parents.

### *Weighing the Pros and Cons*

Foster parents seeking party status should never do so prematurely and only where the child's situation clearly warrants it. On the other hand, it may appear clear to the foster parent that, without party status, she will be hindered in participating fully in the court proceedings in a manner that she deems critical to a child's well-being. Courts recognize the interest birth parents and relatives have in keeping the child within her birth family, but in some cases, may also acknowledge the importance of the foster parent's relationship with the child. This is especially true in situations where the child has resided with the foster parent for an extensive period of time and has a strong bond with the foster parent. Courts generally look at the best interests of the child in making all determinations about the welfare of children.

Foster parents who request party status generally do so to indicate to the court that they have substantial interest in the child in their home. Other common reasons for requesting party status include gaining access to information about a child's court case, and ensuring that the court considers the foster parent's perspective on the child's safety and permanency needs. A foster parent who would like to become the permanent caregiver for the child might request party status if the case appears to be stalled, especially where delays are affecting the child's well-being. Ultimately, foster parents will need to carefully examine the pros and cons of requesting the status before going forward with the application.

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## REFERENCE NOTES

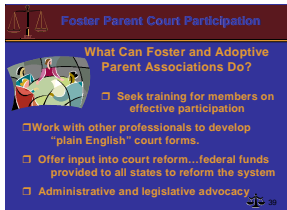
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### **Tips on When and How To Hire an Attorney**

Deciding if, when and how to hire an attorney depends on many factors, including the nature of the case, the specific issues currently involved in a case, the foster parents' ability to represent their own views and interests, and whether or not the foster parents' views are already being put forth by another party in the case. No two factual situations are the same and foster parents should carefully assess whether their individual circumstance requires the assistance of an attorney. Some general tips on retaining counsel are:

- Make a point of staying up-to-date on the general laws and regulations relating to foster parents and foster parenting.
- Hire an attorney well-versed in dependency (child abuse and neglect) law when you need to know how the general law applies to your specific situation.
- Merely providing information to the court about the child does not usually require the services of an attorney.
- Requesting party status may (in some jurisdictions) require the assistance of an attorney.
- Consider consulting an attorney any time a child is involuntarily removed from your home because you have been accused of abusing or neglecting him or her.
- Consult with and select an attorney you trust before the need to hire one arises.
- If you do not know an experienced dependency attorney in your area, contact your local bar association, legal aid office, foster and adoptive parent association, your foster family agency, or a non-profit lawyer referral service for a referral.
- Hire an attorney with substantial experience in dependency cases.
- Interview any attorney before you hire him/her.
- Make sure you understand what services your attorney will perform.
- Be clear on the attorney's rate of compensation and billing practices, and request this information in writing.
- If you use a pre-paid legal services plan, be certain you know the extent of the services they offer and whether they can adequately handle issues that are likely to arise in foster care cases.
- Work with local foster/adoptive parent organizations to compile a list of attorneys experienced in dependency cases in your area.

## Slide #39



## VII. Outcome Number Six: What Foster/Adoptive Parent Associations Can Do to Help (Slide #39)

### A. Training

1. States are seeking to provide training to implement the requirements of ASFA.
2. Actively seek training for members on how to participate in court effectively, including how to interact with others on the child welfare protection team. All team members have important insights.

### B. Procedures and forms--Work with other professionals to develop and disseminate "plain English" informational brochures and court forms.

### C. Advocacy

1. Participate in discussion and drafting of laws and regulations concerning foster care.
2. Learn how to advocate with agencies and lawmakers on how to meet the needs of foster children and parents.
3. Assign articulate members to participate on statewide task forces and groups designed to propose new laws that affect their members.
4. Be aware of pending legislation and make connections with sympathetic legislators.
5. Reach out to newly elected officials and mobilize members to contact legislators or officials when they have concerns about legislation or regulations.
6. Compile a list of attorneys well-versed in dependency issues

### D. Working with other system professionals

1. The definition of the foster parent role is changing and will continue to evolve through policy debate and changes in the law.
2. Develop professional relationships with other groups interested in child welfare law and policy.

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## REFERENCE NOTES

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# What Foster and Adoptive Parent Associations Can Do To Help

## Training

Child welfare agencies and the courts are increasingly asking foster parents to provide information to help them make decisions about foster children. Understanding how different decision making procedures work can ensure better quality decisions for children and ease any concerns foster parents have about participating in the process. Statutes in a few states already require that foster parents be trained on legal topics and many other states seek to provide training to implement the ASFA requirements. In Ohio, for instance, pre-placement training programs for foster parents must consist of certain courses, including one that addresses the legal rights and responsibilities of foster caregivers. In Illinois, foster parents have a responsibility to know and receive training regarding the purpose of administrative case reviews, client service plans, and court processes, as well as any filing or time requirements associated with those proceedings; foster parents also have the responsibility to actively participate in a designated role in the proceedings.

Foster and adoptive parent associations should actively seek training for their members on how to participate effectively in these processes, including how to interact with others on the child welfare protection team. All members of the team have important information to share and foster parents are no exception. Foster parents must remember that they have a unique perspective on the child's day-to-day needs and that others on the team can benefit from their insights.

## Procedures and Forms

Legal and administrative processes can be confusing to even the most well-intentioned foster parent. Foster and adoptive parent organizations should assist their members by working with other professionals to develop and disseminate "plain English" informational brochures and court forms that are easy and convenient for foster parents to use. Some states already provide their foster parents with standardized court forms. Kansas, for instance requires their foster parents to submit a report regarding the child's adjustment to the court at least every six months. The child welfare agency must notify foster parents of their duty to submit the report and Kansas state law includes a format for use by foster parents. Likewise, California has an informative pamphlet for foster parents, explaining how to participate in court, and also makes available an optional statewide *Caregiver Information Form* for foster parents to use in submitting written information about a child to the court. The form is available online at California's Administrative Office of the Courts website. In addition, California utilizes simple, user-friendly statewide court forms for use by foster parents and others who wish to apply for party status in a specific case.

## Administrative and Legislative Advocacy

Licensure, financial subsidies, training, grievance procedures, procedural and adoptive rights, liability for injuries to or by a foster child, and many other aspects of foster parenting are governed by state and federal statutes and regulations. Although most foster parents are aware of the requirements governing the care of the children in their homes, few participate in the discussions and drafting of

*Continued page 41*

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**MATERIALS/NOTES****OUTLINE/INSTRUCTOR ACTIVITY**

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3. Be seen as an indispensable part of any serious discussion about the welfare of children in foster care.
4. Be “at the table” when decisions are made about when and how foster parents can participate in decision-making.
5. Foster parents need to be being sensitive to the reluctance of others who may not always welcome their participation in court.
6. Foster parents who participate in court will support a fundamental shift in the way foster parents are treated in the future.



**Trainer Note: For the optional , but highly recommended, activity on challenging situations, skip to page 44 before doing the concluding activities. This activity includes slides 40-47.**

**If you do not have time for this activity, skip through the slides to #48 and go on to page 42 for the concluding activities.**

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## REFERENCE NOTES

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regulations, laws, and court rules and forms. Foster and adoptive parent associations should educate themselves on how to advocate with agencies and lawmakers on how to meet the needs of foster children and parents.

Associations should assign capable, articulate representatives to participate on statewide task forces and groups designed to propose and implement new laws, regulations, and forms that affect their members. Foster parents need to be aware of pending legislation that affects their families and have the resources to affect them. In many states there are one or more legislators who have particular expertise or interest in foster care, child welfare, and/or adoption. Foster and adoptive parent organizations should identify and build relationships with such legislators. They should reach out to newly elected officials to educate them on issues, as well. Associations also need to be able to mobilize their members to contact their legislators when they have concerns about a proposed piece of legislation or regulation.

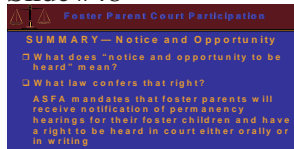
### **Working With Other System Professionals**

Foster parent organizations in every state need to develop professional relationships with other groups interested in child welfare law and policy. Being seen as an indispensable part of any serious discussion about the welfare of children in foster care provides foster and adoptive parent organizations with the forum they need to express their views. Being “at the table” when decisions are made about when and how foster parents can participate in decision-making activities is essential so that practical strategies can be crafted that take into consideration the foster parent perspective. Participation by foster parents in such groups ensures that policies can be implemented in a way that foster parents find helpful. Foster and adoptive parent organizations can accomplish many of their policy goals by making sure that

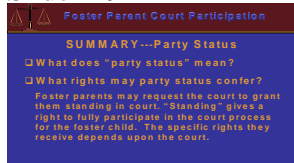
**VIII. Conclusion**

- A. Say, “To conclude, we are going to do a quick overview of the intended outcomes for today to see if we have accomplished our goal.” Quickly review, through audience participation, questioning and through use of the slides:
1. (Slide #48) What *notice and opportunity to be heard* means and what law grants that right to foster parents.
  2. (Slide #49) What *party status* means and the rights it confers
  3. (Slide #50) Major points concerning oral and written testimony to the court
  4. (Slide #51) What foster parent associations can do
- B. (Slide #52) Paraphrase, or read verbatim, “Looking Forward--Challenging the Culture or Fueling the Fire.” (Reference Notes p. 43)
- C. (Slide #53) Close by telling the group that the next seminar in this series is on allegations of maltreatment, chapter four in the *Legal Resource Manual for Foster Parents*. The manual can be downloaded at no cost from the National Foster Parent Association website at [www.NFPAinc.org](http://www.NFPAinc.org) or purchased from NFPA. Additional trainings in this series can be arranged through the NFPA national office.
- D. Thank the audience for their attention and participation
- E. Evaluation

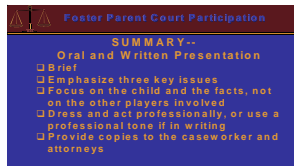
Slide #48



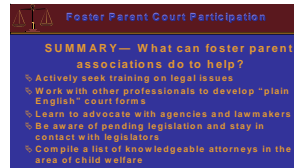
Slide #49



Slide #50



Slide #51



Slide #52



Slide #53



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## REFERENCE NOTES

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### **Looking Forward--Changing the Culture or Fueling the Fire**

Foster parents who participate in the court process, either under their right to “notice and an opportunity to be heard” or by achieving party status, have a unique opportunity to help the children in their care and, at the same time, change the child welfare system for future children. Foster parents who provide temporary care for children are sometimes viewed as paid care workers lacking real interest in, or insight into, a child’s feelings and needs. Foster parents interested in providing a permanent home to a child through legal guardianship or adoption are sometimes viewed as intruders into a realm meant only for biological parents. Neither characterization is true, but since most foster parents have not participated in court in the past, other court participants sometimes rely on stereotypes that are not accurate portrayals of the real foster parents who care for vulnerable children. Contemporary foster parents respect the rights and protections afforded to a child’s birth family and the importance of maintaining relationships with other important people in the child’s life while, at the same time, working to ensure that each child finds a permanent, loving home by returning home to his parents or relatives or by placement with an adoptive or guardianship family.

Foster parents who participate in the court process must understand that other system professionals may, at times, view their participation as exceeding the scope of the foster parent’s proper role. The historical importance of the birth family in law and policy may give rise to a perception that inclusion of foster parents in the court process diminishes the protections enjoyed by a child’s birth parents and relatives. Foster parents, many of whom have raised biological as well as foster children, know that their foster children benefit when foster families and biological families work together for the well-being of the child.

The definition of the foster parent role is changing and will continue to evolve through public policy debate and changes in law. In the past, some agencies and courts have focused on the, “uniquely limited and subordinate, state-created, agency-maintained foster parent/child relationship,” while others believed that, “if we exclude foster parents from the hearing process, we needlessly leave out an important source of information about the child, and in the end, it is the dependent child who suffers.”

Foster parents should be sensitive to the reluctance of others who may, for a variety of reasons, not always welcome their participation in court. Today’s foster parents should stay focused on ensuring that the court has all the relevant information necessary to make the most well-informed decisions about each child’s case. Foster parents who conduct themselves in a professional, polite manner will quickly garner the respect of others involved in the case and will contribute to a change in the way foster parents are perceived and valued. Foster parents who participate appropriately in court, will not fuel the fire of exclusion, but instead will support a fundamental shift in the way foster parents are treated in the future.

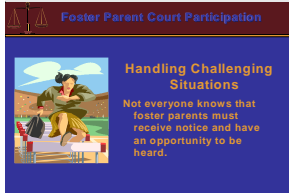
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## REFERENCE NOTES

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### ACTIVITY #4 (OPTIONAL) --CHALLENGING SITUATIONS

Slide #40



The following activity will be useful in helping foster parents prepare to deal with the most common challenges they might face in receiving notice and exercising their right to be heard in court.

To best prepare for this activity, it would be helpful to obtain the following information:

- \*state and local laws and regulations governing how notice of court hearings is to be given.
- \*what information foster parents should receive about their foster child's court case

**Transition Statement:** We have talked about the ASFA requirement that foster parents receive notice and an opportunity to be heard at permanency hearings. We have talked about what should be included in oral and written statements to the court. What is supposed to happen doesn't always happen. Eventually, everyone will be on board with this requirement. In the interim, you may face one or more of the following challenging situations. Being prepared for the unexpected helps in dealing with the situation appropriately. We are going to look at some challenging situations and together determine how best to handle them.

**Directions:**

1. Divide the group into seven small groups.
2. Provide each group one challenging situation of the seven provided (See Appendix for handouts.)
3. Give each group chart paper and markers.
4. Have each group select a recorder.
5. Ask each group to read over their challenging situation and brainstorm ways to handle it, recording these on the chart paper. Circulate among the groups to answer questions and to keep them focused. If the venue allows, tape the chart paper to the walls.

**Note:** See the following four pages for guidance in assisting groups and for use in final brainstorming.

6. Reconvene as a large group and have each small group present their situation and their solutions. Brainstorm other possible solutions that may come from the whole group.

**Return to page 42 for concluding activities.**

### CHALLENGING SITUATIONS

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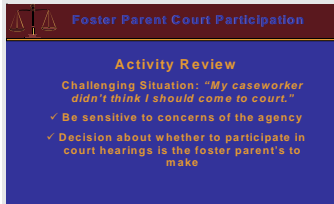
## REFERENCE NOTES

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### ***“My caseworker didn’t think I should come to court.”***

Agency caseworkers may tell foster parents that they do not need to come to court or that “it is not necessary” for them to be there. There may be any number of reasons why a caseworker may advise a foster parent not to participate in the court process. The caseworker may not be aware that the foster parent has a right to provide input to the court or may believe that the foster parent has no additional information to contribute to the process. Some caseworkers may believe that the presence of the foster parent will unduly upset the birth parents or that the foster parent may disclose information to the court that the caseworker has not yet heard. Some workers may be concerned that the local court often requires court participants to wait several hours for hearings and may not view the foster parent’s participation as a productive use of the caregiver’s time.

#### Slide #41



Foster parents who plan to attend court hearings or submit information to the court should explain to their agency caseworker that they are planning to participate in the court process. If the caseworker raises concerns about their participation, foster parents can ask the worker to explain why he or she does not believe it would be beneficial for the foster parent to attend the court hearing. Foster parents should be sensitive to any concerns of the agency worker, but the decision whether to participate in court hearings must be made

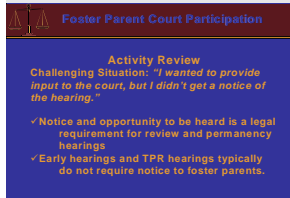
by the foster parent.

### ***“I wanted to provide input to the court, but I didn’t get a notice of the hearing.”***

All states have laws that require agencies or courts to provide notice of upcoming hearings to all the people who have a legal right to provide input to the court at that hearing. Foster parents who are not receiving notice of hearings should check their state law and local procedures (the form of the notice and the method of giving notice may vary from court to court) to find out how notice must be provided. Since state and local practices vary, foster parents should know what specific hearings they should be receiving notice of, and who is responsible for providing the notice to them. In some states, the child welfare agency is required to submit proof to the court that the foster parents got notice of the hearing. And, in a few states, the hearing must be *continued* (delayed) if the child welfare agency does not provide proof that the foster

## REFERENCE NOTES

### Slide #42



Activity Review  
Challenging Situation: "I wanted to provide input to the court, but I didn't get a notice of the hearing."  
✓ Notice and opportunity to be heard is a legal requirement for review and permanency hearings  
✓ Early hearings and TPR hearings typically do not require notice to foster parents.

parent got notice of the hearing. In some areas, the court may provide notice of hearings to the foster parents if the foster parents live in the same locality. Foster parents must also remember that there are some hearings that they are not entitled to attend or provide input for. In many states, court hearings that occur very early on after the child is removed from his parents and hearings for termination of parental rights do not require that the foster parents receive notice.

***“The judge in my court told me I wasn’t allowed to be there.”***

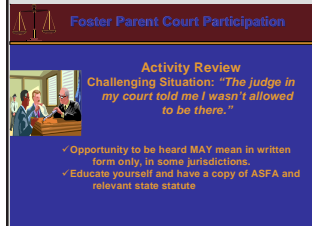
Some state and local court rules do not require that foster parents be allowed to appear in person at the hearing and speak to the judge or be in the courtroom for the entire hearing. In some areas, foster parents may be permitted to submit information in writing but not be allowed to be present in the courtroom or to be present only for a portion of the hearing, but then excused when others are permitted to remain. As a result, in some areas, judges may not allow foster parents to be physically present in the courtroom for the entire hearing and speak to the judge.

In addition, the federal law that allows foster parents to participate in juvenile court hearings is relatively new. Just like caseworkers, some judges may be unaware that foster parents have a legal right to provide their input to the juvenile court. Foster parents should educate themselves and have a current copy of the section of the federal ASFA and their own state law that relates to foster parent court participation when they attend court hearings or attempt to file any documents with the court. Having a copy of the relevant law often provides information to both the foster parent and to other participants in the juvenile court system about the foster parent’s right to provide input for court hearings and how that information may be provided. Court clerks and other court personnel are often helpful in explaining how local judges prefer to receive information from foster parents.

Very few states have specific laws that set out how foster parents who are denied the opportunity to provide input into the court process can appeal the denial. One state, (Illinois) however, allows foster parents who are not allowed to be heard to bring a *mandamus action* (a request to a higher court to issue an order to a lower court to take a particular action) to enforce their opportunity to be heard.<sup>3</sup> In addition, in at least one reported case, foster parents who did not receive notice of a permanent custody hearing obtained a temporary restraining order from a federal court based on the juvenile court’s failure to

## REFERENCE NOTES

### Slide #43



**Foster Parent Court Participation**

**Activity Review**  
Challenging Situation: "The judge in my court told me I wasn't allowed to be there."

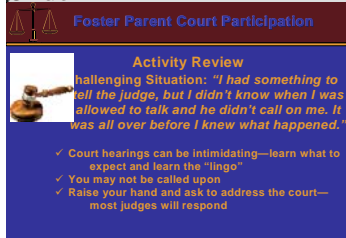
- ✓ Opportunity to be heard MAY mean in written form only, in some jurisdictions.
- ✓ Educate yourself and have a copy of ASFA and relevant state statute

give them notice and an opportunity to be heard. Foster parents who are denied their opportunity to be heard in court may want to inquire about procedures in their state to appeal the denial, but will need to retain an attorney to assist them in doing so.

***"I had something to tell the judge, but I didn't know when I was allowed to talk and he didn't call on me. It was all over before I knew what happened."***

Court hearings can be intimidating, even for experienced professionals in the child welfare field. Foster parents need to educate themselves about the juvenile court process and learn what to expect in court. Like all professionals, attorneys and judges have a specialized vocabulary that can be confusing at times. Foster parents who regularly attend court hearings quickly learn the "lingo" and many judges learn to rely on them for key insights into how a particular child is faring in their home. Learning proper courtroom protocol and procedure can assist foster parents in feeling more comfortable with the formalized setting of the courtroom. Attorneys who represent children or child welfare agencies may be willing to assist foster parents by providing training at foster parent association meetings on local court practices and how to

### Slide #44



**Foster Parent Court Participation**

**Activity Review**  
Challenging Situation: "I had something to tell the judge, but I didn't know when I was allowed to talk and he didn't call on me. It was all over before I knew what happened."

- ✓ Court hearings can be intimidating—learn what to expect and learn the "lingo"
- ✓ You may not be called upon
- ✓ Raise your hand and ask to address the court—most judges will respond

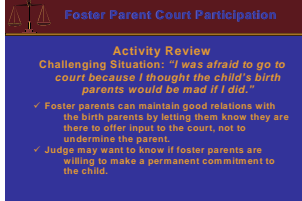
participate in court effectively. In addition, attorneys who know individual foster parents are often willing to explain what a particular term means or to clarify what occurred at a particular hearing. If the foster parent has an important comment to make and has not had an opportunity to speak, she should not assume she will be "called on." Foster parents may need to assert their right to be heard, especially if there is something urgent to bring to the court's attention. Most judges will respond to a foster parent who raises her hand and asks to address the court.

***"I was afraid to go to court because I thought the child's birth parents would be mad if I did."***

Foster parents often fear that a child's birth parents will be upset if they attend court. While it is important to maintain a good relationship with the child's parents, foster parents also need to understand what the court is ordering to happen for the child so that they can implement the court's orders. Foster parents

## REFERENCE NOTES

### Slide #45



**Foster Parent Court Participation**

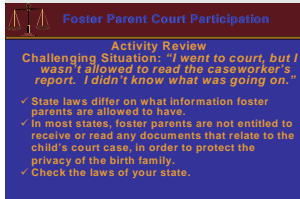
**Activity Review**  
Challenging Situation: "I was afraid to go to court because I thought the child's birth parents would be mad if I did."  
✓ Foster parents can maintain good relations with the birth parents by letting them know they are there to offer input to the court, not to undermine the parent.  
✓ Judge may want to know if foster parents are willing to make a permanent commitment to the child.

who plan to appear in court should let their caseworker and the other system participants know that they are there to offer information to the court, not to undermine the parent's chances of having the child return home. In cases where the court has ordered that services to the child's parents be terminated, many judges will want to know if the foster parents are willing to make a permanent commitment to the child through adoption or legal guardianship.

***"I went to court, but I wasn't allowed to read the caseworker's report. I didn't know what was going on."***

State laws differ on what information foster parents are allowed to have about their foster children's court cases. In a few states, foster parents are entitled to receive copies of the *social study report* (the report the caseworker prepares for the court hearing) and at least some portion of the *case plan* (the child welfare agency's plan that lays out what activities the agency, the child's birth parents, the child, and the

### Slide #46



**Foster Parent Court Participation**

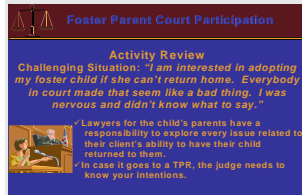
**Activity Review**  
Challenging Situation: "I went to court, but I wasn't allowed to read the caseworker's report. I didn't know what was going on."  
✓ State laws differ on what information foster parents are allowed to have.  
✓ In most states, foster parents are not entitled to receive or read any documents that relate to the child's court case, in order to protect the privacy of the birth family.  
✓ Check the laws of your state.

foster parents are responsible for). In most states, foster parents are not entitled to receive or read any documents that relate to the child's court case in order to protect the privacy of birth families. Foster parents should check their state law to find out what information (if any) they should be receiving about their foster child's court case.

***"I am interested in adopting my foster child if she can't return home. Everybody in court made that seem like a bad thing. I was nervous and didn't know what to say."***

Foster parents sometimes feel uncomfortable when one of the attorneys in the courtroom (typically the attorney for a birth parent) asks the foster parent if he or she is really trying to help the child reunify with his parents, implying that the foster parent is undermining attempts by the birth parents to regain custody of their child. This can be upsetting and confusing to foster parents who feel they are working well with a child's parents, but also wish to remain available as a permanent resource if the child cannot go home.

### Slide #47



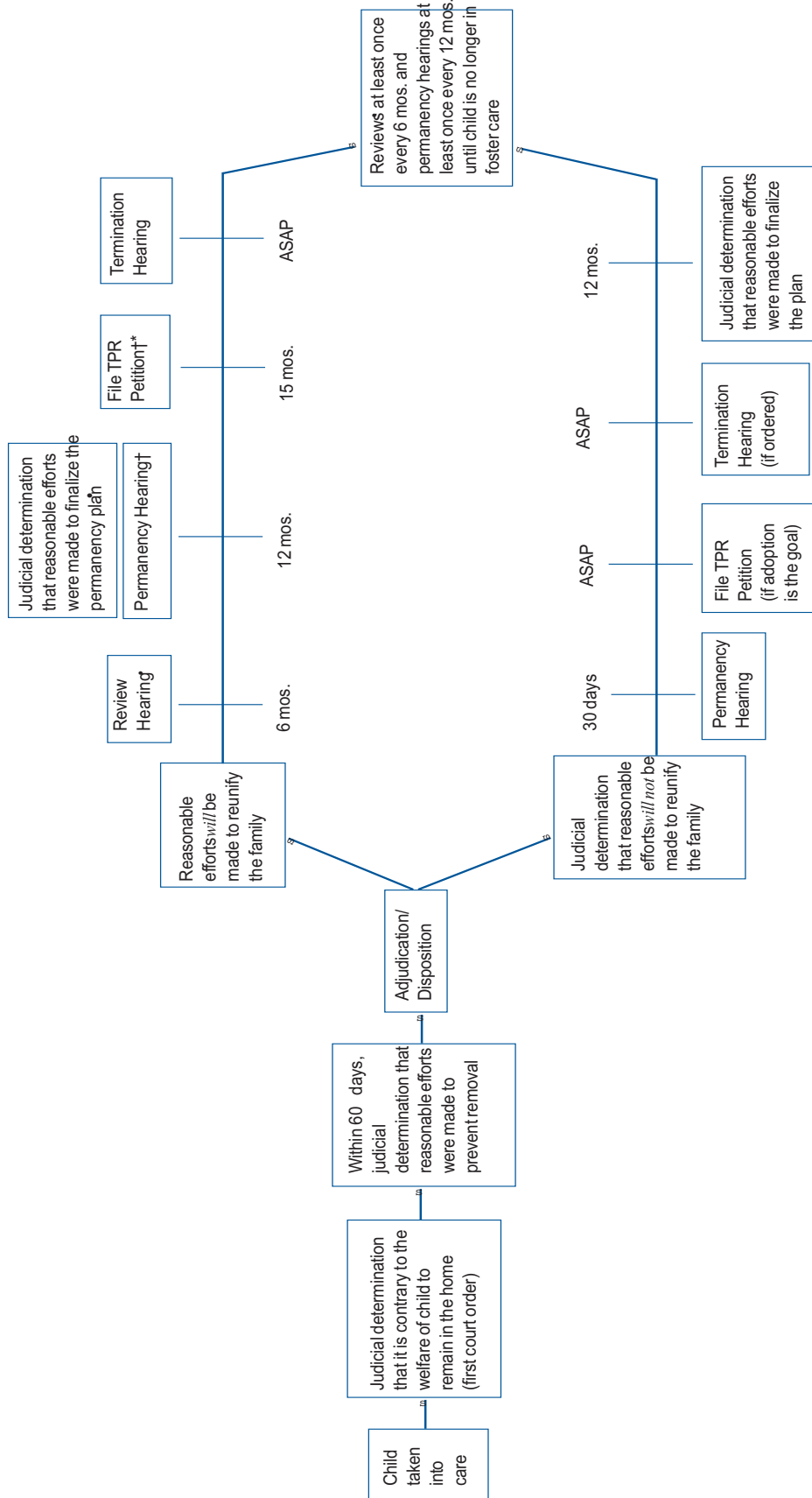
**Foster Parent Court Participation**

**Activity Review**  
Challenging Situation: "I am interested in adopting my foster child if she can't return home. Everybody in court made that seem like a bad thing. I was nervous and didn't know what to say."  
✓ Lawyers for the child's parents have a responsibility to explore every issue related to their client's ability to have their child returned to them.  
✓ In case it goes to a TPR, the judge needs to know your intentions.

# APPENDIX



## ADOPTION AND SAFE FAMILIES ACT TIMELINE



\* If the review hearing is held by the court, it must be held at least once every six months.

• The determination that reasonable efforts to finalize the plan be made is often made at the permanency hearing, although at another point in the proceedings as long as the 12 month deadline is met.

† When calculating when to have the permanency hearing or the 15 of 22 months, use the earlier of the date of adjudication or the date the child is removed from the home.

\* Unless one of the following exceptions is documented: child is being cared for by a relative, agency has not provided services deemed necessary to rehabilitate the family, or a compelling reason exists.



# Useful Information for the Court

## ***Placement Information***

- The date the child came to the foster home and a brief description of the child's physical and emotional condition at that time.

## ***Medical Information***

- Doctor visits or hospitalizations since the last court hearing, and the results of those visits.
- Any medications the child is taking, and the dosages.
- Any adverse reactions the child has had to medical procedures or medications.
- A brief description of the child's physical development, and any developmental lags the foster parents have observed.

## ***Dental Information***

- Visits to the dentist since the last court hearing, and the results of those visits.

## ***Educational Information***

- The child's grade in school, and whether the child is performing at grade level.
- The dates of any school conferences foster parents have attended, and the results of those conferences (especially if the child is in special education classes).

## ***Behavioral Information***

- A brief description of the child's behavior while in the foster parent's home.
- Any services the child is receiving to address behavioral problems, who is providing the services, and how often the child goes for the services.
- A brief description of how the child expresses his feelings and needs.
- A brief description of the child's eating and sleeping patterns and any problems the child has eating or sleeping.

## ***Child's Adjustment to Living Arrangement***

- A brief description of the child's social skills and peer relationships.
- A brief description of how the child is interacting with other members of the foster parent's family.

## ***Child's Special Interests and Activities***

- A brief description of any special activities the child participates in (Scouts, music lessons, religious groups, etc.) and how often the child participates in them.

- A brief description of any talents, interests, hobbies, or skills the foster parent has observed in the child.

### ***Visitation***

- The dates of visits between the child and her parents or other family members.
- A brief factual description of the child's behavior (and, where relevant, physical appearance) before and after visits. *Carefully describe only the child's behavior or appearance unless the child welfare agency has specified supervision of birth parent visits as part of the foster parent's role. In that case, follow the instructions of the child welfare agency on reporting child/ birth parent interaction. In general, foster parents should not comment on the reason for the behavior.*
- A brief description of any arrangements for sibling visitation.
- The dates of contacts between the child and the child's parents or other family members, including telephone, letters, e-mail.

### ***Professional Contacts***

- All in-person and telephone contacts between the foster parents and the child's caseworker.
- All in-person and telephone contacts between the foster parents and the child's attorney or guardian ad litem/GAL (GALs represent a child's best interest).
- All in-person and telephone contacts between the foster parents and the child's Court Appointed Special Advocate (CASA), if the child has one.

### ***Willingness of the Foster Parent To Adopt or Become a Legal Guardian***

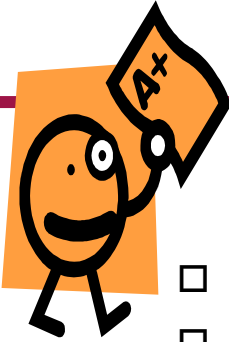
- If services to the child's birth parents have not been terminated, the **ability** of the foster parents to adopt or become a legal guardian for the child if he cannot return home. If services to the birth parents have been terminated, the **desire** of the foster parents to adopt or become legal guardians for the child. *Foster parents should communicate their own ability and desire to care for the child. They should never compare themselves to the birth parents.*

### ***Recommendations for Services That Could Benefit the Child***

- The child's need for any specialized services that she is not currently receiving. (For example, Independent Living Services, tutoring, mental health services, disability assessment, etc).

### ***A Photograph of the Child***

## Effective Written Reports



- Focus on the child.
  - Find out what the court will be deciding at the upcoming hearing and provide information that will assist the court in making those decisions.
  - Provide facts, not personal opinions.
  - Be brief – a few (two or three) well-organized pages.
  - Type or use a word processor, if at all possible.
  - Make the information easy to read, with headings or subtitles.
  - Use foster parent court forms, if your state has them.
  - Avoid negative comments about birth parents and others involved in the case.
  - All information must be legible.
  - Attach supporting documents, if appropriate.
  - Use a professional tone, but do not try to appear to be an expert.
  - Submit written reports to the court well before the hearing (10 days is usually adequate, but ask about state and local procedures).
  - Provide copies to the caseworker and all the lawyers involved in the case.
- Bring additional copies with you to court.
- Understand that the court may make decisions that you do not agree with.



## Foster Parents Making a Difference in Court “Annie and Nora”



Nancy and Fred Smith became foster parents after seeing television and internet messages promoting foster care and adoption of abused and neglected children. They became licensed through an agency. They agreed with the agency to support reunification efforts fully, but also agreed they would commit to providing a permanent home for a child placed in their care if he or she could not return to their original birth family.

The agency placed two half-sisters, twelve-year-old Annie and four-year-old Nora with the Smiths. Annie and Nora had been removed from their mother, Carol and Carol said she did not know the girls' fathers. Carol had longstanding substance abuse and mental health problems that meant she often left her daughters alone and forgot to feed them, though she loved them dearly. The girls were removed from their mother after a neighbor called child protective services because she thought the girls had been left alone all night in Carol's apartment. When the caseworker arrived, the apartment was strewn with garbage, there was no food in the apartment and Nora was alone. Annie arrived at the apartment about 10 minutes after the caseworker with a couple of candy bars for herself and her sister. She said her mother had been at home most of the night, but the caseworker didn't believe her. The caseworker removed Nora at that point but left Annie with her mother. Carol voluntarily placed Annie in foster care a few months later after she got in trouble for skipping classes at school and stealing food at a local liquor store.

When Annie and Nora arrived at the Smith's home, neither were current in their immunizations, both had a severe case of head lice and they seemed very hungry – often hiding food under their beds. Annie was behind in school and didn't want to do her homework. She would also sometimes get very angry and aggressive when Fred or Nancy tried to care for Nora. At one point, she told Nancy that she was in charge of Nora and “she didn't need any stupid foster parent telling her what to do.” Nora, on the other hand, seemed starved for attention and was always trying to get her sister to do things for her. She had never been to pre-school, didn't know her ABC's and relied on Annie to talk for her. As a result, Nora's speech was delayed and it was hard for Nancy and Fred to understand her. They also weren't sure Nora heard everything they said, since she sometimes didn't respond when they spoke to her from across the room. Both children told Fred and Nancy they missed their mother and “just wanted to go home.”

After an initial adjustment period, the sisters slowly began to adjust to the routines in their new environment. Without being coached, Nora began calling Fred and Nancy “mom” and “dad.” The Smiths didn't know if that was appropriate, but didn't want to hurt the children's feelings either. Annie continued to be somewhat aggressive, but was often more withdrawn than Nora. She hated school and

was always complaining of headaches or stomachaches. The only way the Smiths got her to school was for Fred to drive her there and walk her to class every morning. Even with better attendance, Annie was still getting some failing grades. The Smiths requested a meeting with the school to ask whether Annie needed special services, but the school said that special education issues could only be discussed with parents or legal guardians. They had heard from their social worker that the girls had an attorney, but weren't sure if the attorney might be able to help make sure Annie's educational needs were being met. They kept hoping the attorney would call, but didn't know how to contact her to ask for help with the school district rules.

They decided to take Annie to a doctor to see if there was a reason she might be complaining so much. Because the children were covered by Medicaid, there were few doctors to choose from, and those doctors had long waiting lists. Fred's employer told him that if he was a legal guardian, he could get both children placed on his health insurance plan. As of the date of the permanency hearing, neither Nora nor Annie had had a complete physical.

About 6 months after the Annie came to live with the Smiths, she began asking when her father would be allowed to visit. The Smiths weren't aware of any fathers, but Annie said that her father lived in town and used to visit before the children came into foster care. The caseworker told the Smiths they didn't have any names or addresses for the fathers and that paternity hadn't been established.

Visits for the children were supposed to occur twice a week unsupervised for an hour with Carol. The agency asked Nancy to help out with transportation since she was home with Nora during the day. Nancy drove the girls 45 minutes each way to the visits at Carol's apartment. At first, Nancy would go to a shopping center twenty minutes away during the visits, but after awhile Carol told her she should stay during the visits. Nancy wasn't sure that was a good idea, but Carol insisted. Nancy was worried that Carol often watched adult TV shows during the visits and would sometimes leave the apartment and return near the end of the visit time. At times, Carol showed affection for the children by hugging them or telling them they were good, but sometimes she yelled at them and called them names like "monsters". Since Carol rarely had food for the girls, Nancy made it a point of bringing some extra snacks and also gave Carol photos of the girls doing their latest school activities. Quite a few times, Nancy drove the girls to Carol's only to find that she wasn't home. After missed visits, Annie was angrier than usual and notes would be sent home from her teachers about her fighting at school. Nora, on the other hand, seemed relieved when her mother wasn't home and would ask anxiously if they could just go home (to the Smiths) instead. Annie usually liked the visits with her mother, but would spend most of the time watching adult TV shows.

The caseworker had visited the girls on a monthly basis and been helpful in providing a Medicaid card, but didn't know what to do about Annie's educational problems and couldn't answer the Smiths' technical questions about legal guardianship and adoption. The Smiths hoped that perhaps the girls' attorney would contact them before the permanency hearing so they could relay information to her about how the girls were doing.

Written Submission #1

Dear Judge,

I am giving you this letter this morning because I want you to know what is going on. I want to let you know that I am upset about what is happening with these girls. I have tried my best to straighten things out, but nothing good is going on. First of all, the visits aren't working out. The mother isn't there and also it just gets me and the girls all upset. The kids are really hard for me to handle when she's not there. She has all these TV shows on that aren't right for the girls and Annie is just watching them. I don't think it is right. And I'm staying there because someone needs to and the mother wants me to. Sometimes she leaves and I guess I should be there but I don't really know what to do. I think it would be best to just stop this but the social worker isn't doing that. The teachers don't like it either and it causes fights at school.

And the social worker isn't much help with the school either. She can't figure out what to do for Annie and my husband is stuck taking her to school all the time. And the school is really hard to get to do anything about her schoolwork. We tried but they don't listen to us even though Annie is having a real hard time. I really think you have to do something about this. And I can't get her into the doctor to find out if there is a problem there because they are too busy to do it. Besides maybe the father can help but we don't know what that is all about and neither does the social worker.

It's been a really hard time trying to settle these girls down. Now it's better but it could get worse again. The girls love their mother but it just isn't a good situation there. We have gotten Annie so she doesn't have to take care of Nora all the time and she can let us do it, but they could start hiding food and candy again if some of these problems don't get worked out. Nora wants Annie to talk for her all the time, but I don't let it go. I just tell her to do it herself and she does it at our house but she doesn't do that with the mother. Nora needs to see the doctor to but we haven't been able to work that out. Nora calls me Mom and I think she needs to do that because it is natural for a child to do that, right? I didn't ask her to do that. It took us forever to get rid of the lice. Besides, the girls need good food and we have that at our house. I just want the right things to happen for these girls. Please listen to what I said because we are trying to do the right thing.

Thank you,

Nancy





**Special Interests and Activities**

Annie loves to sing, and recently received an award at school for her participation in the school chorus. She has also mentioned that she would like to learn how to play the flute, so we are checking into whether lessons can be arranged through the school band teacher.

**Visits with Parent**

I transport Annie and Nora to twice weekly visits with their mother, Carol at her home. Carol has been home for 29 out of 48 scheduled visits. After missed visits, Annie is angrier than usual and I received notes from teachers 7 times about her fighting at school after missed visits (see attached). During most of the other visits, I remained at the visits at Carol's request. I usually bring snacks and sometimes photos of the girls to give to their mother. Carol sometimes shows affection for the children at visits by hugging them or telling them they are good, but sometimes yells at them and calls them names. She often watches adult TV shows during the visits. Annie recently asked when her father would be allowed to visit her. We are not aware of any fathers and there are no visits currently planned.

**Professional Contacts**

Annie's social worker visits her monthly in our home. He was very helpful in getting us Annie's Medicaid card. We do not know who Annie's attorney/guardian ad litem is.

**Permanency**

We are willing and able to provide a permanent home for Annie and her sister, Nora if the court decides that the children will not be going home. We are interested in obtaining additional information about adoption and legal guardianship options for foster parents, especially about access to health insurance coverage and how to handle special education issues.

**Other Important Information**

We love Annie and her sister, Nora very much and want the best for both of them. Annie has made great strides since the last court hearing and seems to be enjoying childhood activities more than when she first came to our home. We are available to provide care for the girls for as long as they need us.

Respectfully submitted,

Nancy Smith  
Foster parent

# FLASH!

## **New Information Three Weeks Before the Permanency Hearing**

The girls' caseworker has been contacted by Joe, a man claiming to be Annie's father. He said he does not want to care for Annie or have any contact with her. However, he has requested that Annie be placed with Lucy, an out-of-state paternal great aunt. Aunt Lucy is nearing seventy, has quite a few health problems but once had a close relationship with Annie as a little girl. Lucy was not aware that Annie is in foster care. Lucy is not related to Nora. No one previously told the agency or the court that Lucy existed.

When the caseworker mentioned Lucy to Annie, Annie spoke fondly of her "Auntie Lucy." But when the caseworker raised the possibility with the girls of Annie moving to live with her aunt, both girls became upset. Annie's school counselor has begun calling Nancy nearly every day to report that her behavior at school is deteriorating.

The Smiths had hoped that both girls would permanently remain with them, but now don't know what will happen.

**Pretend you are Fred or Nancy, preparing at home for the permanency hearing.**

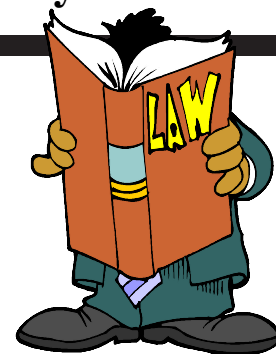
*What information will Fred or Nancy want to tell the judge:*

- a. Information about the children*
- b. Information about themselves*



## Tips on When and How To Hire an Attorney

Deciding if, when and how to hire an attorney depends on many factors, including the nature of the case, the specific issues currently involved in a case, the foster parents' ability to represent their own views and interests, and whether or not the foster parents' views are already being put forth by another party in the case. No two factual situations are the same and foster parents should carefully assess whether their individual circumstance requires the assistance of a lawyer. Some general tips on retaining counsel are:



- Make a point of staying up-to-date on the general laws and regulations relating to foster parents and foster parenting
- Hire an attorney well-versed in dependency (child abuse and neglect) law when you need to know how the general law applies to your specific situation
- Merely providing information to the court about the child does not usually require the services of an attorney
- Requesting party status may (in some jurisdictions) require the assistance of a lawyer
- Consider consulting a lawyer any time a child is involuntarily removed from your home because you have been accused of abusing or neglecting him or her.
- Consult with and select a lawyer you trust before the need to hire one arises.
- If you do not know an experienced dependency lawyer in your area, contact your local bar association, legal aid office, foster and adoptive parent association, your foster family agency, or a non-profit lawyer referral service for a referral
- Hire a lawyer with substantial experience in dependency cases
- Interview any lawyer before you hire him/her
- Make sure you understand what services your lawyer will perform
- Be clear on the lawyer's rate of compensation and billing practices, and request this information in writing
- If you use a pre-paid legal services plan, be certain you know the extent of the services they offer and whether they can adequately handle issues that are likely to arise in foster care cases
- Work with local foster and adoptive parent organizations to compile a list of lawyers experienced in dependency cases in your area



# Deciding Whether or Not to Request Party Status

## *Legal Considerations*

There are many legal and non-legal considerations to weigh when deciding whether or not to request party status. In most cases, foster parents do not need to request party status and do not need to hire a lawyer to represent them. Simply providing information to the court for regularly scheduled court hearings does not require party status. Foster parents who wish to provide information to the court on the child's progress and needs may do so under the "notice and opportunity to be heard" provision in ASFA discussed earlier in this chapter.

Foster parents who are considering applying for party status will need to reflect on the individual circumstances of their foster child's case in determining whether (and when) to bring a motion for party status before the court. Many foster parents find it useful (and in some states, necessary) to speak with a lawyer experienced in child abuse and neglect cases to advise them if party status is proper in their individual situation. Factors to consider include whether or not the foster parent meets the legal criteria for the status in their state, whether it is the right time in the case to bring the motion, whether the local court has specific protocols or practices about when the status will be granted, whether there is a special application process, and whether the foster parent needs party status to accomplish her goals in the case. Foster parents should also be aware that foster parents who are parties are expected to attend every court hearing and it is more likely that they will be asked to testify, and be available for cross-examination. Foster parents who wish to become parties should inquire about specific protocols and procedures for making a request to the court for party status in their own jurisdiction.

## *Non-Legal Considerations*

Foster parents who anticipate bringing a motion for party status should consider its effect on their relationships with others involved in the case. Communication with other system participants is important to ensure that there is no misunderstanding about why a foster parent is requesting the status. Foster parents should take care not to create an adversarial relationship with a child's birth parents, especially when reunification is the case plan goal for the child. Foster parents should contact their caseworker prior to bringing the motion to explain why they are requesting party status and to reassure the worker of their intent to work together in a collaborative partnership. Likewise, the child's attorney or guardian ad litem may be interested in knowing that a foster parent plans to request party status prior to the actual filing of the court documents.

Courts vary in their perceptions of foster parents who request party status. In some instances, judges appreciate the unique perspective foster parents who are parties bring to the proceedings. Other judges are concerned, however, that foster parents who are parties may thwart the efforts of birth parents to have their child returned to them. Especially in cases where the foster parent has a long-term emotional bond with the child, courts may be more inclined to grant party status to that child's foster parents.

### ***Weighing the Pros and Cons***

Foster parents seeking party status should never do so prematurely and only where the child's situation clearly warrants it. On the other hand, it may appear clear to the foster parent that, without party status, she will be hindered in participating fully in the court proceedings in a manner that she deems critical to a child's well-being. Courts recognize the interest birth parents and relatives have in keeping the child within her birth family, but in some cases, may also acknowledge the importance of the foster parent's relationship with the child. This is especially true in situations where the child has resided with the foster parent for an extensive period of time and has a strong bond with the foster parent. Courts generally look at the best interests of the child in making all determinations about the welfare of children.

Foster parents who request party status generally do so to indicate to the court that they have substantial interest in the child in their home. Other common reasons for requesting party status include gaining access to information about a child's court case, and ensuring that the court considers the foster parent's perspective on the child's safety and permanency needs. A foster parent who would like to become the permanent caregiver for the child might request party status if the case appears to be stalled, especially where delays are affecting the child's well-being. Ultimately, foster parents will need to carefully examine the pros and cons of requesting the status before going forward with the application.

## CHALLENGING SITUATIONS

Directions: Reproduce this page and cut into strips with one challenging situation on each strip.

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*“My caseworker didn’t think I should come to court.”*

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*“I wanted to provide input to the court, but I didn’t get a notice of the hearing.”*

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*“The judge in my court told me I wasn’t allowed to be there.”*

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*“I had something to tell the judge, but I didn’t know when I was allowed to talk and he didn’t call on me. It was all over before I knew what happened.”*

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*“I went to court, but I wasn’t allowed to read the caseworker’s report. I didn’t know what was going on.”*

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*“I am interested in adopting my foster child if she can’t return home. Everybody in court made that seem like a bad thing. I was nervous and didn’t know what to say.”*

---

*“I was afraid to go to court because I thought the child’s birth parents would be mad if I did.”*



<b>SUPERIOR COURT OF _____, COUNTY OF _____</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE:	FOR COURT USE ONLY
CASE NUMBER: HEARING DATE:	
<b>CAREGIVER INFORMATION FORM</b>	

**To the foster parent or relative caregiver of the child: You can submit written information to the court and you can be heard at periodic review and permanency hearings. This optional form may assist you in providing written information to the court. Please type or print clearly in ink and submit the form well in advance of the hearing. Be aware that other individuals involved in the case have access to this information.**

1. Child's name: \_\_\_\_\_  
 Child's date of birth: \_\_\_\_\_ Child's age: \_\_\_\_\_
2. Name of caregiver (*unless confidential*): \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone no.: \_\_\_\_\_  
 Type of caregiver:  Foster parent  Relative  Group home/residential treatment facility  Other (*specify*): \_\_\_\_\_
3. The child has been living in *my* home for \_\_\_\_\_ years and \_\_\_\_\_ months.
4. **Current Status of Child's Medical/Dental/General Physical Condition**  
 There is no new or additional information since the last court hearing.  
 There is new or additional information since the last court hearing:

5. **Current Status of Child's Emotional Condition**  
 There is no new or additional information since the last court hearing.  
 There is new or additional information since the last court hearing:

6. **Current Status of Child's Education**  
 There is no new or additional information since the last court hearing.  
 There is new or additional information since the last court hearing:

The child  is  is not a special education student. Date of the last Individual Education Plan (IEP) was: \_\_\_\_\_

7. **Current Status of Child's Adjustment to Living Arrangement**  
 There is no new or additional information since the last court hearing.  
 There is new or additional information since the last court hearing:

NAME OF CAREGIVER (*unless confidential*):

CASE NUMBER:

NAME OF CHILD:

**8. Current Status of Child's Social Skills /Peer Relationships**

There is no new or additional information since the last court hearing.

There is new or additional information since the last court hearing:

**9. Current Status of Child's Special Interests / Activities**

There is no new or additional information since the last court hearing.

There is new or additional information since the last court hearing:

**10. Current Status of Child's Reactions Before/During/After Visits**

There is no new or additional information since the last court hearing.

There is new or additional information since the last court hearing

**11. Services That Are Assisting/May Assist The Child**

There is no new or additional information since the last court hearing.

There is new or additional information since the last court hearing:

**12. Other Helpful Information**

There is no new or additional information since the last court hearing.

There is new or additional information since the last court hearing

12. I am/We are  able  not able to make a permanent commitment to the child if he/she does not return home.

If you need more space to respond to any section above, please check this box and attach additional pages.

Number of pages attached (*specify*): - \_\_\_\_\_

Date:

\_\_\_\_\_  
(Type or print name)

\_\_\_\_\_  
(Signature of Caregiver)