

**This Informational Guide has been prepared to help you, as parents involved in the Juvenile Dependency system of the court, understand:**

- ✂ Why we are concerned about you and your children
- ✂ What services you and your family are eligible to receive through the Department of Children and Families
- ✂ What happens in Dependency Court
- ✂ Your rights and responsibilities

There are certain persons who will be working directly with you and your family as your case progresses. You may want to write down these important names and phone numbers here so you can refer to them later.

Your Case Number: \_\_\_\_\_

Protective Investigator: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Family Care Manager: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Attorney: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dates Scheduled to Appear in Court

Time

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*This handbook is designed to help you understand what is going on when this occurs, and why. If you have questions not covered in this booklet, you should contact your Family Care Manager, or your attorney.*

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### **DISCLAIMER**

**This document has been prepared to provide general information on dependency issues, not to give legal advice. It is important to remember that each case is different, and that your case could involve complicated legal issues. Therefore, if you are involved in a dependency action, it is strongly recommended that you follow the advice of, and stay in close contact with, your attorney.**

## ***What is going on?***

There is reason to believe that your child has been, or is, in danger of being abused, abandoned or neglected at home.

The law requires that the Department of Children and Families (DCF) take action to protect a child whenever it appears that:

- ✂ A child is not receiving adequate care, supervision or protection.
- ✂ A child is not being provided with adequate food, shelter, medical care, or other basic needs.
- ✂ A child is being neglected to the point his/her safety, well-being, and development is in question.
- ✂ A child is being treated cruelly, or is being abused physically or emotionally by someone living in the home.

## ***What is DCF?***

The Department of Children & Families is a State agency, created in 1997, whose mission is to ensure the safety and protection of children, and whenever possible, to help them remain in their own homes, or to return home as soon as possible. Keeping families together is the main goal of the Department, through voluntary services or court-ordered services, so long as the health and well-being of the children are not endangered. The largest state agency in Florida, DCF serves the state's population with a variety of programs, one of which is providing care and support to Florida's most vulnerable citizens: children who are allegedly abused, neglected or abandoned.

When any one or more of the situations listed above develops or is alleged, the Department of Children and Families is required to investigate, and the following actions may result:

- ✂ **Temporary custody:** When a child is reported to be in danger of abuse, abandonment and/or neglect, a Protective Investigator will respond to the location of the child to assess the safety of the child. If it is determined that the child is in an immediate unsafe situation, the child will be taken into temporary "protective custody," usually by the protective investigator; and an alternate placement will be located either with a relative, non-relative, or in a licensed foster care home.

After the child has been taken into temporary custody, the Department may offer services to you, and the Court could order you to participate in services which are recommended by the Department.

- ✂ **Child not removed:** The child may not be taken into temporary custody if the assessment shows that the child may remain at home and voluntary services can be provided to ensure the child's safety and well-being. However, you may be requested to cooperate with the department in placing such services in the home.

## ***What is KCI?***

Kids Central Incorporated (KCI) is a non-profit agency that has contracted with DCF to work with them to provide community-based services and support for children and families served by the child welfare system in Citrus, Hernando, Lake, Marion and Sumter Counties. The agency's assignment is to develop and manage a community-based, coordinated system of care for abused, neglected and abandoned children and their families. KCI workers will oversee and supervise families when DCF and the Court have determined that protective services are necessary. Each family will be assigned a Family Care Manager who will visit the family, assist them in obtaining services, and report to the Court on the family's progress toward completion of their case plan, anticipated reunification, and possibility of termination of supervision.

## ***Where is my child now?***

If your child was removed from your custody and placed in temporary custody, the child is staying where he or she is safe. The Protective Investigator for the Department will tell you where your child is staying, unless there is reason to believe that it will be dangerous to your child for you to know where the child is located.

Your child may be:

- ✂ With a relative or non-relative; or
- ✂ In a licensed foster home; or
- ✂ In a medical facility getting medical care.

## ***Can I visit my child?***

Unless there is reason to be concerned for your child's safety and well-being, arrangements to visit can be made through your Family Care Manager.

Sometimes it is necessary to supervise visitation and monitor visits between children and their parents. If this is the case, your Family Care Manager will arrange a visit with someone else present. This monitored visit may be at a family visitation center, if that is determined to be an appropriate location.

## ***When can my child come home?***

The law requires that your child be released to you immediately unless it has been determined that:

- ✂ There does not appear to be a parent, guardian, or responsible relative willing or able to provide the care that your child needs; or
- ✂ There is an immediate and urgent need to protect your child; or

- ✂ There is substantial evidence that a parent or guardian might flee the jurisdiction of the court with your child.

If your child is not released to you, there will be a hearing in Dependency Court within 24 hours to decide whether to return your child to you or to keep your child in protective custody. You will receive notice of this hearing, which is called a Shelter Hearing.

### ***What is Dependency Court?***

Juvenile Dependency Court is the part of the Circuit Court that is concerned with the safety and protection of children. It hears cases where child abuse, abandonment or neglect are alleged to have occurred. The Court determines if a child can safely live with his or her parents, or should be placed in the care of others.

The Dependency Court is only interested in protecting children, and in helping families with the problems that brought them to Court. It is not designed to determine criminal guilt or to punish parents. The best interest of the children is the overriding concern of the Court.

All documents filed in Dependency Court are confidential; and Dependency Court files are not open to the general public.

### ***What is a Shelter Petition?***

A shelter petition is a legal document requesting the Court to take a child into protective custody. A shelter petition must be filed with the court within 24 hours of removal of a child from the home. This petition contains allegations made by the Department of Children & Families regarding the need for the Court to step in and take responsibility for the safety and protection of a child.

In preparing the petition, the Protective Investigator will speak to the child, parents, relatives, friends, neighbors, school or medical personnel, and anyone else who may have relevant information regarding the child's safety. You, as a parent, will be given a copy of the petition.

A dependency petition will subsequently be filed requesting the Court to find the child to be a dependent child and requesting the Court to take jurisdiction over matters pertaining to the child and the parents of the child. This petition must be filed within 21 days of the shelter hearing.

### ***Do I need an attorney?***

You have the right to have an attorney advise and represent you at all hearings and proceedings in the dependency case. Although Dependency Court is generally conducted in a less formal manner than Criminal Court, it can have serious consequences, and you will probably want to have an attorney..

If you can't afford to hire your own attorney, one will be appointed for you by the Court if there are allegations against you; however, you will need to complete an affidavit regarding your ability to pay. If you qualify, the costs of your attorney's representation will be paid for by the state. If you do not qualify, you are still entitled to have an attorney present, but it will be at your own expense.

If you do not want an attorney, you are entitled to represent yourself and to be heard by, and speak directly to, the Judge or General Magistrate, at all hearings.

Remember, however, that the Department of Children & Families will have their attorney present at all hearings, so it may be advisable for you to have an attorney present as well.

### ***What happens in court?***

There are several types of Court hearings, and it is important that you know which type of hearing you are attending each time you go to court.

#### *1. The Shelter Hearing.*

If your child has been taken into temporary protective custody, a Shelter Hearing will be held within 24 hours. At the Shelter Hearing, the Judge will consider whether your child:

- 👉 Can be made safe from danger if returned to your custody; or
- 👉 Will be safe in the care of a willing relative or non-relative; or
- 👉 Shall remain in temporary licensed foster care.

If you know of a relative or non-relative who could provide your child with a safe, temporary home, be sure to let the Protective Investigator or Family Care Manager, your attorney, or the Court know. Such a placement may be considered rather than foster care.

#### *2. The Arraignment Hearing.*

The Arraignment Hearing will be held within 28 days from the date of the shelter hearing. At this hearing, you will be asked if you agree or disagree with the statements in the Petition for Dependency. Your attorney will discuss this with you before the hearing.

- 👉 If you do not agree with the statements in the petition, you have a right to an adjudicatory trial before the Judge.
- 👉 If you agree with the statements in the petition, a disposition hearing will be set before the Court.

#### *3. Mediation.*

The Court will routinely refer cases to mediation prior to going to an adjudicatory hearing. Mediation is a process in which a neutral person (mediator) helps families, their attorneys, family care managers, child welfare attorneys, and the guardian ad litem program, if they are appointed, to agree to a negotiated solution to the problems that caused this case to be opened in dependency court.

Mediation is a confidential process and will not be used in Court unless an agreement is reached between the parties. It is conducted in a setting separate and apart from the courtroom. The mediation is an impartial process with the best interests of the child as the guiding principle. The

mediation encourages open and clear communication between all parties in an attempt to bring everyone involved in the process together to resolve all issues. If an agreement is reached, that is the only information the Court will receive, and a Case Plan will be filed for consideration by the Court.

#### *4. Case Plan Resolution Conference.*

The Case Plan Resolution Conference is an opportunity for you, and your attorney, to meet with attorneys from the Department of Children and Families, Family Care Managers, and other persons involved in your case to help you work out an agreeable, workable case plan for you to work on and complete in a timely manner in an effort to reach reunification with your child. If, after discussion, a case plan can be agreed upon, it will avoid the necessity of your case going to trial before the judge, which will often entail extensive court time, your testimony, and the calling of witnesses; and then the court will make a decision for you as to what will happen.

You should discuss with your attorney the advantages and disadvantages of voluntarily entering into a case plan over going to trial in your case. You will generally be given one year to complete your case plan; and if you fail to do so, and the Court determines that it is unlikely that you and your child can be safely reunited, it may take steps to terminate your parental rights or look for some method of providing a permanent home for your child through adoption or long-term placement with a relative or non-relative.

#### *5. Adjudicatory Trial.*

A trial may be requested if you do not agree with the petition or with the recommendations of the Department of Children & Families, and if you decide not to enter into a case plan. Often, because all parties involved simply want what is best for the child, it is possible to come to an agreement prior to an adjudicatory trial, either at a Mediation Conference or at a Case Plan Resolution Conference.

If the case is not settled through one of these endeavors, there will be a trial, at which time the Court will decide if the allegations in the petition have been proven by the Department of Children & Families. Each side will present its own witnesses and question the witnesses on the other side. The Court will weigh evidence and then either find the allegations of the petition to be true, or not true.

If the Court finds the allegations in the petition not to be true, the case will be dismissed, and your child will be ordered returned to you.

If, however, the Court finds the allegations in the petition to be true, the case will be set for a Disposition Hearing.

#### *6. The Disposition Hearing.*

At the Disposition Hearing, the Court will review specific recommendations, and a Case Plan, which are prepared by your Family Care Manager. These will be discussed with you, and may include specific actions that you have agreed to take to resolve problems and make a safe home for your child.

At the Disposition Hearing, the Court may take one or more of the following actions:

- A. Declare your child to be a dependent child of the Juvenile Court, and release your child to you, with a Family Care Manager providing services to ensure your child's safety in your home.
- B. Declare your child to be a dependent child of the Juvenile Court and order placement in the home of the other parent, or with a relative, non-relative, or in a licensed foster home.
- C. Make decisions regarding visiting your child, or where you and your child may reside, or order you to participate in counseling, parenting classes, or other similar programs.

### ***What if I don't go to court hearings?***

You will always be notified of hearing dates. It is very important that you attend all hearings. If you don't appear at a hearing, it will still be held, and decisions about important matters such as custody and visitation, may be made in your case without your input.

If there is a critical reason why you will be unable to attend a hearing, you must notify your attorney immediately, prior to the date of the hearing. It is essential that you keep your Family Care Manager, your attorney, and the Court informed of your current address and telephone number at all times.

### ***What Services can DCF help me receive?***

DCF can help families in the system by referring them for assistance through the following services:

Voluntary Services. Provision of services to resolve family problem before they get out of control and children are abused or neglected. Intensive services may be provided to a family instead of court involvement. Services and resources are provided at the moment of the crisis, when change is most likely to occur.

Court Ordered Services with Family Intact. This allows the child or children to remain in the home with the parent or parents under the supervision of the Department of Children and Families under the jurisdiction of the Court. Parents will be required to complete tasks pursuant to a Case Plan, which will be monitored by the Department of Children and Families, and the Court.

Placement Services. Temporary placement services are provided to the child when the child cannot safely remain at home. The goal of the agency is to return the child home as soon as this can be done without placing the child in danger.

Reunification Services. Planning, placement and continuing supervision are provided to children removed from their families by court order and placed in non-relative or relative homes, or in licensed foster care homes. Parents receive services in parenting classes, drug treatment, mental health services, household management, and other services as needed.



## ***How can I get my child back?***

As long as a child is safe and cared for, the best place for that child is with his or her own family. Child welfare laws and services are geared to help keep families together and to keep children with their parents. Children will remain out of their parents' care only when, in the opinion of the Court, the children are not safe from danger in their own homes, whether that danger be physical, mental or emotional. Therefore, all services offered to you as a parent will be to ensure that your child can be safely returned to you.

It is important that you understand what is expected from you, and that you fulfill all of your responsibilities. Some of the things that might be required of you may include:

- 👉 Attend parenting classes to better understand how to be a better parent to your child.
- 👉 Get counseling and participate in a program to overcome a drug or alcohol abuse problem, including random screenings, upon request.
- 👉 No longer live with someone who is known to have abused your child, or who may be a threat to your child's health, safety or well-being.
- 👉 Establish a home and get financial assistance and employment, so you can provide housing, food, and other necessities of life for your children.
- 👉 Visit regularly with your children in foster care, relative or non-relative placement, and keep up an ongoing interest in their activities and accomplishments.

There may be other steps that you, your Family Care Manager, and the Court will work out for you to take in order to be reunified with your children. You will be expected to work with your

Family Care Manager and the Court to develop a plan that you can carry out, and then to make sure you follow through.

It's essential that the Family Care Manager be able to contact you at all times. You must notify your Family Care Manager immediately every time you change your address, phone number, or place of employment

## ***How long will my family receive services?***

If your child becomes a dependent of the Court, the Court will hold a hearing to review your case at least every five months following the Disposition Hearing, and possibly more frequently. The first of these reviews, called Judicial Reviews, will occur no later than five months from the date the child was removed from your care. You will be notified of these hearings; and at each hearing, the next hearing date will be scheduled for you. At these hearings, the Court will look at the progress you have made toward solving your family problems and making a safe home for your child.

You will be working with your Family Care Manager during this period to achieve the goals you agreed to meet in Court. Your Family Care Manager will be in regular contact with you, and will be visiting you at your home.

If your child is living with you, you will receive services and supervision until the Court is convinced you have made enough progress to show that your child is safe in your home without the ongoing supervision by the Department of Children and Families.

If your child has been removed from your home, the Court may decide that you have successfully resolved your problems and completed the tasks of your Case Plan, and may permit you and your child to be reunified. The Court will require ongoing supervision by the Department of Children and Families for six months after your child has been returned to you before it will consider closing your case.

However, if after nine months the Department of Children and Families determines that it is not likely you and your child can be safely reunited, the Department may take steps to give your child permanency and look for a permanent home for your child through adoption or long-term relative or non-relative placement. Your case plan must be completed within twelve months of removal.

### ***What is the Guardian ad Litem Program?***

What do they do?

- 👉 Represent the best interests of your children in this case---they are the voice of the children.
- 👉 Provide information to the judge.
- 👉 Make recommendations to the judge about how you can visit with your children, where your children should live, and when your children can be safely returned to you.

Who are they?

- 👉 They are independent and separate from the Department of Children and Families.
- 👉 A staff member, called a case coordinator, will be assigned to your case.
- 👉 A trained Guardian ad Litem volunteer may be assigned to your case.
- 👉 The Guardian ad Litem attorney will be at all court hearings.

How do they work?

- 👉 They will visit with your children.
- 👉 They will obtain information from you.
- 👉 They will obtain information from family members, teachers, doctors, and other people who deal with you and your children.

How can they help?

- 👉 They make sure the judge knows how your children are doing.
- 👉 They make sure the judge knows how you are doing with your case.
- 👉 They make sure your children are getting everything they need, such as counseling, medical care, and family visits, and that all of their needs are met.

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

You have the right to:

- ✂ Be represented by an attorney at every stage of the proceedings, or to represent yourself and to speak directly to the Court.
- ✂ Have an attorney appointed to represent you if you can't afford to hire one. However, you will be requested to complete a financial affidavit for the court to make the determination whether

- you are entitled to appointed counsel.
- ✂ Be notified of all Court hearings, and to be present at them.
- ✂ See copies of all Department of Children and Families and Guardian ad Litem reports that will be presented at Court hearings.
- ✂ Receive services to help you get your child back.
- ✂ Be consulted regarding medical treatment and vacation trips, if your child is placed outside your home.
- ✂ Contact and visit your child, unless otherwise ordered by the Court.

***Additional factors you need to consider:***

- ② Support. If your child is sheltered out of your home by the Court, you may be required to provide financial support for your child. The amount of your support will be based on your income, and will be determined by the Dependency Judge or in a separate Department of Revenue proceeding. Generally you will be required to complete and submit a Financial Affidavit at your first court appearance.
- ② Visitation. If you fail to comply with your Case Plan, or fail to comply with Court orders, or if at any time the Court finds that for the health, safety or well-being of your children, personal contact or unsupervised visitation are not in the best interest of the children, visitation may be limited to supervised visitation only, or may be stopped entirely if, in the opinion of the Court, it is the best interest of the children.

***NOTES***