

Children's Services

Your legal rights when Children's Services contacts you about your child(ren)

What is Children's Services?

Children's Services is an agency set up by law to protect abused, neglected and dependent children. It is often part of your county Department of Job and Family Services (DJFS). It may also be called Children's Protective Services (CPS) or Children's Services Board (CSB). Children's Services workers investigate situations where a child may be in danger or at risk of harm. Complaints about the treatment or care of children are often called in by neighbors, family members, teachers, nurses or other people who work with children. By law, Children's Services can not tell you who makes a complaint.

What situations does Children's Services investigate?

Children's Services investigates to see if a child is in danger or at risk of harm. The danger to the child does not have to be caused by the parent. The danger can be from:

- **Physical or mental abuse** such as beating, constant yelling, other very harsh or unsafe punishments;
- **Sexual abuse;**
- **Neglect** such as leaving small children alone, not feeding children properly, not taking kids to the doctor, failing to send the children to school;
- **Problems of the parent** such as alcoholism, drug addiction, or mental illness; or
- **Problems of the child** such as severe health problems, mental illness, out-of-control behavior.

How does a Children's Services investigation work?

After a complaint is filed, a worker from Children's Services will contact you to talk about the complaint. That worker will also want to talk to your child (if he or she is old enough) and to other people who might know about the things in the complaint. The worker is supposed to make a decision within 30 days as to whether your child is in danger or at risk of harm.

What does Children's Services do after the investigation?

- If Children's Services finds that there is no risk to the child, then they will close the investigation and should leave you alone.
- If Children's Services finds that there is risk to the child, then they should tell you so. They will open a case and make a plan to make sure the child is safe. This plan is called a safety plan.

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What types of safety plans are there?

1. Child stays in the home: Children's Services may decide that your child can stay in the home with you. They may want to make visits to check on you. They may also want you to do certain things such as: parenting classes, drug or alcohol testing, counseling, etc.

2. Child does not stay in the home: Children's Services may decide that your child should be placed in a relative's home or a foster home. If you agree to this, your child will be placed in another home. Children's Services may ask you to do certain things such as: parenting classes, drug or alcohol testing, counseling, etc, before the child can come home.

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What if I do not agree with the Children's Services safety plan?

Unless there is an order from the Juvenile Court, you have the legal right to refuse to do what Children's Services tells you to do. You can refuse to place the child with a relative or in a foster home or do the other things, such as going to counseling or getting drug tested.

However, if you refuse to do what Children's Services tells you, they have the right to go to Juvenile court and ask for a court order to take legal custody of your child.

A court order may allow them to take your child out of your home and also force you to do other things, such as counseling or drug testing.

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Should I cooperate with Children's Services?

Only you can decide whether or not you should do what Children's Services wants you to do. Before you make your final decision, you should think about taking the following steps:

Make sure you understand exactly what Children's Services is telling you. **Ask for a meeting** to talk about your case. You should take along a friend or relative who can help you ask questions and get answers.

Questions you should ask:

- What is the danger or harm to your child that your Children's Services worker thinks is happening?
- What is the purpose of each thing they want you to do? (Counseling, drug testing, parenting classes)
- Why does your child have to live away from you?
- What do you have to do before the child can return home to you?
- What else needs to happen before the child can come home?
- What visits will you have with your child?

After your worker tells you why he or she thinks your child is in danger or at risk of harm, tell the worker any ideas you have to get rid of the danger or risk. Tell your caseworker if you need help with:

- Housing
- Counseling for you or your child
- Child care
- Services for troubled kids or teens
- Educational services
- Medical problems
- Domestic violence

If you do not think the Children's Services worker is giving you a fair deal, ask to speak to his or her supervisor to talk about the case. Ask the same questions of the supervisor.

Try to get the advice of someone you trust. Make a decision on what you will do and what you won't do. Then tell the Children's Services worker.

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What if I agreed to place my child out of my home, but now I have changed my mind?

If there is no court order, you have the right to change your mind about any agreement to place your child out of your home. You should discuss the reasons you changed your mind with the Children's Services worker. If the worker does not agree with you, tell him/her that you are taking back your agreement and that you want your child to live with you.

If there is a court order and if you want it changed, you have to file a motion with the court and convince the Judge to change the order. You should continue to follow the order.

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What if I have a problem with Children's Services?

1. Keep a record of what is happening in your case. Write down the names of Children's Services workers that you talk to, the information they give to you and the date of your conversation. Keep this record in a safe place with the other important papers from your case.
2. Try to resolve the problem with your worker first. Tell the worker why you are having a problem. Ask questions so you understand the decisions your worker is making. Listen to the worker's answers.
3. If you are not able to settle your problem with your worker, ask to talk to a supervisor. Tell the supervisor what problems you are having with your case or your worker. Listen and ask questions.
4. If talking to a supervisor does not solve your problem, you can contact the Consumer Services division or the Complaint division. If your Children's Services agency is part of your county office of the Department of Job and Family Services (DJFS), you can call the main number for DJFS and ask for the Consumer Services or Complaint department.

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What are my rights and responsibilities if I agree to do what Children's Services wants me to do?

You will meet with your Children's Service worker and put together a plan. This plan will tell you what you need to do in order for your child to come home to live with you. Your worker must give you a copy of your plan. Ask your caseworker to update your plan when changes are needed.

You should work with your Children's Services worker and do everything that is in your plan. You should attend all of the classes and counseling appointments that your plan requires. Your worker must treat you with respect and answer any questions you may have about your case.

You should write down everything that happens in your case. For example you should write down:

- The date of each class or appointment that you go to,
- The date of each time you leave a message for your worker,
- The date of each time you talk to your worker (or anyone else at Children's Services),
- Problems you have with your worker or others involved in your case, and
- Any questions you have about your case.

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What happens if Children’s Services takes me to court?

Children’s Services may take you to court to get a judge to issue a court order. There are several reasons Children’s Services may need a court order:

- To place your child out of your home without your agreement.
- To keep your child, if you change your mind after signing an agreement.

Children’s Services will file a paper called a “complaint” with the Juvenile Court. The complaint will state the reasons they think your child is at risk or is in danger. The Court will pick a date and time to have a hearing. The Court will send you a copy of the complaint and a paper that tells you the date and time of your court hearing.

At the court hearing, Children’s Services will tell the judge why they believe your child is at risk or in danger. They will also tell the judge what their plan is. You have the right to answer back. You can tell the judge why you think Children’s Services is wrong and that your child will be safe living with you.

The court will then write up a decision (the court order) saying what will happen in the case.

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When can I get a lawyer to help me?

As soon as Children’s Services files a complaint and a hearing is set, you have the right to a lawyer. If you can not afford to hire a lawyer on your own, tell the clerk at the court. The court will provide a free lawyer for you.

When you get your papers from the court, you should also get a phone number that you can call to get a lawyer. You can also ask for a lawyer before you get your court papers. As soon as you know that Children’s Services has filed a complaint and a hearing date has been set, you can call the Juvenile Court and ask for a lawyer.

If you do not have a lawyer by the time you go to court for the first hearing, ask the court to continue or postpone the hearing until the court gives you a lawyer.

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What should I do to get ready for my court hearing?

1. Call the court and ask for a lawyer. Remember this lawyer will be free if you can not afford to pay.
2. Make a list of the names, addresses and phone numbers of each person you want to come to court and testify for you.
3. Collect all letters, reports, documents, etc that are important to the case. Put all of these papers in a folder so you do not lose them.
4. Meet with your lawyer. Give your lawyer your list of witnesses and all of your papers.