



Disabled Parents Rights

A Guide to Colorado Dependency and Neglect Cases

Dependency and neglect cases are opened when a county department of human services (DHS) is concerned about the welfare of your child(ren) and either removed them from your home, or wants to be able to supervise your children in your home.

Having a child taken away from you can be the most traumatic experience in a parent's life. Sometimes children are wrongly separated from a parent because of false allegations or overzealous and unreasonable social workers.

Though social workers may mean well, the nature of their training and their work means they are often inclined to believe that child abuse has taken place, even when the evidence to support the child abuse claim is very slim. In some cases social workers will decide to remove a child from your home before they even have had a chance to interview you about the allegations.

Once your child is removed from your custody, you may find yourself in court fighting for your child to be returned to you.

Dependency and neglect (D&N) cases are very serious. They can result in the termination of your parental rights. That will not happen overnight, but if you don't take your responsibilities

seriously, it can happen in just a few months.

This article is designed to help you understand this process and give you some tips to help get social services out of you and your family's life as quickly as possible.

When is a child considered dependent or neglected?

A child is considered to be dependent or neglected when any of these can be found by the judge or a jury to be true:

A parent or guardian abandons, mistreats, or abuses the child.

A parent or guardian allows another person to mistreat or abuse the child or does not take steps to stop the abuse or prevent it from happening again.

The child lacks proper care through the actions or inactions of the parent or guardian.

The child's environment is unsafe.

The Parent or guardian does not provide the child with necessary education or medical care.

The child is homeless or without care through no fault of the parent or guardian.

The child has run away, from home or is beyond the control of the parent or guardian.

Who is involved in your case?

Your Lawyer. As a parent, a dependency and neglect case may lead to the termination of your parental rights so it is important for you to have a lawyer. The court process is complicated; a lawyer will advocate for your rights at every stage of D&N proceedings. This can include helping you obtain access to resources you may need to resolve your case.

Guardian Ad Litem (GAL). The GAL is the lawyer who legally represents your child's 'best interests. The GAL is responsible for investigating the allegations presented in your case, interviewing all of the professionals working with you in your case, and making a recommendation to the court regarding what is in your child(ren)'s best interest. The GAL should visit you, your child, and other persons involved in your case. The GAL is required to visit your child in her placement every month.

County/City Attorney. The county attorney represents the caseworker from the department of social services and is responsible for initiating the D&N case. The county attorney, works with the caseworker in your case to make recommendations to the court regarding your child(ren)'s best interests.

Judge or Magistrate. The judge or magistrate is responsible for reviewing court reports and testimony, and issuing orders that are in the best interests of the child(ren). The judge or magistrate's orders will focus on what is best for the child(ren), and not necessarily what is best for the parents.

Caseworker. Every family is assigned a caseworker who is responsible for ensuring the safety of the child(ren). The caseworker is responsible for setting up visitation, and coordinating county services for the family. The caseworker is required to visit the child(ren) at least once every month.

CourtAppointed Special Advocates (CASA). CASAs are trained community volunteers who are appointed by a judge to gather as much information as possible about your child(ren) and, to provide the, judge with recommendations so that the judge can make informed decisions about your child(ren). The CASA volunteer's only role is to advocate for the best interests and Safety of your child(ren). The CASA volunteer is not required to be an attorney. CASAs are not appointed in every case.

Parent's GAL. A GAL is sometimes appointed for a parent who has severe mental illness or an intellectual disability. The Parent's GAL is responsible for representing that parent's best interest. The Parent's GAL will work with the parent and the parent's attorney to help the parent understand court proceedings and court orders.

What is the court process in dependency and neglect cases?

A dependency and neglect case begins with the filing of a petition by the city attorney. Parents who are listed in the D&N petition are referred to as "respondents." You are required to appear in court and at that time, you may deny the allegations against you and demand that the case then be heard at trial by a jury of six people, by a judge or juvenile magistrate. You may also admit to the allegations in the petition and move forward to the treatment phase of your case.

The major stages of a dependency and neglect case are described below. The law requires the court and the department of social services to follow specific time frames for holding court hearings. In addition, some courts have special time requirements for cases involving children under the age of six, this is called an "EPP" (Expedited Permanency Planning) case. At each stage, the court can order that the child be returned home, with or without supervision by the department of social services, or be placed in foster care.

The case may be referred to mediation. If so, the mediator will assist the family and professionals to reach an agreement for the treatment and best interests of the child(ten) and family involved in the case. A mediator is a neutral third-party who is not affiliated with the court or social services but is a professional who provides a service to the court and the department of so-

cial services.

Preliminary Protection Proceeding – At this hearing, the judge or magistrate must decide if your child should be temporarily removed from the home because the home is unsafe. The court may order your child(ren) to take physical and mental health tests. This hearing must take place within 72 hours after placement, excluding Saturdays, Sundays, and court holidays.

Filing a petition – The petition states the department of social service's position on the facts of the case.

Adjudicatory Hearing - At this hearing the court, decides if the child is dependent, or neglected. This is called an adjudication. If the court makes this decision, the, child can be ordered to remain in the custody of the department of human services. The hearing should be held within 60-90 days of the date of service of the petition. If your case is an EPP case, adjudication must occur within 45 days of service of the petition.

Disposition – If the court finds that your child is neglected or abused, the, court, will then approve a case treatment plan for you and your family. The caseworker, GAL, your attorney, and you are responsible for developing a recommendation to the court regarding your case treatment plan. If you do not follow the requirements of the case treatment plan the court may order that a motion for the termination of your parental rights be filed. The law also includes other factors for the

court to consider moving forward with a motion for the termination of parental rights. At the disposition, the court may order any of the following as a part of the case treatment plan.

The court may place your child in the custody of a relative or the department of social services or change the custodial relationship of parents.

The court may order your child to receive medical and mental health evaluations and treatment.

The court may order you, other parents, guardians, and others to undergo evaluations and treatment.

The court may order you to provide the department of social services with the names and addresses of other family members and relatives who have an interest in your child(ren).

The court may order you and your family to participate in mediation or other types of meetings to discuss the issues in your case.

Reviews – The court will review your case regularly as long as your child remains in the custody, or supervision of the department of social services. At each review hearing, the court is responsible for determining whether or not you are following the requirements of your case treatment, plan and whether or not the department of social services is assisting you in meeting the requirements of your case treatment plan. You are required to attend each of the review hearing and provide information to the department of social services, your attorney, the GAL, and others as needed.

Permanency Plan Hearing – If your child(ren) remains in an out of home placement, the court is responsible for holding a permanency planning hearing within 12 months of your child(ren)’s removal from the home. If the court decides that your child(ren) cannot be returned home or to a relative, within a reasonable amount of time, the court is required to adopt a permanent plan for your child(ren). If you are involved in an EPP (Early Permanency Planning) case, the court must approve a permanent home for your child within 12 months. If there is a failure to comply with, or successfully complete your case treatment plan, the court may terminate your parent-child relationship. Permanent plans include any of the following:

The court may order the child to be returned home.

The court may order the filing of a motion for termination of parental rights and that the child be placed for adoption.

The court may order long-term placement for your child in a foster home or with a relative.

The court may grant a legal guardianship for your child.

The court may decide that your child can live independently.

In the event that parental rights are terminated, a parent has the right to appeal.

How can I get my kids back, or get social services out of our lives?

If the court has found that your children are dependent or neglected, you will have a treatment plan. Your treatment plan is designed to fix the problems

that led to social services involvement. Complying with all the parts of your treatment plan is essential to getting your kids back. Here are other tips for having your case closed quickly:

Put your children first. If your children are placed out of your home, they may not come home if they are not your top priority.

Do not miss visits with your children, and don’t be late for

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