



Disabled Parents Rights

Help! My child's in foster care, what do I do?

Your children have been taken away. You, and they, are devastated. You want them back as soon as possible, and no one will tell you when they are going home. What do you do? This guide will help you navigate this difficult process. Also look at the [Guide to Colorado Dependency & Neglect cases](#) for information about the court process.

Cooperate

The most important thing you can do to get your children out of foster care is to cooperate with the case worker and with the guardian *ad litem*. You don't have to like them, you don't have to agree with them. However their recommendations to the court about when and how your children should be returned carry great weight. Whether or not your children were wrongly removed, the focus must be on getting them home. It's like the line from the movie *Stripes*, "When I tell you to jump, you're gonna say, 'How high?'" Let your attorney do the arguing and fighting for you. Your job is to cooperate and complete your treatment plan, the attorney's job is to be the bulldog.

Communicate

Communicate regularly with your attorney, caseworker and your children's GAL. Tell the

caseworker and your attorney when you have made appointments for evaluations, and tell them again when you have followed through on the evaluations. Tell them if you are having problems reaching service providers. If they aren't available, leave a detailed message. Also call to check-in about how services are going from time to time. This allows you to keep your caseworker informed about all of your accomplishments.

Talk to your caseworker and GAL regularly about having your kids come home. If your caseworker and GAL have concerns about returning your children, ask them to tell you specifically what those concerns are. It may be difficult to hear other people's opinions about you and your children, but showing your caseworker and GAL that you take them seriously demonstrates that you are able to look at your family's situation in a realistic way. Most importantly, understanding what the caseworker and GAL are thinking will help you develop a plan to deal with their issues. Follow up with your attorney about the concerns of the GAL and caseworker. Your attorney may have ideas for addressing their concerns.

Do remember that the caseworker and GAL are not your

best friends. You do not need to share everything with them. It is a balancing act between knowing when to ask for help and when to seek out solutions on your own. While it should be okay for parents to ask for help, sometimes a caseworker or GAL might think it means you are not ready to care for your children. For example, if you were a domestic violence victim and told the caseworker that you were having romantic feelings about your abuser, or you saw similar patterns developing in a new relationship, this would likely cause the caseworker to have great concerns, even though your feelings are perfectly normal. Don't avoid the problem; just deal with it in a different way. You can address your fears and concerns with people other than people involved in your case. You may already have a counselor that you feel you can trust and who will keep what you say confidential, or you may have to locate services on your own.

Be Organized

Keep a notebook of all your court and case related paperwork. Keep this notebook in a safe and accessible location so that you can access it readily. Don't count on service providers to send your caseworker copies of certificates and other records from your providers. If

you have participated in services that don't award certificates, like therapy, ask the professional you are working with to write a letter on your behalf. Also, if you are participating in services that don't have a completion date or graduation, you can ask your counselor or therapist for a letter confirming your participation and progress. Give copies of all these certificates and letters to your attorney, the GAL and your caseworker. Go to the library or a copy store to make copies yourself if necessary. You are the parent, and doing these things shows your responsibility and organization, and shows that you can do the same for your children when they are returned.

Keep a phone log of all phone calls made related to your case. Write down the date and time that you called your attorney, the caseworker, service providers, etc. Keep notes about what was said during the call, or if you had to leave a message.

Work your treatment plan

Work your treatment plan without fail. If your treatment plan requires a psychological or drug and alcohol evaluation, start calling the caseworker for information to get that scheduled as soon as possible. If you are required to attend parenting classes or counseling, faithfully schedule and attend your classes and sessions. If you have an unavoidable emergency such as a contagious illness, or hospitalization, call your provider, caseworker and attorney to let them know you will miss. If your car is not reliable, always leave time

to take the bus, or plan to depend on other transportation.

Do not miss any drug and alcohol UAs and BAs. A missed test is counted as a positive. If you are on a random drop order, call first thing in the morning to see if your color or number is up for testing. This gives you all day to plan to drop. Because most testing locations have a 10-12 hour testing window, the court excuses missed drops in very few circumstances. If you are hospitalized, or if you must leave town for a funeral, notify the caseworker and your attorney before you are called to drop. This way it does not look like you are trying to avoid a drop.

Nearly every treatment plan requires you to have appropriate housing and a legal form of income. Waiting lists for affordable housing can be very long, and do not count on accessing subsidized housing to meet your family's needs. You do not need to have separate bedrooms for your younger children of opposite genders. You do need housing that is free of vermin and insects, and free of hazards. Each child must have reasonable sleeping space, and social services cannot refuse to return your children because you share a sleeping room. However, they can refuse to return your children because they believe you will be evicted because you violated occupancy rules set by your landlord. If you are a single parent with a disability, view our [factsheet about subsidized disability housing and children](#).

As many have experienced, finding a job is very difficult in these

economic times. If you are unemployed, and have no other legal source of income to support your family, you will need to find a job. Do not be picky, take any job that you can do and that allows you to complete your treatment plan. That will show your commitment to your children. Keep records regarding your job search. You may decide to go back to school and support your family with student loans. Once your children are home, if you don't have other legal forms of income, you may qualify for TANF, food stamps, Medicaid and other programs to support your family, however you do need to demonstrate efforts to find employment or secure alternative income.

Be prepared for visits

Come to visits with your children prepared. Have a plan in your head about how you will spend time with your kids, and be prepared to be flexible in case that plan needs to change. Have age appropriate toys and games for visits. If your kids are at significantly different developmental levels, be prepared with activities to meet the needs of all your kids.

If your child is an infant or toddler, have a plan to interact with your child while she takes a nap (e.g. hold the infant, play special music, read a book as they wake and fall asleep, etc.) Don't simply watch your baby sleep in the baby carrier. If your infant consistently sleeps through most of your visit, ask to have your visit times changed.

Be prepared with age appropriate nutritious food for the visit. If your visit is near a mealtime, ask the caseworker or visit supervisor to tell the foster parents that you will be providing the meal during the visit, and not to feed the kids before the visit. While it is tempting to spoil your kids with candy and unhealthy snacks, visit supervisors will view those choices as demonstrating poor parenting choices. Don't be afraid to bring a birthday cake to share during visits, or other foods that are important for religious or cultural observances. However, rather than giving your kids a lot of candy for Halloween, Christmas or Easter, give only a piece during a visit and send the rest home to the foster family.

While helping with grooming activities can be an important bonding ritual with your children, don't spend your whole visit grooming your child. Chances are, the foster parent won't take as good of care of your child as you do. Don't spend your visit time complaining about mismatched clothing, dirty fingernails or uncombed hair. Be prepared for your concerns by bring nail clippers, a hair brush, hair products, etc., and spend a few minutes on grooming, but not more than a few minutes of your 1-2 hour long supervised visit.

If your family has an important religious or cultural observance coming up, talk to the caseworker in advance to try to arrange for an extended visit. Do remember that many families ask for special visits for Christmas and Thanksgiving, and since social services and supervising

agencies are not open on those days, you will likely have to settle for a visit somewhere in the week before or after those days to celebrate. The same is true for Mother's and Father's days. Remember the important thing is to spend time with your children and to instruct them in your family rituals and traditions. Spend your energy on making the visit as special as possible, and not focusing on the scheduling.

Put your children first and take care of yourself

In terms of the case, always put your children first. Your children are counting on you to complete your treatment plan, and do everything in your power to get them home. You are under a tremendous amount of stress, but do not compound your family's issues by using drugs or alcohol. Don't go looking for new romantic relationships, particularly if domestic violence is an issue in your case. Don't make personal commitments that interfere with case related appointments. You have a much better chance of getting your kids home if social services can see your commitment to them.

With that said, it is crucial that you take care of yourself. This process is devastating to a parent. You may experience depression and PTSD. You may experience physical illness from the stress. You must take care of yourself. Get into therapy if you need it. Consider medication if you think it would help. Take care of your physical ailments. If you have been putting off a surgery because you

didn't have anyone to watch your kids, do it now. Reconnect with family and friends who can be supportive. Connect with other parents involved in the system, and join any support groups that can be helpful to you. Even if these things are not part of your treatment plan, they show that you are realistic about the stress, and you are addressing the issues on your own.

Disabled Parents Rights is a small organization dedicated to combating discrimination that impacts parenting for parents with all types of disabilities.

You can visit us on the internet at www.disabledparentsrights.org.

You can "like" our Facebook page at <http://fb.me/DisabledParentsRights>

This fact sheet does not provide legal advice, and does not create an attorney-client relationship. If you need legal advice, please contact an attorney directly.

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