

A Parent's Guide to the Child Welfare System

What You Need to Know if Your Family
Becomes Involved with Children's Services Division



Butte County Department of Employment and Social Services
Children's Services Division



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What is happening to me?

You may be confused about why Butte County Children's Services Division has become involved with your family and your child. You may wonder what you are supposed to do. You may feel helpless, angry and alone.

You are not alone. This publication was written to help you make sense of what is happening and to answer commonly asked questions. Please ask your attorney or social worker if you have questions that are not addressed here.

If your child has been removed from your care, your goal will be to reunify with your child.

If you need help, have questions, or are having a hard time dealing with the system or your emotions, people and agencies are available to help. Some telephone numbers are listed in the Legal and Community Resources in the Appendix on page 14.

Please work with your social worker and family team for referrals to services associated with your efforts to reunify with your child.



Why was my child removed?

A child may be taken into custody (removed from the home) when a law enforcement officer or a social worker is concerned about the child's safety. At the juvenile court hearings that follow detention, the judge will maintain protective custody when convinced that:

- A parent or other person who has custody of the child fails to provide proper care and supervision
- A child is not given the basic necessities of life, including adequate food, housing, or clothing
- A child is in danger because of neglect, cruelty, physical or sexual abuse by a parent, guardian or someone else in the home.

Where is my child now?

If your child is not released to you, he or she may be temporarily placed in:

- The home of the other parent, if you are not living together
- A temporary emergency placement with a relative or non-related extended family member (NREFM)
- A Resource Family Approved (RFA) home
- A licensed foster family home

Your social worker will provide you with the telephone number so that you can speak to your child, unless there is concern regarding contact because of the circumstances of the detention. If you have more than one of your children removed from your care, the social worker will make every effort to place your children together in foster care or relative care. If placed in foster care, your child's location will remain confidential until the dispositional hearing, unless released by the judge with the permission of the caretaker.

The social worker assigned to your family will review your situation. Based on the social worker's assessment and recommendation, the juvenile court judge will make decisions about returning your child to your home. Your child may be returned to you as soon as safety is assured.

When can I see my child?

It is your legal right to visit your child. Unless a court order states that you may not visit, your social worker will help you work out a visitation plan.

- Regular, positive visits are the best way to work towards reunifying with your child.
- How frequently you visit depends on your case, the court order, your actions and the impact on your child, as well as the social worker's judgment regarding your child's safety.
- Where you can visit will depend on your situation and on where your child is living.



What safeguards protect my child while in someone else's care?

Your child may be placed in the home of licensed foster parent or an approved resource parents who is asked to provide 24-hour care and supervision. Your social worker will visit your child in foster care. Foster parents and resource parents work as partners with the social worker in providing care for the children who are temporarily placed outside of their biological families.

Foster parents and resource parents are licensed or certified by the county or state. They have undergone background checks (police records and child abuse records) and training that includes First Aid and CPR. In Butte County, many foster parents and resource parents have specialized training and support services to care for drug exposed children.

Foster parents and resource parents understand that the children they are caring for are usually in the Family Reunification program and may be united with their biological family if they are safe and the court orders the child returned home in a plan of family maintenance.

What do I need to do to get my child back?

You will need to demonstrate behaviors and actions of protection over time that will keep your child safe in your home. You will also need to work towards the safety goal in your case plan by meeting your service objectives and participating in the services listed in your case plan. You will need to show through your actions what you have learned in those services. By participating and demonstrating actions that keep your child safe, you are showing the court your desire and ability to reduce risk and increase safety for your child.

Your social worker will help you with your case plan. Be sure to ask for help when you need it. Although you may feel discouraged, do not give up!

What is a case plan?

A **case plan** is a written plan developed by *you* and your social worker to identify what you need to do to increase safety for your child. This includes making service objectives to address the problems that brought your family to CSD's attention, and identifying services that you can participate in that will help you meet your safety goals.

CSD encourages you to use Child and Family Team (CFT) meetings to create the case plan. You, your social worker and those that you invite as your team members will develop this plan within the first few weeks of your contact with CSD.

The case plan is not a court document, but the court will order you to participate in specific services listed in the plan. The case plan will be updated regularly. It can be changed to ensure that your concerns, or concerns of your social worker or the court are addressed. Services may include parenting classes, drug and alcohol testing and treatment, counseling, visiting with your child and/or getting housing. Signing the case plan is not an admission of guilt. It does not make you lose your rights.



How does the case plan help me get my child back?

Demonstrating progress towards the safety goal on your case plan is an important step towards having your children returned to your care. Your goals are to learn ways to improve your parenting skills and provide a safe and stable home for your child so that Children's Services Division and court involvement is dismissed.

It will be important for you to demonstrate actions of protection consistently over time. Use your voice in Child and Family Team meetings to share what steps and service objectives you think are important to help you meet your safety goal.

If you do not follow court orders, carry out your case plan, or visit your child, the court may order the end to your services and require that a permanent plan be made for your child.

A permanent plan could be adoption, tribal customary adoption, legal guardianship or a permanent plan of placement with a fit and willing relative, depending on what is the best way to provide a stable and permanent home for your child. If the court orders adoption as the best plan for your child, your parental rights may be permanently ended (terminated).



Can my child stay with relatives until he/she returns home?

It may be possible for your child to stay with relatives. Tell your social worker as soon as possible if there is a relative or non-related extended family member who can care for your child. Children's Services Division discuss placement at Child and Family Team meetings. Relatives are encouraged to attend the meeting with you.

A social worker will contact relatives and Non-related extended family members who are interested in having your child placed with them in order to inform them about the requirements and process to become a caregiver through the Resource Family Approval program. This process includes but is not limited to:

- Attending RFA Orientation
- Conducting a criminal background check and child welfare history check on all adults in the home
- Assessing the safety of the home environment
- Assessing the ability of the potential caregiver to meet the needs of the child and to abide by the RFA Written Directives

The social worker must also discuss whether the relative or non-related extended family member is prepared to offer a permanent home for the child if he or she cannot be returned to your care in the future.

Who will be working with my family?

While you are involved with Children's Services Division, you will work with a number of social workers and professionals. Each social worker's job is to assure that children are safe, and to work with families to reduce the risk of abuse and neglect to children. Social workers will help you identify services that may help you learn skills to reach your safety goal, such as counseling, substance abuse treatment, and parent education.

Your social worker will encourage you to participate in Child and Family Team meetings to help identify family strengths and needs, and to work with you and your support network work toward solutions.



Social Workers work in such areas as Emergency Response Investigation, Family Maintenance, Family Reunification, and Permanent Planning. Other social workers provide supportive, specialized functions, such as Placement Services, Court Presenting, and Foster Care Licensing.

There are also Social Service Aides who may transport your child to and from visits, supervise visits and keep your social worker informed of how visits are going.

What services will be provided to help my family?

The Juvenile Court judge uses the Children's Services Division's reports to decide whether your child will be made a dependent, and what services your family needs. If the court determines that your child cannot be safely returned to your care, your child will remain in protective custody and a determination will be made about what type of services will be recommended for you and your family. You will want to discuss your family's situation with your social worker and ask about what services you may be entitled to, and are available to help meet your family's needs.

Voluntary Services

Based on the initial investigation by the ER social worker or the results of the detention hearing, it may be determined that your family is eligible for Voluntary Reunification or Maintenance Services. A primary social worker would work with you to assess your family's needs and to make referrals to services. Services may include counseling, drug testing, parenting classes, anger management classes, in-home family support, and referrals to community agencies whose services are designed to keep families together.

Family Reunification Services

If the Juvenile Court declares your child a dependent of the court, the primary social worker will work with you to safely reunite your family as quickly as possible. The primary social worker will work with you until reunification services are ended or until the case is closed.

Family Maintenance Services

If the Juvenile Court determines that your child can safely be returned home, it will order that the child return home with services provided to maintain the situation, and continued supervision by Children's Services.

Concurrent Planning Services

California law requires Children's Services to work toward reunification while, at the same time, finding a safe, permanent home for children if they cannot go back to their parents.

Permanency Services

When a child cannot be safely returned home, the social worker and adoption specialist and will write a report recommending a permanent plan for the child, which could include the child being placed for adoption, provided a legal guardian, or being in a permanent planned living arrangement.

- **Adoption-** Adoption is the first choice for creating a permanent home. If the Court orders adoption, the court will terminate your parental rights.
- **Tribal Customary Adoption** – This is a permanency option for children for whom the Indian Child Welfare Act (ICWA) applies. In this situation, the court *does not terminate parent rights*, but the adoptive parents have all legal rights.
- **Guardianship-** Legal Guardianship is the next best option for permanency. In this situation, the Court does *not terminate Parental Rights*.
- **Permanent Planned Living Arrangement-** This is a third option for permanency in which children remain in their placement, but with a goal of returning home, adoption, guardianship, independent living, placement

with a relative, or placement in a less restrictive foster care setting. In this situation, the Court *does not terminate Parental Rights*

How much time will I be given to reunify with my family?

- If any children removed from your home **are under 3 years old** at the time of removal, you may have only **6 months** to reunify with that child and his or her siblings. The six months starts from the date that the court takes jurisdiction or 60 days after your child is removed from your custody, whichever comes first. You must make significant progress on your case plan or your child or children could be removed permanently from your care.
- If any children removed from your care are **age 3 and over at the time of removal , and do not have siblings (brothers or sisters) under age 3**, you may have **12 months** from the date that the court takes jurisdiction, or 60 days after removal from your custody. You must make significant progress on your case plan or your child or children could be removed permanently from your care.

How can I help my child now?

Remember, **you are the most important person in your child's life**. Seeing you is one of your child's basic needs. Think about what you do during your visit. You can plan to read a favorite book, play games, draw or color pictures, bring a healthy snack or talk about activities and school.

For the benefit of your child and family, talk to your social worker about how you are feeling or how to make things easier when you visit. Do not discuss the court case or Children's Services Division's involvement with your child. Do not discuss when your child will be coming home. This can confuse and upset your child.

If anyone is coming with you to the visit, your social worker must approve him or her beforehand. It is important that you limit friends attending with you so that you can focus on your child and the time spent with him or her. This visit is your time to bond with your child.

What is Juvenile Court?

Juvenile Court is part of the Butte County Superior Court. Juvenile Court is different from a criminal court. The judge of the Juvenile Court hears cases that involve suspected child abuse and neglect as well as legal guardianship and adoption.

- Court hearings are confidential and are not open to the public
- You are not charged with a crime in Juvenile Court
- There is no jury to decide if you are guilty or innocent
- The judge decides whether your child should be returned to you or placed with someone else

Until a full investigation can resolve safety concerns, your child may be placed with the child's other parent if that parent does not live with you, with an approved relative, a foster home or resource home, in emergency placement, or in a group home.

The court prefers to return children to their own homes whenever possible if their safety can be reasonably assured.



What are the different court hearings? What can happen at each?

Within two days of your child being removed from you, if your child is not returned to you, a petition (a legal document) to declare your child a dependent is filed with the court. “Filed” means the petition becomes part of the court record. The petition states facts that support the reason(s) the social worker thinks the court should protect your child.

You will be told the date, time and place of the **detention hearing** and when this petition will be filed. At the detention hearing, the court may make one or more of the following decisions:

- Schedule another hearing so that the judge can hear more information
- Release your children to you while information is being prepared for the next hearing
- Order your children to remain in out-of-home care while information is prepared for the next hearing

The next hearing to be schedule is the **jurisdictional hearing**. The jurisdictional hearing is usually scheduled two weeks after the detention hearing. At the jurisdictional hearing, the judge will consider the evidence or arguments offered by any party to decide if some, or all, of the petition is true. If the court finds the petition is not true, the case will be dismissed and your child will be returned to you.

If the judge finds the allegations to be true, the court will set a **dispositional hearing**, usually scheduled for two to three weeks after the jurisdictional hearing. At the dispositional hearing, the court will consider the report of the social worker—composed of a family social study and the case plan—declare your child a dependent of the Juvenile Court, and order cooperation with the plan for services.

Every six months **review hearings** provide information to the court regarding your child and you, as well, as how you are participating and progressing in services. A recommendation may be made to return your child home to your care in a plan of family maintenance, to continue reunification services, or to recommend a permanent planning hearing be scheduled to select a permanent plan for your child.

What will I need to be ready to tell the court?

The judge will ask you:

- The biological father’s name, if he is not already known,
- The mailing address you want the court to have on record, and
- If you have any Native American ancestry

The judge will order that you tell your social worker:

- Names and addresses of relatives,
- Complete medical, dental, mental health and education information regarding your child/children and the mother and biological father, if known
- Any additional Native American ancestry



What happens if I do not show up in court?

If you are unable to attend a hearing or keep an appointment required by the court, call your attorney and/or social worker immediately. Leave a message if necessary.

If the court orders you to be present and you do not show up, the court may issue a bench warrant for your arrest.

If your child has been released to you, and the court orders you to bring the child to court with you to the next hearing and you do not appear, the court may issue a warrant to arrest you and take your child into protective custody.

What are my rights?

If you have an attorney, he or she will assist you in carrying out your legal rights. The following are your rights in Juvenile Court:

- The right to have an attorney represent you in court or, if you prefer, to represent yourself
 - If you do not have the money to hire an attorney, the court will appoint one for you
 - You may have to repay the court for the cost of your legal services according to your ability to pay
 - Your child will also have an attorney appointed by the court
- The right not to testify against yourself
- The right to be notified of the time and place set for a hearing
- The right to ask questions of witnesses, including the people who wrote police reports or other reports filed with the court.
- The right to subpoena witnesses to testify in court
- The right to appeal the court's decisions

If your child remains in out-of-home care, you have these additional rights:

- The right to visit your child unless the court specifically restricts this right
- The right to receive services to help you make your home safe for your child's return unless the court specifically restricts this right.

What are the different roles of those who will be working my family?

Emergency Response Social Worker (ER)

An ER social worker may make contact with you because someone called either the police or the 24-hour Child Abuse Hotline. An ER social worker's task is to investigate calls that report that a child is being abused, neglected, or exploited. The ER social worker assesses family strengths and needs, and provides support services to help keep children in their homes whenever possible. In some situations, the ER social worker may work with Law Enforcement to remove the child from the home and place him or her into protective custody. The ER social worker will talk with people who can shed light on the truth or falseness of the allegations. The ER social worker will report his or her findings and make recommendations to the Juvenile Court.

Court Specialists

The court specialist helps the ER social worker by writing the petition to the Juvenile Court and representing Children's Services Division in the courtroom.

Primary Social Worker

The primary social worker is assigned to the case right after, Children's Services detains your child or if you are in a plan of family maintenance. It is the Primary social worker's task to meet with the parents, assess their needs and work with them to develop a plan to resolve any issues that affect the child's safety in the home.

Permanency Planning Social Worker

When you cannot reunify with your children, Children's Services must develop a permanent plan for your child. The permanency planning social worker works in conjunction with the adoptions social worker to determine the most appropriate plan, which could include adoption, legal guardianship or long-term foster care. The Juvenile Court judge makes the final decision about the permanent plan.

Adoption Specialists

If the Juvenile Court terminates reunification services, the judge will order a hearing to determine the best permanent situation for the child. Butte County Adoptions will assign an adoption specialist to determine whether adoption is an appropriate permanent plan, and will match the needs of the child with an approved relative or adoptive family.

Who will help me resolve problems?

Level 1- The social worker is the primary person to help you locate resources and develop skills to provide safety for your child. Your attorney will help you in carrying out your legal rights.

Level 2- The social worker's supervisor works with the social worker on additional strategies to assist you in developing skills to provide safety for your child. The supervisor is available to assist you in the social worker's absence or if you have concerns that the social worker is unable to resolve.

Level 3- The Program Manager will look into problems that the social worker or supervisor cannot resolve.

Level 4- The Assistant Director of Services, together with the Services Team, develops, coordinates and administers the delivery of child welfare services to the community.

Level 5- The Director of the Department of Employment and Social Services oversees the administration of services throughout the department. Decisions sometimes require the Director's approval.

What if I want to make a complaint?

If you wish to file a written complaint, you may request a BU CSD-445 Complaint Form from your social worker, the supervisor, or the receptionist at the front desk of Children's Services Division.

Your complaint form will be provided to the social worker's immediate supervisor, who will work with your to resolve the complaint in a fair and equitable manner. If the complaint cannot be resolved, the supervisor will forward the matter to the Program Manager.

Definitions of Abuse and Neglect

Neglect

Child neglect occurs when a parent or guardian fails to provide proper care or protection for their child.

- *Severe neglect*—failure to protect a child from severe malnutrition; medically diagnosed failure to thrive; intentional failure to provide food, clothing, shelter or medical care; providing a hazardous and unsanitary household environment; and constant inattention to the child's personal hygiene.

- *General neglect*—failure to provide adequate food, clothing, shelter or medical care; failure to provide supervision where no physical injury has occurred, such as leaving a young child home alone, leaving a child poorly supervised, not following through on medical treatment, not enrolling a child in school, not getting a child to school or allowing a child to be absent too often from school, and constant inattention to avoidable hazards.

Physical abuse

When a parent or anyone who has legal custody over a child deliberately inflicts injury to a child in any way; willfully inflicts cruel, inhumane or unjustifiable corporal punishment or injury; creates a situation where there is risk of serious physical injury; knowingly allows someone else to harm his or her child or otherwise fails to protect his or her child from harm.

- *Physical abuse* can occur when a child is hit, bitten, kicked, slapped, burned or injured in any other way. These injuries can result from the use of a hand or a foot or an object such as a belt, extension cord, stick, cigarette lighter or any other object.
- *Physical Abuse* may be the result of extreme discipline.

Sexual abuse

Child sexual abuse includes both sexual assault and sexual exploitation.

- *Sexual assault* includes sex acts with children, masturbation in the presence of children and child molestation.
- *Sexual exploitation* includes obscene sexual conduct with children and child prostitution.

Emotional abuse

Emotional abuse includes situations in which the parent or guardian has isolated, ignored, terrorized by verbally assaulting, bullied, or frightened a child to such a degree that the child is suffering or is at substantial risk of suffering serious emotional damage, displayed as severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others.



Terms used in Dependency Cases:

Adoption - A legal process whereby another person or persons becomes the legal parents of a child. Once this happens, the biological parents lose all rights to their children.

CASA - Court Appointed Special Advocates—Volunteers appointed by the Juvenile Court who are trained to help and support children who are involved under the court's protection.

Child and Family Team Meetings (CFT)- Meetings facilitated by FARE, in which CSD works collaboratively with the parents, their support network, and service providers to develop a shared understanding of safety concerns and protective capacities, and to create a safety goal. The case plan is often developed at these meetings.

Confidentiality - Legal requirement that protect information, including any details of a child welfare investigation contained in a case or in court reports, cannot be disclosed to outside parties without a court order. Child welfare records or files are examples of confidential information.

Confidential Placement - When the court orders information about where a child is placed is not to be released to the parent, usually to protect the child.

Detention Hearing - The first court hearing when children have been removed from their parents. Parents who appear are appointed an attorney and given copies of the petition that has been filed on behalf of the child.

FARE (Facilitating All Resources Effectively)—These are facilitated child and family team meetings, coordinated and conducted by a third-party facilitator, who is not part of Children’s Services.

Foster Care - Placing a child temporarily with families outside his or her own due to abuse or neglect. Foster care includes family foster homes, relative placements, and group homes.

Legal Guardianship - A legal process where other persons (relatives or non-relatives) take the responsibility of raising a child, including the right to sign legal papers involving the child. The rights of the biological parents are suspended, but not ended, and parents still have a say in their child’s care.

Protective Custody - Removing a child from the parent by a police officer or social worker

SOP - Safety Organized Practice-A child welfare practice that can include family team meetings to identify harm and danger concerns for the child, as well as safety goals for the family.



Legal and Community Resources

Children's Services Public Telephone Numbers

Child Abuse and Neglect Reporting Hotline	1(800) 400-0902 (530) 538-7617
Children's Services Reception, Oroville Office	(530) 538-7883
Children's Services Reception, Chico Office	(530) 879-3731

Attorneys—Juvenile Court Public Defenders

Myra Bailey	(530) 877-3855
Kristin Cobery	(530) 345-5160
Kimberly Cluff	(415) 491-2310
Tracy Davis	(530) 342-7413
O'Neil Dennis	(530) 343-1010
David Howard	(530) 899-5100
Chris Loizeaux	(707) 224-9209
David Nelson	(530) 934-3680
Dale Rasmussen	(530) 343-4168
Christine Price	(530) 892-0879
Michael Rooney	(530) 343-5297
Tammy Solano	(530) 894-4045
Georgia Stearns	(530) 473-2100

Domestic Violence Prevention Services

Catalyst	1(800) 895-8476 crisis (530) 343-7711 Chico (530) 532-6427 Oroville
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Substance Abuse

Alcohol and Drug Services—Butte County Behavioral Health	(530) 891-3950
Alcoholics Anonymous	(530) 342-5756
Narcotics Anonymous	(530) 877-6361
Stepping Stones	(530) 538-7124

Parenting Support

Counseling Solutions	(530) 879-5991
Northern Valley Catholic Social Service (NVCSS)	(530) 345-1600
Young Parent Support Services	1(800) 339-8336

Transportation

B-line	1(800) 822-8145
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Counseling

Chico Community Counseling Center	(530) 891-2945
Gridley Community Counseling Center	(530) 846-7305
Oroville Community Counseling Center	(530) 538-2158
Paradise	(530) 872-6328

Emergency Shelter

Torres Community Shelter	(530) 891-9048
Esplanade House	(530) 891-2977
Sabbath House	(530) 899-9343
Oroville Rescue Mission	(530) 533-9120

Helpcentral.org

(530) 879-2455



Important information to remember

Attorney

Address

Phone #

Social Worker

Address

Phone #

Foster Parent(s)

Address

Phone #

Foster Family
Agency

Address

Phone #

FARE Facilitator

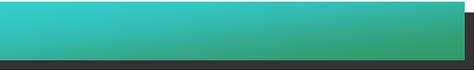
Address

Phone #

Other

Address

Phone #



Important Dates

Meeting/Hearing _____



Butte County Department of Employment and Social Services
Shelby Boston, Director

Children's Services Division
Karen Ely, Assistant Director



Department of Employment and Social Services

Children's Services Division
P. O. Box 1649
Oroville, CA 95965