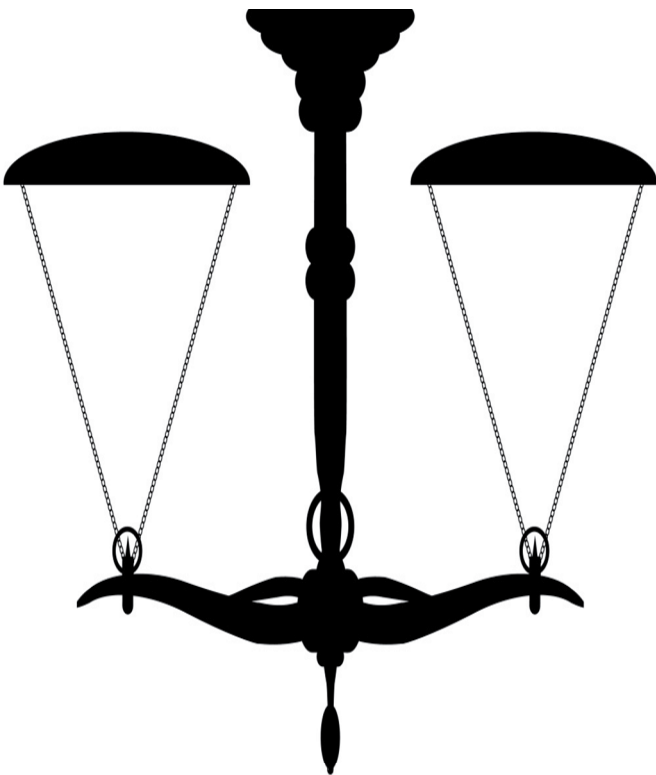


THE INCARCERATED PARENTS' DEPENDENCY COURT HANDBOOK



This Handbook was prepared by the Incarcerated Parents Work Group of the Los Angeles County Superior Court, Juvenile Dependency Division to answer questions that incarcerated parents in California may have about their Dependency Court cases.

1. REMOVALS

Q: Why are children removed from their homes by the DCFS? Children may be removed from the homes of their parents or caregivers for many reasons, even when their parent has not abused/neglected them and has full legal custody of them. In some cases, a parent’s current or previous arrests/incarcerations can be a reason for removal. Similarly, a parent’s previous involvement with DCFS can be a reason for removal. Babies born to incarcerated mothers can be removed because of the mother’s DCFS history or when she does not have an appropriate plan for her baby’s care.

Q: How do I find out why my children were removed? Ask the DCFS investigator who interviews you or call the Children’s Social Worker [CSW] assigned to your case. The best way to find out is to go to the Court hearings on your children’s case.

2. WORKING WITH THE CHILDREN’S SOCIAL WORKER [CSW] & THE DEPARTMENT OF CHILDREN & FAMILY SERVICES [DCFS]

Q: What information do I have to share with the DCFS? If you have been assigned a Dependency Court attorney, this attorney can answer that question. If you do not yet have a Dependency Court attorney, you must decide what information to share on your own but be sure to tell DCFS workers about your plan for the care of your child(ren). Remember, all DCFS investigators, CSW’s and supervisors who are assigned to your case have access to your criminal justice records.

Q: What information should I get from the DCFS? You should ask for your Dependency Court case number, which will allow you to identify your Dependency Court attorney.

3. THE DEPENDENCY COURT

Q: How do I get an attorney to represent me in Dependency Court hearings? An attorney employed by Los Angeles Dependency Lawyers, Inc. [LADL] will be assigned to represent you at the first Dependency Court hearing you attend. You should communicate with this attorney by letter and telephone, as often as you need to keep him/her informed about your circumstances and plans for your children. In your letters and/or calls, you can also ask for information about your case. Your Dependency Court attorney will be assigned to you until your case is closed by the Court. You can change your attorney only in certain circumstances. However, you also have the right to hire your own private attorney.

The Dependency Court Attorney
This is the lawyer who is provided by the Dependency Court to represent you. The job of your Dependency Court attorney is to guide you through the Court system. The Dependency Court attorney is the only official advocate for parents in the Dependency Court system.



IMPORTANT INFORMATION ABOUT MY DEPENDENCY COURT CASE

MY CASE NUMBERS

My Dependency Court case number (begins with a letter): _____

My DCFS case number: _____

MY COURT INFORMATION

Check the Court location where your case hearings are held:

Edelman Children’s Court [] McCourtney Juvenile Justice Center

201 Centre Plaza Drive

1040 West Avenue J

Monterey Park, CA 91754

Lancaster, CA 93534

Department number: _____

Department number: _____

Judge: _____

Judge: _____

MY DEPENDENCY COURT ATTORNEY INFORMATION

Your Dependency Court attorney is your advocate and the person who represents you in Court.

Name: _____

Address: _____

Telephone: _____

Toll-free telephone number: _____

Fax: _____

MY CHILD(REN)’S ATTORNEY INFORMATION

Your child(ren)’s Dependency Court attorney is your child(ren)’s advocate and the person who represents the child(ren) in Court. By law, this attorney is not allowed to discuss your child(ren)’s case with you.

Name: _____

Address: _____

Telephone: _____

Toll-free telephone number: _____

Fax: _____

MY CHILDREN’S SOCIAL WORKER INFORMATION

Your Children’s Social Worker is employed by the Department of Children & Family Services [DCFS] to advocate for the safety of the child(ren) while the child(ren) is/are in the Dependency system.

Name: _____

Address: _____

Telephone: _____

Toll-free telephone number: _____

Fax: _____

Telephone: _____

Toll-free telephone number: _____

Q: I am a federal prisoner (or in ICE custody); will I be allowed to attend hearings on my case? Yes, you are legally allowed to attend hearings but transportation from the prison to the courthouse, including escorting officers, is not provided. In most cases, this means you will be unable to attend.

Q: If I attend hearings, will that affect my good time or my status at the jail/prison? You will not lose good time credit for the days you are away from the jail or prison to attend Dependency Court. In State prisons, it is possible that you will lose your housing or work assignment while you are out to Dependency Court.

Q: If I attend hearings, will I have to be handcuffed in front of my child(ren)? Yes, you may be required to be handcuffed in the courtroom.

Q: If I attend hearings, will I be allowed to have a visit with my child(ren) in the courthouse? During your hearing, you can request a visit and the judge will decide if a visit can take place.

Q: How do I know when my hearings will be held? The CSW should send you letters with information about the date and time of your hearings.

Q: Is there a way to participate in hearings without being transported to Court? Yes. In some correctional facilities parents may participate in Court Call, which allows Court appearances from a remote location by telephone. In some settings, Court appearances by videoconferencing may be available. Ask your Dependency Court attorney about these options.

Q: What can I do if I am not transported to Court from the jail or prison? Call and ask your Dependency Court attorney.

Q: If I don’t attend Dependency Court hearings, what will happen? You have a right to attend certain hearings where decisions are made about your child(ren)’s custody. If you are not sure if you should attend a hearing, ask your Dependency Court attorney.

4. PLACEMENT

Q: How can I get my child(ren) placed with a member of my family or a friend? You can ask the Court to place your child(ren) with the caregiver of your choice, in or out of state. Your plan for their placement must be “appropriate”, which means the caregiver you choose must have the ability to care for and not present any risk to your child(ren). For example, people who have had their own children removed by DCFS or who have a criminal record may not be considered to be appropriate caregivers.

Q: What can I do if I disagree with the caregiver that DCFS selects for my child(ren)? Inform your Dependency Court attorney and the CSW in writing why you disagree with your child(ren)’s placement and where you would like them to be placed. If you come to your Dependency Court hearings, you can make sure the judge is informed of the reasons for your disagreement.

5. FAMILY REUNIFICATION

Q: What is a Family Reunification Plan? A Family Reunification Plan (also called the “case plan”)() describes the process that will allow you to regain custody of your child(ren). A case plan includes the orders of the Court



The Children’s Social Worker [CSW]

This is the social worker who is employed by DCFS and represents their interests in Dependency Court. The job of the CSW is to advocate for the safety of children in the Dependency system. The CSW is not the parent’s official advocate or representative.

(“requirements”) that a parent must complete. Case plans can include services---like parent education, drug treatment or counseling---you must complete as well as changes in your living situation---like stable housing---that you must achieve before your child(ren) can be returned to your care. In some special circumstances, the Court may order that no reunifications services be provided.

Q: How long will I receive Family Reunification services from the DCFS? This depends on the circumstances of your case and varies from family to family. However, by law, incarcerated parents may be entitled to up to 24 months of reunification services.

Q: How do I find out about programs for prisoners that will help me meet my Family Reunification Plan requirements? The CSW assigned to your case should provide you with information about programs and services that will help you meet your reunification requirements. However, you should also ask about any programs or services available to you in the jail/prison. If your jail/prison doesn’t offer the programs you need, tell your Dependency Court attorney and the CSW; also ask the CSW for alternatives that will help you meet your requirements.

Q: What should I do if my CSW is not helping me meet my requirements? Tell your Dependency Court attorney and ask him/her to tell the Court if you are not receiving assistance from the CSW in finding programs and services, if the CSW is not turning in your certificates and other documents at Court hearings, or if your CSW did not write in the case report that you are participating in services to meet your case plan. You can also write to or call the CSW’s supervisor to report these circumstances.

Q: What will happen if I don’t complete my requirements? If you don’t complete your requirements, your case plan can be changed and your DCFS reunification services can be terminated. Once parents are no longer receiving services, they cannot reunify with their children.

Q: If my Family Reunification services are terminated, can they be reinstated? Yes, family reunification services that have been terminated can be reinstated if the parent’s circumstances change. When this happens, the parent’s Dependency Court attorney files a “388 Motion” to tell the Court what has changed and why the parent should be given another opportunity to fulfill the case plan.

6. WORKING WITH CAREGIVERS

Q: How do I find out where my children are located, how they are doing and how I can communicate with them? How can I get information about their caregiver? Contact the CSW, who can provide you with information about your children’s placement and give you instructions on how to communicate with them.

Q: Can I contact my child(ren)’s caregiver directly? This depends upon the caregiver. Call the CSW and ask if this can be arranged.

Q: How do I communicate with my child(ren) and the caregiver if the caregiver will not accept collect phone calls from the jail/prison? Report this to your Dependency Court attorney, who will raise the issue in Court.



7. PARENT-CHILD VISITATION

Q: May I get visits with my child(ren) in the jail/prison? Yes, it’s allowed.

Q: What can I do if the Dependency Court has ordered visits but my children are not being brought to the jail/prison to visit me? Report this to your Dependency Court attorney and the CSW.

Q: Why can’t the CSW transport my child(ren) to visit me when there are no other means of transportation? Los Angeles County is too large and has too many families involved with DCFS to guarantee that county staff can transport every child to visits. It is very important for parents to try to find a relative who can transport and be cleared to escort their child(ren) to jail/prison visits.

Q: Are caregivers supposed to transport my children to visit parents in jail/prison? No. They can provide transportation but it’s not required.

Q: Can the Dependency Court order contact visitation for me and my child(ren)? Yes, but only if it is offered at your correctional facility.

8. PERMANENCY OPTIONS

Q: What is a Legal Guardianship? A Legal Guardianship is a legal relationship between a child and an adult who is granted physical custody of the child by the Court and ordered to protect the child’s best interests and provide for the child’s care, welfare, education and support.

Q: Do I lose my parental rights if my child(ren)’s caregiver gets a Legal Guardianship? No.

Q: Does incarceration affect my parental rights? No. Only a Court can change parental rights.

Q: Why are parental rights terminated? When the CSW recommends adoption as a child’s permanent plan, s/he will ask the court to terminate the parent’s rights so the child can be freed for adoption. The length of a parent’s jail or prison sentence may affect these decisions.

Q: Can my rights be terminated without my consent or if I am not present in Court? Yes.

Q: Can I appeal the termination of my parental rights? Yes, but only within 60 days of the Court’s order terminating your rights.

Q: Once parental rights are terminated, can they be reinstated? Yes, under certain circumstances. Ask your Dependency Court attorney.

Q: Why is my child being put up for adoption so soon? The law says that family reunification services must be provided for 6 months (for children under 3 years of age) or 12 months (for children 3 years of age or older). After that time, children may be placed for adoption. In California, a special law allows for an extension of family reunification services for incarcerated parents for up to 24 months. Ask your Dependency Court attorney if this applies to your case.

Q: Can my children be adopted without my consent? Yes.

Q: My child was adopted. How can I let him know how to get in touch with me after he has emancipated? Parents of adopted children may ask to have letters placed in their children’s adoption files by writing to: Post-Adoption Services Unit, Department of Children & Family Services, 3530 Wilshire Boulevard, Suite 400, Los Angeles, CA 90010.



9. REENTRY

Q: Can I have contact with my child(ren) as soon as I am released from incarceration? Yes, under certain circumstances. While you are still incarcerated, ask your Dependency Court attorney and the CSW how to obtain permission to visit your child(ren) immediately after your release.

Q: Can my child(ren) be placed with me in a residential parent-child prison or reentry program? Yes, under certain circumstances. Ask your Dependency Court attorney if this is possible in your case.

Q: How do I find out if there are any restraining orders against me? While you are in custody, you should ask a correctional officer to check the jail computer for information about restraining orders against you. When you return to the community, you can request a check for restraining orders at a county courthouse. In both cases, you should request a printout of any information that is found.

Q: Can I live with my children and their caregiver after I am released? Not without permission of the Dependency Court. Ask your Dependency Court attorney and the CSW if it is possible.

Q: Can my contact with my child(ren) be restricted by the terms of my probation or parole? Yes.

Q: What will the DCFS and Dependency Court require me to do to regain my child(ren)’s custody? Ask your Dependency Court attorney and the CSW to review your case plan with you. Keep up to date with your case plan and meet all the plan’s requirements.

Q: Do I have to be off probation or parole to get custody of my child(ren) back? No.

Q: Do I have to be employed to get custody of my child(ren) back? No.

Q: Do I have to pay off my child support to get my child(ren)’s custody back? No.



ADDITIONAL INFORMATION

- More questions?** Contact your Dependency Court attorney or the DCFS Children’s Social Worker assigned to your case.
- Available online?** The Incarcerated Parents Dependency Court Handbook can be downloaded or printed at:

www.lacourt.org