

## *A Parents' Guide to: Abuse, Neglect and Exploitation Cases in Youth Court*



### **YOU HAVE RIGHTS.**

- To request that a lawyer be appointed to represent the child's wishes. The judge will appoint a Guardian ad Litem (GAL) at no cost to you to recommend the "best interest of the child" (not necessarily the child's wishes), but they may not be an attorney.
- To be represented by a lawyer at your own expense. You can ask for time to hire a lawyer. If you cannot afford a lawyer, you may ask the court to appoint a lawyer to represent you. You may also qualify for a lawyer at no charge provided by one of these organizations:

**MS Center for Legal Services**  [www.mscenterforlegalservices.org](http://www.mscenterforlegalservices.org)  800.498.1804

**North MS Rural Legal Services**  [www.nmrls.com](http://www.nmrls.com)  800.498.1804

**Office of State Public Defender**  [www.ospd.ms.gov](http://www.ospd.ms.gov)  601.576.2310

- To advance notice of the time and place for any court hearings and to be present at all hearings.
- To understand what is happening in court. You always have the right to ask the youth court judge to explain the process to you and to ask questions about the process.
- To request an interpreter if your primary language is not English.
- To know what social services you have access to. MDCPS is required to make reasonable efforts to provide you with services that would prevent the need for taking your child into custody, unless it is an emergency removal to keep the child safe. If MDCPS custody is ordered by the Youth Court, MDCPS is required to make reasonable efforts to provide you with services that would help you regain custody of your child.
- To request that your child be placed with an appropriate family member or close family friend (fictive kin) if removal is necessary.
- To develop a family service plan with MDCPS, your child (if they are old enough), the GAL, a CASA (if there is one involved in your case) and the foster care provider.
- To ask MDCPS and the Youth Court for reasonable accommodations to allow you to meet the requirements in your family service plan if you have any disabilities.
- To be respected by everyone involved in your case.
- To special considerations under the Indian Child Welfare Act (ICWA) if your child is an American Indian or of American Indian Descent.



### **YOU HAVE RESPONSIBILITIES.**

- Work toward completing your obligations in the family service plan.
- Respect everyone: MDCPS caseworkers, the GAL, Court staff and lawyers.
- Communicate regularly with your lawyer, if you are represented by one.
- Maintain communication with MDCPS and Service Providers.
- Attend all court hearings, Family Team Meetings and visitations with your child.
- You can list or suggest the services and resources that you need to get your child back (such as housing assistance, drug counseling, anger management classes, parenting classes).
- Tell the court if you cannot afford to pay for any of the services that MDCPS requires as a part of your family service plan.

# The Youth Court Proceedings

## 1 THE SHELTER HEARING

- The Youth Court must schedule a Shelter Hearing within 48 hours after your child is removed from your custody. Attend this hearing. If you can afford to hire a lawyer, you should hire one. If you believe you may qualify for a lawyer at no charge, you should contact the organizations listed above. Or, ask the Youth Court judge to appoint a lawyer to represent you.
- MDCPS employees will testify about the results of their initial investigation and why they think your child has been abused or neglected. They will also be required to testify as to why they believe that your child would not be safe remaining in your home at this time. The court will consider this to be sure that the child is safe and protected.
- You are allowed to testify at this hearing.
- You or your lawyer will be able to question the MDCPS employee witnesses and any other witnesses who testify. You can also testify or call witnesses. Your interests will be better protected if you have a lawyer to do this for you. If you represent yourself, the MS Access to Justice Commission has resources to help you: [www.msajtc.org/preparing-for-court](http://www.msajtc.org/preparing-for-court).
- Based on the information provided at the Shelter Hearing, the Youth Court will either:
  1. dismiss the case and order that your child be returned to you; **OR**
  2. return your child to you but refer the case to the Youth Court prosecutor who will decide whether to move forward with the case; **OR**
  3. determine that your child should remain in the custody of MDCPS or other entity and refer the case to the Youth Court prosecutor who will decide whether to move forward with the case.
- Before the next hearing, you must try to fix any problems or stop any actions that MDCPS says is a danger to the health, safety, and welfare of the child.

## 2 THE ADJUDICATION HEARING *(THE MOST IMPORTANT HEARING YOU WILL ATTEND)*

- The Adjudication Hearing will be held before the same judge usually within 30 days after the Shelter Hearing (it could take longer). The judge will decide whether there is enough evidence to conclude that your child has been abused or neglected.
- Without the recommendation of a lawyer representing your interests, you should not agree to the entry of an Order finding that your child has been abused or neglected. You should request that a formal hearing be held on the record. Prepare for your hearing by visiting the tips at [www.msajtc.org/preparing-for-court](http://www.msajtc.org/preparing-for-court).
- If the court finds that your child has been abused or neglected, the court will hold a Disposition Hearing. This can take place at the same time as the Adjudication Hearing or at a later date.

## 3 THE DISPOSITION HEARING

- The Youth Court's goal is to reunite you with your child. At the Disposition hearing, the judge may decide where to place your child while you work on the goals listed in your Family Reunification Service Plan. Placement could be with you, with a relative, close family friend (fictive kin) or in a licensed foster home. The judge will discuss your visitation rights, the responsibilities that you will have and the services that MDCPS must provide to you.

## 4 THE PERMANENCY REVIEW HEARING

- As long as the Youth Court case is open, regular review hearings are required to be sure that your child is in an appropriate placement. The court will look at the progress that you have made on your Service Plan to decide whether you can regain custody. If you did not do enough to meet the goals in your Service Plan, the judge may order that the child be placed with someone else through a legal guardianship or durable legal custody or the judge may recommend that your parental rights be terminated.

For more information about preparing for Youth Court hearings, go to [www.msajtc.org/preparing-for-court](http://www.msajtc.org/preparing-for-court).