

A Maryland Judiciary Production

*My Laws, My Courts, My Maryland*

### **Child Welfare 101 – The People (Part 3)**

Hello ...and welcome to the Maryland Courts introduction to the legal process in child welfare cases, also known as child dependency cases. This three-part series is for parents whose children have been removed from the family home.

In this video, we'll go over the key players in your case. The first one is your lawyer. We'll discuss your responsibilities when working with your lawyer, and the importance of communication. The second one is your child's lawyer. We'll define "considered judgement" and talk meetings and confidentiality. The third lawyer represents the Department of Social Services or DSS. We'll also introduce you to the Court-Appointed Special Advocate. You will be learning a lot of new terms so consider using the tip sheet and taking notes.

Let's start with your lawyer.

#### **CHAPTER HEADING FULL SCREEN TEXT: YOUR LAWYER**

In Maryland, all parents are entitled to have a lawyer represent them in a Child in Need of Assistance case, commonly referred to as a CINA case. (pronounced Si-Na) If your income is below a certain level, the Office of the Public Defender, or the OPD, will provide you with a free lawyer. Complete and submit the paperwork. The OPD will determine if you are eligible for a lawyer at no cost. If you are not eligible, or if you prefer to hire a private lawyer, you may do so at your own expense.

If you are using a lawyer provided by the State, you will meet your lawyer for the first time at the emergency shelter care hearing. Your lawyer will explain why your case was brought to court. He or she will also give you a copy of a court document called a petition, which is written

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by someone at DSS. The petition outlines facts that the agency believes caused you and your family to be in court. Review the allegations with your lawyer. You will have a chance to tell your lawyer which statements are true and which are not.

Your lawyer will also ask about family members who may be able to care for your child until he or she can be returned to you. DSS will review the backgrounds of these family members.

It is important to keep in mind your responsibilities when working with your lawyer.

#### Chapter Heading Full Screen Text: Your Responsibilities

Give your lawyer any meeting notices you receive. This means notices that you have from DSS, from your child's school, or from any other service providers. You must also sign releases so that professionals may speak with your lawyer.

Many parents report that they feel the legal and social services systems are unfair. Like many parents, you may be angry at the court's decision. Do not let this deter you from your responsibilities. Engage in any court-ordered programs right away so your child can be returned to you.

It is also crucial that you stay in contact with your child and attend every visitation opportunity. Those visits help maintain the strong bond you have with your child. If you have problems with visitation and you cannot work out the issues with DSS, contact your lawyer.

Take advantage of the classes, programs and services offered by DSS. This will help solve the complications that brought your family before the court. Engaging in these programs will help you get your child back. However, the court will make the final decision about reuniting you and your child.

During this process, it's important that you keep your lawyer updated on your activities.

#### Chapter Heading: Full Screen Text: Communicating with Your Lawyer

What if you have problems with your DSS social worker? Or, what if you believe that you are not getting the proper services to allow you to have your children returned home? In those instances, call your lawyer. He or she can help you solve these issues. Finally, keep your lawyer updated on your progress. He or she needs all information on the steps you are taking to reunite with your child.

It cannot be emphasized enough: Your lawyer is YOUR advocate. He or she will help ensure that your rights are not violated. Your lawyer is charged with making sure that the court hears and understands your story. Your lawyer will make sure the court knows about your efforts to correct the problems that brought your family to court. Work closely with this person.

Now, let's explain your child's lawyer.

#### **CHAPTER HEADING FULL SCREEN TEXT: YOUR CHILD'S LAWYER**

In a child welfare case, both you and DSS are parties. But you probably didn't realize that your child is also party to the case. That means your child has the right to be at every court hearing.

At each hearing, the court will consider DSS recommendations about how much time you should spend with your child while he or she is in out-of-home care. However, the judge will make the decision about how often, where, and when you may see your child. The judge is also required to "consult" with your child at least once a year.

Remember, your lawyer will advocate for you and what you want. In the same way, your child's lawyer will advocate for what your child wants. But first, your child's lawyer must determine whether your child has "considered judgment."

#### **CHAPTER HEADING FULL SCREEN TEXT: CONSIDERED JUDGMENT**

Considered judgment means that your child is capable of deciding what he or she wants. Keep in mind that the decision regarding “considered judgment” may change throughout the case. Your child’s lawyer may evaluate whether your child has considered judgment on a hearing-by-hearing basis.

But what if your child does not have “considered judgment?” In that case, your child’s lawyer will substitute his or her judgment for the child’s judgment.

Your child’s lawyer will also attend meetings and maintain confidentiality with your child.

### **Chapter Heading Full Screen Text: Meetings & Confidentiality**

Your child’s lawyer must meet with your child to review court reports and prepare for the case. The lawyer will participate in meetings on behalf of your child. Those meetings may cover treatment, family involvement, and school. Your child will also meet with his or her lawyer to talk about placement issues and other concerns.

All lawyers must maintain confidentiality between themselves and their clients. That obligation is no different with your child’s lawyer. Your child’s lawyer will not discuss the case with you without permission from your lawyer.

As you have learned, every party has a lawyer. That includes the Department of Social Services or DSS.

### **CHAPTER HEADING FULL SCREEN TEXT: DEPARTMENT OF SOCIAL SERVICES LAWYER**

The social worker on your case is a DSS representative. DSS also has a lawyer who will present evidence to the court gathered by the social worker. The lawyer may call anyone as a witness and may even call you to testify. The job of the DSS lawyer is to present evidence to support

what he or she believes to be in the best interest of your child.

The DSS lawyer will make recommendations to the court about your child's placement and his or her visits with you. The DSS lawyer will also make recommendations about the services that the agency believes will assist your family in reunifying.

Once the court hears from each party – from you, your child, and from DSS – the court will decide your child's placement, visitation, and the appropriate services.

Finally, a Court-Appointed Special Advocate maybe appointed by the court to assist with your case. This person is also known as a CASA.

#### **CHAPTER HEADING FULL SCREEN TEXT: COURT-APPOINTED SPECIAL ADVOCATE OR CASA**

The CASA's role is to make sure that your child gets the services ordered by the court. CASA volunteers are trained by an independent agency to work with your child and report back to the court for the duration of the case. The CASA will provide background information to the court and ensure that your child gets appropriate case planning and services. Those services may include medical treatment, extracurricular activities, and educational services such as tutoring, an Individualized Education Plan, and transportation.

We have covered a lot of material, let's review.

#### **CHAPTER HEADING FULL SCREEN TEXT: SUMMARY**

There are at least three parties involved in your child welfare case, and each party has a lawyer. You are entitled to a lawyer and you may qualify for a free lawyer through the Office of the Public Defender. Your child will also have his or her own lawyer. And, DSS will have a lawyer who presents evidence gathered by your social worker to the court. The court may appoint a CASA in

your case.

Remember, the court's goal is to have your child in state custody for the shortest time possible.

We hope this discussion about the people involved in your child welfare case has been helpful.

On behalf of the Maryland Courts, Thanks for watching.