

KNOW YOUR RIGHTS

in Fulton County Juvenile Court

deprivation (abuse and neglect) cases



UNDERSTANDING THE JUVENILE COURT PROCESS

If you are a young person in foster care or involved in an abuse or neglect case, **this booklet is for you**. It is designed to help you **understand the juvenile court process** and your deprivation case.

It's **normal** to have **questions** or be worried about attending court or about your case. This booklet should **help answer your questions**.

If you have questions not answered by the booklet, talk to your **attorney**, your court appointed special advocate (**CASA**), or your **caseworker**.

What's going on?

Will anybody listen to me?

Why is my family in court?

Did I do something wrong?

Did my mom?

Did my dad?

Whose fault is it?

Can I talk to the judge?

Do I have to go to a different school?

Where are my brothers and sisters?

Why can't I go home?

WHAT ARE YOUR RIGHTS?

(in juvenile court deprivation cases)



- 1. You have the right to your own attorney.** This is your right to legal representation. The court must give you your own attorney (an attorney is the same thing as a lawyer).
 - **Your attorney should:**
 - Be at all your hearings.
 - Help you tell the judge what you want to happen in your case.
 - Call witnesses to speak on your side.
 - Ask other witnesses questions.
 - Tell you what is happening with your case and what it means for you.
 - Answer your questions.
- 2. You have the right to be told about your court hearings ahead of time.** This is called the right to notice. You should receive a letter telling you when your court hearing will be and where. You should also be told what the hearing is about.
- 3. You have a right to be at all court hearings about you.** The judge, attorneys and caseworkers will be talking about your life. You have a right to be there and to tell the judge about your life and what you want to happen in your case. The judge is the person who makes the final decisions. Your caretaker or caseworker should help you get to court. Most of the time you do not have to go to court if you do not want to. If you're not sure of what you want, ask your attorney to help you decide if you should go.
- 4. You have a right to tell the judge what is going on in your life and what you want to happen in your case.** At your court hearings, the judge may ask you:
 - How you are doing where you live and at school.
 - If you have any problems.
 - If you get to see or talk to your family, friends and other people.
 - What you would like to change in your life.
 - If you need anything—like counseling, tutoring, medical care or something else.
 - You won't always get what you want but you have a right to tell the judge what you think you need.
- 5. You have a right to speak for yourself at the hearing** when the judge or attorney tells you it is the right time. Or you can have other people (like your attorney) speak for you. You may also be able to give the judge reports, records or evaluations.
- 6. You have the right to hear and read the information the judge will see.** You have a right to hear the witnesses at the hearing. You have a right to have your attorney question witnesses. You have the right to read any reports, records or evaluations that the judge will read. Your attorney can question the person who wrote the reports, records or evaluations.
- 7. You have the right to ask for a more private hearing.** The hearing might be about something very personal, or it might be hard to talk about some things in a courtroom full of people. If you are worried about this, tell your attorney. Your attorney can ask the judge for a more private hearing.
- 8. You have the right to be treated with respect by the judge and court staff.** This means they should be polite and patient with you. You should also treat them with respect!
- 9. You have a right to appeal a judge's decision.** If you don't like what a judge decides, you can talk to your attorney about an appeal. In an appeal, a different judge or group of judges will look at the facts of your case. They could make a different decision, or they could agree with the first judge.

Huh? What does that mean?

This section will help you understand some of the terms that you will hear while you are in foster care or in juvenile court.

Adoption: When a court gives custody of a child to new parents. An adoption happens only if the birth parents agree to it, if the court terminated their parental rights or if they passed away. A child who is age 14 or older must agree to the adoption.

Aging Out: When a child leaves foster care because she reaches age 18 or finishes high school (whichever comes last) without returning home or being adopted.

Appeal: When a party in a case disagrees with the decision the judge makes, she can ask her attorney to appeal the decision. An appeal is a hearing where a different judge (or group of judges) looks at the case to see if any important mistakes were made. The new judge can agree with the first judge or make a different decision.

Case Plan: A plan that DFCS, along with the youth and family, makes and updates every six months. It includes the services provided to the youth and family, and it explains what the family needs to do for the child to be safe in the home.

Citizen Panel: A group of volunteers who review how a foster care case is going and make recommendations to the court. Parents and children can attend the citizen panel reviews.

Confidentiality: Keeping things private or secret. An attorney is required to keep things you tell them confidential unless they have your permission to tell.

Continuance: When a court hearing is moved to a later date. It can happen for different reasons. For instance, someone important to the case did not show up, or everyone involved with the case decides they need more time to work on the case.

Delinquent: A person who is younger than 17 and who has committed a crime and gone to court for that crime.

Deprivation: Is when a child's parents or caregivers do not keep the child safe or give them what they need to be healthy. A judge can give DFCS custody of a deprived child. Being part of a deprivation case doesn't mean you did anything wrong, it just means your parents might need help taking care of you.

Deprived Child: A person under age 18 who is under the supervision of the court because of abuse, neglect or abandonment.

DFCS (Pronounced "D-Fax"): Stands for the Division of Family and Children Services. It is the agency that takes custody of children who are removed from their parents' homes and provides services to children in foster care. Your case-worker probably works for DFCS.

Emancipation: A youth who is legally declared an adult (by a court) prior to age 18. If a court emancipates a youth in foster care, the youth is no longer in DFCS custody or in foster care.

Foster Care: When a child lives somewhere other than in her home with her parents or caregivers. It can be a foster home with relatives or a foster home with people she didn't know before. It can be a group home, an institution (like a hospital) or an independent living setting.

Foster Home: A temporary home with adults who have agreed to take care of a child while she is in DFCS custody. They may be people she knew before (including relatives) or they may be people she meets for the first time when she goes to stay at their home.

Group Home: An alternative to traditional in-home foster care for children, where they are placed in a home-like setting, in which a number of unrelated children live for varying periods of time with a single set of house parents, or with a rotating staff of trained caregivers.

Guardianship: When an adult who is not the child's parent has parental responsibility for the child. It is usually a relative or a friend who already knows the child.





Hearing: An official “meeting” in court with the judge in charge.

Independent Living: A type of living arrangement where a child (who is at least 16 years old) lives with a relative, with friends, in a dorm or in her own apartment without the day-to-day supervision of an adult.

Independent Living Program (ILP): A program that helps foster youth (age 14-21) get ready to be adults. This program provides classes in life skills, vocational training, equipment needed for job training, money for college scholarships and rent assistance.

Individual Education Plan (IEP): A plan to help a child who has special needs and is having trouble in school. A group of people (teachers, school administrators, parents or foster parents, and sometimes the student) work together to decide what help a student will need. Sometimes the plan includes extra help for the student, like tutoring and different class settings.

Individual Service Plan (ISP): A plan that describes the goals in providing a youth with services and how the services will be provided.

Juvenile Court: A court that deals only with cases involving children younger than 18 and that are about children who have been abused or neglected or who are accused of being delinquent.

Kinship Care: The full-time care of a child by someone who is related to the child by family ties or by a significant prior relationship.

Legal Custody: Having the right to make major decisions about a child. If a child is in foster care, DFCS has legal custody of the child.

Notice of Hearings: A paper that tells people when and where there will be a court hearing that involves them. The child, her parents and all the other people important to the case should get notice.

Permanency Planning: Plans made by the caseworker to provide a child and her family with help and services to fix the problem that led to the child’s placement in foster care. Whenever possible, the goal of the plan is for the child to go home. When that cannot happen, the goal can be for the child to live with a relative, or with a guardian, or to be adopted or to stay in foster care until they turn 18.

Relative Care: When a child lives with other family members while in the custody of the state. Also called kinship care.

Relinquishment/Surrender: When a parent agrees to give up their rights to a child, often so that the child can be adopted by other parents.

Reunification: The returning of a child to her parents after she has spent time in foster care.

Reunification Plan: A plan to provide services that can bring a family back together by working on the problems that caused the child’s placement in foster care.

System: A term people often use when they are talking about the network of government organizations that are providing services to children and their families who need help.



Who's that? What's going on?

This section includes descriptions of some of the people you will see and the hearings you may attend.

PEOPLE

Attorney: An attorney or "lawyer" is a specially trained person who gives advice and represents clients, such as parents or children in court. The attorney's job is to help her client figure out what is best and to tell the judge what her client wants and why the judge should agree with her client.

Biological Parent(s): The person(s) who gave birth to or fathered the child.

Caseworker: The person who works with children and families to help them fix the problems that brought them to juvenile court.

Court Appointed Special Advocate (CASA): An adult volunteer who may be assigned by the court to study your case and advocate for what she thinks is in your best interests.

Judge: The judge decides what is best for the youth. The judge issues court orders, reads reports, hears arguments and decides whether the youth should be placed in the custody of DFCS.

Party: A party in a juvenile court case is someone who has a direct interest in the case. This includes both the parent(s) and the child who is involved in the case.

Putative Father: A person who is the biological father of a child but who has not had his rights recognized by the law OR a person who is thought to be a child's father but it hasn't yet been proven to be true.

Special Assistant Attorney General (SAAG): The attorney who represents DFCS.

Sibling: Brother or sister.

Therapist/Counselor: A licensed person who provides services to a child and her family, like counseling, goal planning and advocacy. Other names for a therapist might be "social worker" or "psychologist."

HEARINGS

Emergency/Probable Cause/72-hour: The very first hearing when a court must decide if there is evidence that suggests a child is in danger if left in her home.

Adjudication/10-day: Sometimes this hearing is called a "trial" because it is the hearing where the judge looks at the facts of the case (evidence) and decides whether the child is being deprived (or not protected by her family). This hearing requires more evidence than the Emergency hearing. For this hearing there must be clear and convincing evidence that the child is in danger.

Disposition: Usually takes place right after the adjudication. The judge decides the best place for the child to live (either with her parents or in foster care). The judge also tells the parents and DFCS what they need to do to make sure the child will be safe when/if she goes back home.

Review: A hearing to check on the progress the family is making, if everyone is following the case plan and if any other services are needed. The judge may decide that the child should stay in foster care, return home, or go somewhere else (like with another family member).

Permanency: Like a review hearing but with a bigger focus on what is going to happen to the child in the long-run - where will they live and how will we get them there as soon as possible.

Extension: A hearing usually held when the child has been in foster care for almost 1 year, to decide if the child should stay in DFCS custody.

Non-Reunification: A hearing where the judge decides that because the biological parents did not do what they were required to do for the child to return home, DFCS no longer has to try to reunify the family.

Termination of Parental Rights (TPR): If a child cannot be reunified with her family and adoption is a possibility, DFCS may ask for a TPR hearing. If the court decides to terminate parental rights, it means the child can be adopted. It also means the child's biological parents don't have legal rights to her anymore.

HOW TO ACT IN COURT

This section explains how you should act when you attend court—what things you should do and the things that you should avoid doing.



Dos

Before the hearing

1. Do show up on time.
2. Do dress neatly.
3. Do show respect to everyone you meet in court.
4. Do wait patiently and quietly for your turn to appear before the judge. The judge may have to hear other cases before yours.
5. If you want, you may bring a book or something to read quietly while you are waiting.

In the courtroom

6. Do call the judge, “Your Honor,” “Ma’am,” or “Sir.” These are names people use to show the judge respect.
7. Be honest about what you think and feel when you speak to the judge.
8. If you don’t understand something, tell the judge or your attorney. Someone will explain it for you again.

Don'ts

1. Don't go to court alone. Make sure there is an adult with you (your caregiver, attorney or other trusted adult).
2. Don't eat or drink in the courthouse.
3. Don't chew gum.
4. Don't take any electronic devices with you (like a MP3 player, a Walkman, or video games).
5. If you have a cell phone, turn it off!
6. Don't speak in the courtroom until it is your turn. The judge or your attorney will tell you when to speak.



F * A * Q

frequently asked questions

It's normal to have questions or even to worry about attending court. This section should answer some of your questions.

WHY SHOULD I GO TO COURT?

The judge decides where you will live, who you can see, and what help you will get. Judges are supposed to make decisions using only what they learn at the hearing. **You have a right to make sure the judge hears from you.** It's your life! In some cases, you may not need to go to court. Talk to your attorney about whether you need to be in court.

WILL I MISS SCHOOL?

Court usually is held during school hours, so you will probably miss some school.

WHAT IF I HAVE SOMETHING IMPORTANT TO DO AT SCHOOL, LIKE A TEST OR FIELD TRIP? WHAT IF I HAVE A DOCTOR'S APPOINTMENT OR OTHER IMPORTANT APPOINTMENT?

You can request to reschedule the hearing at a time that is best for all parties (this includes you). Or you can try to participate in the hearing by conference call or video conference. Talk to your attorney or caseworker.

HOW DO I GET READY FOR COURT?

You don't need to do anything special to get ready for court, but you can think about what you want to say to the judge. If you are worried about remembering what you want to say to the judge, you can write a letter to give or send to the judge.

WHAT IF I AM NERVOUS ABOUT GOING TO COURT?

That's OK. Most people are nervous about going to court. You are going to court to tell the judge, the attorneys and your caseworker what you need and how they can help you. In court, they will try to figure out the best way to do that.

WILL MY PARENTS BE AT COURT?

Probably, yes. They are supposed to come to court so you may see them while you're there.

WILL THE THINGS THAT HAPPEN IN COURT STAY PRIVATE?

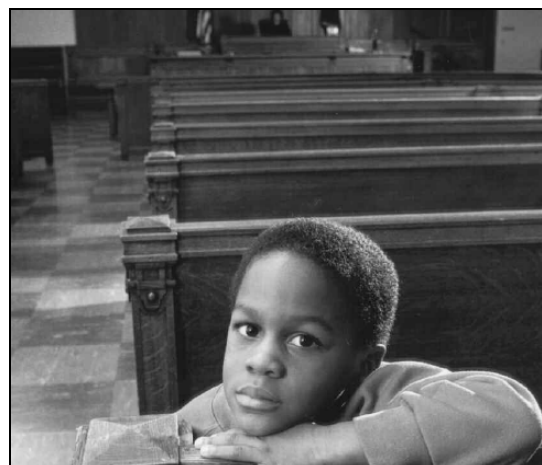
Cases involving children are confidential, which means that the court, the judge, the attorneys and the parties involved with your case should not reveal information about the case to people who are not involved with the case. By law, your case and the court records are confidential.

WILL THE THINGS I TELL MY ATTORNEY STAY PRIVATE?

If you tell your attorney something you want to stay private, your attorney cannot tell anyone what you say. This is called attorney-client privilege. Not following the rules of privilege could mean serious trouble for the attorney.

WHAT IF I HAVE OTHER QUESTIONS?

Talk to your attorney or your caseworker if you still have questions about going to court or about your case.



Contact Information

Stay in touch with people important to your case

ATTORNEY

Name _____

Phone Number _____

Email _____

NOTES

CASEWORKER

Name _____

Phone Number _____

Email _____

CASA

Name _____

Phone Number _____

Email _____

Fulton Child Advocate Attorneys Office
395 Pryor St., S.W.
Suite 4098
Atlanta, Georgia 30312
(404) 224-4756

Fulton County DFCS
Administration Office
1249 Donald Lee Hollowell Pkwy
Atlanta, Georgia 30318
(404) 206-5300

JUDGE

Name _____

Fulton CASA
395 Pryor Street, SW
Suite 4116
Atlanta, Georgia 30312
(404) 224-4720