



A Handbook for Parents and Guardians in Child Abuse & Neglect Cases

**What you need to know about the
court process and the people helping
you with your case**

Being involved in a child abuse and neglect case can be very confusing and stressful for a family. Not knowing what to expect can make it even harder. This handbook will help you understand what will happen. Keep this handbook with you so you can write the names of the people who will be helping you and the dates of meetings and court hearings.

Why Do You Have To Go To Court?

- The purpose of Children's Court is **to keep children safe** and to help families create a safe home for their children. The Children's Court is not designed to punish parents.
- The Judge can require you and your family to get help. Also, the Judge can order that your child be temporarily placed in the custody of the New Mexico Children, Youth and Families Department (CYFD). This means that, for the time being, CYFD is legally responsible for your child and, with the approval of the Children's Court, can make decisions about where your child should live and what you need to do to have your child returned to you.
- The same problems that brought you to the Children's Court could result in criminal charges against you, your partner, or someone else in your family. In that case, you may have to go to another court and see another judge. This handbook does not deal with criminal cases. It is about proceedings (meetings and hearings) in Children's Court.

What Happens After Your Child Is Removed From Your Home?

- If your child is removed from your home, you will be notified in writing and you will receive a copy of the paperwork that has been filed with the court. One of the forms you will receive is called a *petition*. The petition was written after a report was received and investigated by CYFD.
- The petition names you as a *respondent*. This is the term used by the Children's Court for the parent or guardian in a child abuse and neglect case.
- The petition lists one or more *allegations* - statements of what is believed to have happened and reasons why your child needs to be in the State's custody.
- If you do not understand the petition or any other paperwork, talk to your attorney.

Who Will Help?

Your Social Worker

When your child is removed from your home, you will be given the name and phone number of a **Social Worker** from CYFD. Your Social Worker should:

- contact you to give you more information and ask you some questions;
- visit you and your child regularly,
- help you understand the problems that brought you to court, and
- help you work on your *treatment plan*, which lists the steps you must take to have your child returned to you.

If you do not hear from your Social Worker for a while, or if you have questions or problems, call him or her.

Your Social Worker's name, address, and phone number are:



Name: _____

Address: _____

Phone: _____

Best Time to Call: _____

Your Attorney

You will receive a notice from the Court telling you that you have the right to a **Respondent's Attorney**. If you cannot afford to pay for an attorney, one will be appointed for you by the Court. Your attorney should:

- meet with you before every hearing and speak for you in court and
- help you understand your rights and tell you about the hearings you will attend and what to expect at each hearing.

If you do not hear from your Attorney for a while, or if you have questions or problems, call him or her.

Your Attorney's name, address, and phone number are:



Name: _____

Address: _____

Phone: _____

Best Time to Call: _____

Who Else Might Be Involved in Your Case?

Your Child's Attorney - the Guardian ad Litem (GAL)

Your child will have an attorney appointed by the Court. This attorney is called a **Guardian ad Litem (GAL)**. The GAL's job is to meet with your child and tell the Court what is best for your child.

The Children's Court Attorney

The Children, Youth and Families Department (CYFD) also has an attorney, called the **Children's Court Attorney**. The Children's Court Attorney puts the basic facts of the case into writing and gives them to the Judge. In Court, the Children's Court Attorney represents CYFD, who must prove why your child should be in custody, at least for the time being.

The Court Appointed Special Advocate (CASA)

The Judge may also appoint a **Court Appointed Special Advocate (CASA)**. The CASA is a trained volunteer who will meet with you and your child, as well as others involved in this case. The CASA reports to the Court about how your child is doing and what is believed to be in your child's best interest.

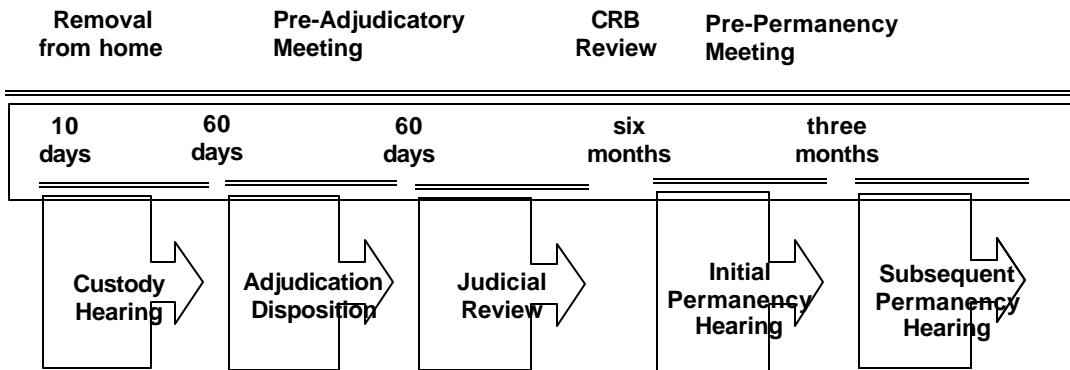
The Citizen Review Board (CRB)

The **Citizen Review Board (CRB)** is a group of trained volunteers from your community. If your case stays in Court for a while, the CRB will meet to review the case and make recommendations to the Judge. Everyone involved with the case, including you and your attorney, will be invited to talk to the CRB at that review.

When Will You Have to Go to Court?

You may be asked to attend several court hearings and other meetings so that the Judge and others can listen to all sides and decide how to help your family. Most child abuse and neglect cases have at least eight different court hearings and meetings during the first year.

Each court hearing and meeting has a different purpose. They are all described in this handbook, so that you know what to expect at each hearing or meeting, when and where it will be held, and why it is important for you to attend.



Remember, the purpose of the Children’s Court is to keep children safe and to help families create a safe home for their children. If you do not understand the purpose of any of the hearings you are asked to attend, talk to your attorney.

The Custody Hearing

- The **Custody Hearing** will be held within ten working days of when the petition is filed in Children's Court.
 - At the Custody Hearing, the Judge will decide if your child should stay in the temporary custody of CYFD until the trial is held.
 - The attorney for the Children, Youth and Families Department will present information about the case to the Judge.
 - Your attorney will also be able to present information. **It is very important that you be there, too.**
-

The time and place of your **Custody Hearing** is:



Time & Date: _____

Place: _____

Things I want to discuss or ask about:

The Pre-Adjudicatory Meeting

- The **Pre-Adjudicatory Hearing** is held before the court trial, which is called the Adjudicatory Hearing. All the people who are involved in the case, including the attorneys, must be there.
 - The purpose of this meeting is to talk about why your children were removed from your home and discuss whether you will admit or deny the allegations in the petition. The other purpose of this meeting is to come up with a treatment plan for your child and your family that will help get your family together again, or whatever is best for your children. That treatment plan will be presented to the Children's Court.
 - In some judicial districts these pre-adjudicatory meetings may be **mediated**. This means a trained professional who is not involved in your case will work with you and the others in the case to come up with a plan that is best for your child and your family.
 - **It is very important that you attend the Pre-Adjudicatory Meeting, so that your ideas about what is best for your family and what can be done to make sure your child is safe can be heard.**
-
-

The time and place of your **Pre-Adjudicatory Meeting** is:



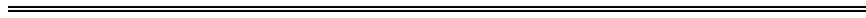
Time & Date: _____

Place: _____

Things I want to discuss or ask about:

The Adjudicatory Hearing

- You have the right to a trial before a Judge on the allegations which were listed in the petition. This trial is called the **Adjudicatory Hearing**. It will be held within 60 days of when you receive the petition.
- At the Adjudicatory hearing, the Judge will listen to the evidence and decide if your child has been abused or neglected.
- If abuse or neglect is determined, the Judge will decide what needs to happen for you and your child in order to have your child returned to you. This decision is called the *disposition*.
- **It is very important that you attend the Adjudicatory Hearing.**



The time and place of your **Adjudicatory Hearing** is:



Time & Date: _____

Place: _____

Things I want to discuss or ask about:

The Dispositional Hearing

- The **Dispositional Hearing** is usually held at the same time as the Adjudicatory Hearing. If not, it will be held within 30 days.
 - At the Dispositional Hearing, the Judge will order a treatment plan for you and your child.
 - You need to cooperate with your treatment plan. If you don't cooperate, you could be held in Contempt of Court and it could take longer for your child to be returned to you. In fact, if you don't cooperate, you could even lose your rights to your child.
 - **It is very important that you attend the Dispositional Hearing, so that you completely understand what you need to do in order to have your child returned.**
-
-

The time and place of your **Dispositional Hearing** is:



Time & Date: _____

Place: _____

Things I want to discuss or ask about:

The Judicial Review

- Within 60 days of the Dispositional Hearing, there will be a **Judicial Review** in Court. The Judge will review your case to make sure that the treatment plan is being followed. The Judge will check to make sure you are doing what is ordered in the plan. The Judge will also make sure the Social Worker and others are doing what is ordered in the plan.
 - If everyone agrees that the treatment plan needs to be changed, the Judge will order those changes.
 - The Judge will also explain what will happen at the Permanency Hearing which will be held in about six months.
 - **It is very important that you attend the Judicial Review.**
-

The time and place of your **Judicial Review** is:



Time & Date: _____

Place: _____

Things I want to discuss or ask about:

The Citizen Review Board (CRB) Meeting

- Before the Permanency Hearing, which is when the Judge will decide whether or not your child can safely return home, there will be a **CRB Meeting**. At the CRB Meeting, members of your local CRB will review your case. (Remember, the CRB is a group of trained volunteers from your community.)
- The CRB will decide if they agree with the treatment plan for you and your child. They will also decide if they agree with the permanency goal which has been set for your child. The permanency goal means whether your child will return home or whether some other permanent arrangement needs to be made.
- Everyone involved with the case will be invited to talk to the Board. You will receive an invitation to this meeting from the CRB office. The meeting will be held in your community.
- **It is very important that you attend the CRB Meeting, so your opinions can be heard.**

The time and place of your **CRB Meeting** is:



Time & Date: _____

Place: _____

Things I want to discuss or ask about:

The Pre-Permanency Meeting

- The **Pre-Permanency Meeting** is held before the Permanency Hearing, which is when the Judge decides whether or not your child will be returned home. All the people involved in the case, including the attorneys, must attend the Pre-Permanency Meeting.
- One reason for this meeting is to talk about how much progress your family has made in following the Court-ordered treatment plan.
- The most important reason for the Pre-Permanency Hearing Meeting is to decide whether the *permanency goal* that will be recommended to the Judge at the Permanency Hearing will be to return your child home or to begin making plans for adoption or some other permanent arrangement outside of your home.
- **It is very important that you attend the Pre-Permanency Meeting.**



The time and place of your **Pre-Permanency Meeting** is:



Time & Date: _____

Place: _____

Things I want to discuss or ask about:

The Permanency Hearing

- The **Permanency Hearing** will be held six months after your first Judicial Review, usually about 10 or 11 months after your child was removed from your home. The Permanency Hearing is when the Judge will decide whether or not your child can be safely returned home.
- If the Judge decides that your child can not be safely returned home, another Permanency Hearing will be held in three more months to decide if your child's plan should be changed to adoption or some other permanent arrangement outside of your home.
- **It is very important that you attend the Permanency Hearing.**

The time and place of your **Permanency Hearing** is:



Time & Date: _____

Place: _____

Things I want to discuss or ask about:

What Is Mediation?



Some district courts in New Mexico are now offering **mediation** at different points in a child abuse or neglect case. In mediation, a trained person who is not personally involved in your case meets with you, your attorney, the Children’s Court Attorney, your social worker, your child’s attorney, and others.

During the meeting, the mediator will make sure that everyone has a chance to talk and that everyone is listened to. All of you have a chance to discuss your case and come up with ideas for your child and your family.

In some courts, mediation takes place before the Adjudicatory Hearing, as part of the Pre-Adjudicatory Meeting. Here you would focus on a treatment plan for your child and your family.

Mediation might also happen before the Permanency Hearing, perhaps as part of the Pre-Permanency Meeting. This session would focus on what will be best for your child in the long term – whether the *permanency goal* recommended to the Judge will be to return your child home or to begin making plans for some other permanency arrangement outside of your home.

It is very important that you attend the mediation, so that your ideas about what is best for you and your family can be heard.

These are your rights:

- You have the right to an attorney. If you cannot afford to pay for an attorney, one will be appointed for you by the court.
- You have the right to admit or deny the allegations made about you and your family.
- You have the right to be notified of all court hearings.
- You have the right to an interpreter in court if you do not understand English.
- You have the right to talk to your Social Worker and your attorney. But remember, they may be busy with someone else when you call. Be sure to leave a message with a phone number where you can be reached or try to call them again. Keep track of the best times to call them.

These are your responsibilities:

- Take this seriously.
- Attend the court hearings and meetings.
- Cooperate with your treatment plan.
- Stay in touch with your attorney and your social worker. Be sure they always have a current address and phone number for you.
- Things move very quickly in child abuse and neglect cases today. Be sure you know what you are supposed to do and when, and then do it. It could make the difference in whether your child is returned to you or not.

**PREPARED BY SHAENING AND ASSOCIATES, INC. AND
THE NEW MEXICO SUPREME COURT'S COURT IMPROVEMENT PROJECT TASK FORCE**

Funding provided by the U.S. Department of Health and Human Services Administration for Children and Families, the N.M. Children, Youth & Families Department, the Annie E. Casey Foundation, and the State of New Mexico

For further information about the Supreme Court Foster Care Task Force and the New Mexico Court Improvement Project, contact Robert J. Klein, Project Manager, Administrative Office of the Courts, 505-827-4808 or aocrjk@nmcourts.com