

Foster Parents Guide to Court

For Caregivers of Children in Michigan's Child Protection System



Attending child protection court hearings can be confusing and stressful for a foster parent. Not knowing what to expect can make it even harder. This guide will help you understand your legal rights to receive notice of court hearings about children in your care, and the opportunity to be heard by the court. You are important to the court process because your knowledge assists judges in making informed decisions about the safety and well-being of the children you care for. Keep this guide with you to stay on track with important dates and case contacts.

IMPORTANT DATES

<i>Hearing/Meeting</i>	<i>Date</i>	<i>Time</i>	<i>Place</i>
Initial Dispositional Hearing			
Dispositional Review Hearings			
LGAL Visits			
Permanency Planning Hearings			

Introduction



Foster care is a legal process to ensure that children who cannot safely remain in their home due to abuse or neglect are safe and well cared for in a temporary home until they can be successfully returned to the care of their parents; or, if that option is not possible, placed in another safe, stable, and permanent home.

As a foster parent, you play a critical role in the life of a child placed in your home. Not only are you responsible for the child's day-to-day care, but you can provide the court and child welfare agency with valuable information needed to make important decisions related to the child's well-being and safety, as well as critical decisions regarding timely permanency.

It is normal to feel nervous about participating in court. Court hearings can be intimidating, even for experienced professionals. Being prepared will help you feel less nervous and more confident. This guide was written to help you understand the court process, the role of key participants in the court process, and how you can be an effective participant while advocating for the needs and best interests of the children placed in your care.

How Will I Be Notified of Court Hearings?

The foster care caseworker is required to give foster parents written notice of all court proceedings, including the hearing date, time, location, the name of the judge or referee, the court docket number, and the option to submit factual written statements to the court. If you are not receiving notification of court hearings, inform the court and contact your caseworker or the caseworker's supervisor.

Foster Parent Rights

1. Participation in court hearings: Foster parents are not parties to the child protection case, but have the legal **right** to attend and participate in the following court hearings:



- Initial Dispositional Hearing
- Dispositional Review Hearings (held every 3 months)
- Permanency Planning Hearings (held once a year)
- Post-Termination Review Hearings (held every 3 months if parental rights have been terminated)

2. Appeal the agency's decision to move the child from your home, with some exceptions. A foster parent must request an appeal within 3 days of being notified of the proposed move. To request an appeal, contact the Foster Care Review Board (FCRB) Program at 313-972-3280.

The following circumstances prohibit a foster parent from appealing the agency's decision to move the child:

- the foster parent requests or agrees to the change.
- the court ordered the child to be returned home.
- the change in placement is less than 30 days after the child's removal from home.
- the change in placement is less than 90 days after the child's removal from the home and the new placement is with a relative.

3. Request the FCRB to review the child's case. The FCRB provides independent third party review of foster care cases upon request of an interested party. Review Request Form: <http://courts.mi.gov/FCRB32aReviewRequestForm>

4. The Foster Parent's Bill of Rights provides other legal rights for foster parents. See Michigan law [MCL 722.958a](#).

Who's Who in the Courtroom?

Judge: An elected official who oversees the case and is responsible for making final decisions and issuing orders regarding the case.

Referee: An attorney appointed by the court to hear testimony, evidence, and arguments in the case and make recommendations to the judge regarding the progress of the case and court orders.

Lawyer-Guardian ad Litem (LGAL): The lawyer appointed by the court to assess and represent the child's best interests. The LGAL is required to conduct an independent investigation and meet with the child before most court hearings.

Parent Attorney: A lawyer, usually appointed by the court, to represent the parents' legal rights.

Prosecuting Attorney/Assistant Attorney General (AAG)/Agency Attorney: Attorney who represents the Department of Health and Human Services (DHHS) or its contracted agency and the caseworker. (AAG is only in Wayne County.)

Foster Care Caseworker: The person assigned by DHHS or its contracted agency to manage the foster care case, make referrals for services, report parental progress, and monitor the child's safety and well-being in foster care.

Adoption Caseworker: The person assigned by a contracted agency to manage an adoption case and facilitate the adoption process (only if parental rights are terminated).

Court Appointed Special Advocate (CASA): A trained citizen volunteer appointed by the court to give special attention to a case and assist the court in making sound decisions for the child based on the child's best interests. (CASAs are not in every county or assigned to appear in every court proceeding.)

Court Reporter: A person who records spoken conversations of the parties and orders made during court hearings.

Bailiff: An officer in a courtroom who ensures order in the courtroom.

Glossary of Court-Related Terms

Adjournment: A decision by the presiding judge or referee to delay or postpone a court hearing, either temporarily or permanently. A **continuance** is an adjournment of a case from one day to another or at a later hour.

Adjudication: An adjudication hearing, or “trial,” is conducted to determine if the child comes within the jurisdiction of the court.

Case Service Plan/Parent Agency Treatment Plan: The written plan that describes the services to be provided to the parent, the obligations and responsibilities of the agency, and the activities, responsibilities, and obligations of the parent to achieve timely permanency for the child and ensure the child’s safety and well-being while in foster care.

Ex Parte: Motions, hearings, or orders granted on the request of only one party. Ex parte orders are usually temporary pending a formal hearing.

Indian Child Welfare Act (ICWA): The federal law that mandates how the court is to proceed with cases involving Indian children. The Michigan Indian Family Preservation Act (MIFPA) is the state law version of ICWA.

Jurisdiction: The court’s authority to make legal decisions and judgments regarding a child who has been adjudicated.

Party: The petitioner, DHHS, child, respondent parent, parent, legal custodian, guardian, and any licensed child caring institution or child placing agency under contract with DHHS to provide for a child’s care and supervision.

Permanency Goals: The goal for the permanent placement of the child. Federally-approved permanency goals, in order of preference, include: reunification with a parent, adoption, guardianship, placement with a fit and willing relative, and another planned permanent living arrangement which is limited to youth age 16+.

Petition: A formal written document asking the court to take action regarding the protection of a child.

Putative Father: The suspected alleged, though not proven, father of a child who does not have a legal father.

Respondent Parent: The term given to parents who have been named on a petition for alleged abuse or neglect of their child. They must “respond” to the allegations against them by the state.

Courtroom Etiquette

Going to court can be an intimidating experience. Following the rules below will help you make a good impression:

- ✧ **Arrive at the courthouse at least 15 minutes early.** Courtroom locations may occasionally be changed or hearings may be rescheduled. Arriving early gives you extra time to make it to court even if something unexpected comes up.
- ✧ **Notify the court, LGAL, or caseworker that you are present at the hearing and would like an opportunity to speak.**
- ✧ **Dress appropriately and professionally.** This shows respect to the court. Do not wear any of the following:
 - * Shorts
 - * Halter tops
 - * Pajamas
 - * Flip-flops
 - * Hats
 - * Torn jeans
 - * Short skirts
 - * T-shirts with printing or logos (especially for alcohol, tobacco, or drugs)
- ✧ **Address the court as “Your Honor,” “Judge,” “Sir,” or “Madam.”** This also shows respect to the court.
- ✧ **Answer yes or no questions out loud instead of nodding.** The court reporter records what everyone says. You should answer out loud so the court reporter can record it correctly.
- ✧ **Do not bring any food or beverages into the courtroom, and do not chew gum when speaking to the court.**

Tips for Effective Foster Parent Testimony

Your participation at court hearings will help inform the court about the child's needs, progress, and adjustment in your care.

It also provides you with an opportunity to better understand the court case and its progress, why the court is ordering certain things, and how those orders may impact the child or your care of the child. Most importantly, your participation helps ensure the child's voice is heard at every step along the road to permanency.

To provide the most valuable information to the court, foster parents should plan to testify to:

- 1. Recommendations regarding the handling of the case** and/or additional services you believe would benefit the child and why.
- 2. Contact with the Lawyer-Guardian ad Litem (LGAL):** how often the LGAL visits the child, communication you have had with the LGAL, any concerns, etc.
- 3. Behavioral information:** the child's behavior in your home, services the child is receiving, any concerns, etc.
- 4. Medical and dental information:** any unmet medical or dental care needs, updates on medications and side effects, etc.
- 5. Educational information:** the child's performance in school, special education needs (if applicable), any concerns, etc.
- 6. Parenting Time:** the child's response to parental visits, observation of behavior during visits (if present), sibling visitation, etc.
- 7. Child's interests:** how you are helping the child maintain a sense of "normalcy," activities the child participates in, hobbies, sports, skills, etc.

Disclaimer: The information contained in this guide is provided for informational purposes only and does not constitute legal advice.

CHILD PROTECTION COURT HEARINGS TIMELINE

Hearing Type	Timing	Purpose
Preliminary Hearing	Within 24 hours (excluding Sundays and holidays) of a child protection petition being submitted to the court alleging removal is necessary	The court determines if there is enough evidence for the case to go forward, and whether the child should be placed in foster care.
Adjudicatory Hearing (Trial or Plea)	Within 2 months of the preliminary hearing if the child is removed from home.	The judge or jury will listen to the evidence and decide whether the child has been abused or
Initial Dispositional Hearing	Within 1 month of the adjudication hearing. Sometimes this hearing occurs on the same day as the Adjudicatory Hearing.	The court will consider whether to adopt the case service plan. If the court adopts the plan, the court will order the parent and agency to comply with the plan.
Dispositional Review Hearing	<p>First Year in Foster Care</p> <ul style="list-style-type: none"> - Within 6 months of removal and every 3 months thereafter. <p>Second Year or More that Child is in Foster Care</p> <ul style="list-style-type: none"> - Within every 6 months. 	The court will review the child's status in foster care and the case service plan. The court will make sure the parent(s) and the caseworker are doing what is required in the plan, and may modify the plan. The court will assess whether the parent has made progress to eliminate the barriers to the child safely returning home.

CHILD PROTECTION COURT HEARINGS TIMELINE

Hearing Type	Timing	Purpose
Permanency Planning Hearing	Within 1 year after the original petition has been filed in the case and once a year thereafter, unless the court holds the hearing sooner.	This hearing is to determine an appropriate permanent home for the child. The court will review the parent's progress in completing the case service plan.
Termination of Parental Rights	May be requested at any time. The state must request termination of parental rights if the child has been in foster care for 15 of the most recent 22 months. <i>Some exceptions apply.</i>	The judge will determine if there are legal grounds to permanently terminate parental rights. If the judge finds that termination of parental rights is in the child's best interests, the child will become a ward of the state and may be made available for adoption.
Post-Termination of Parental Rights Review Hearings	First Year following TPR - Within 91 days after the termination of parental rights, and every 3 months thereafter. Second Year or more following TPR - Within every 6 months.	The court will review the appropriateness of the child's permanency goal, the child's placement, and the efforts being made to place the child for adoption or in other permanent placement in a timely manner.

CASE CONTACTS

Court Information	Case #:	Judge:
	Court Address:	Phone #:
Caseworker Information	Name:	Phone #:
	Office Address:	Email Address:
Child's Lawyer Guardian Ad Litem	Name:	Phone #:
	Office Address:	Email Address:
Other Contacts <i>Examples:</i> *Service Providers *Court Appointed Special Advocate	Name/Role:	Phone #:
	Meeting Days/Times:	Office Address:
	Name/Role:	Phone #:
	Meeting Days/Times:	Office Address:
	Name/Role:	Phone #:
	Meeting Days/Times:	Office Address:

FURTHER RESOURCES

Office of Children's Ombudsman:

1-(800)-642-4326

<http://www.michigan.gov/oco/>

Michigan Legal Help:

<http://michiganlegalhelp.org/>

Lawyer-Guardian ad Litem Information:

<http://courts.mi.gov/LGAL>

Foster Care Review Board Program:

<http://courts.mi.gov/FCRBP>