

A Parent's Guide To



Working With Foster Care



STATE OF MICHIGAN
Department of Human Services



This handbook was a collaboration among the Department of Human Services,
the Office of Children's Ombudsman,
and Children's Charter of the Courts of Michigan, Inc.

Dear Parent:

This handbook was developed to help you understand what you will need to do to make it safe for your child(ren) to return home. This handbook tells about:

- Visiting your child(ren).
- The plan you need to follow so your child(ren) can return home.
- The people involved in your case.
- The court process.
- Where to find help.

You may feel shocked, angry or confused right now. That is understandable. Now is the time for you to contact reliable friends and family members who can help and support you.

In most cases the court and your foster care worker will make efforts to return your child(ren) to you. You will need to show the court that you can safely care for your child(ren) at home. It will take time and hard work to correct the problems that brought your child(ren) into foster care. Your foster care worker will help you through this process so you can reach your goals.

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Names and Phone Numbers

| | |
|---|--------------|
| DHS Case # | Court Case # |
| Protective Services Worker's Name/Phone # | |
| Foster Care Worker's Name/Phone # | |
| Parent's Attorney's Name/Phone # | |
| Child(ren)'s Attorney's Name/Phone # | |
| Family Court/Phone # | |
| Other Phone Numbers | |
| Date of Child's Removal | |

What is Foster Care Placement?

Children are placed in foster care when the court has decided it is not safe for their parents to care for them at home.

Your child(ren) will be placed and supervised in one of the following placement options:

- **Relative's home.**
- **Foster home** – a family home licensed by the State of Michigan.
- **Shelter home** – a place where children are cared for by house parents. Shelter care is generally short-term until a more suitable placement is found.
- **Residential care** – a place where children are cared for by staff. Residential placement is reserved for children with serious needs and is generally longer-term.

Where your child(ren) stay is based on their needs and the places that are available. Your wishes about where your child(ren) stay will be considered whenever possible.



How did my child(ren) come into Foster Care?

The simple answer is that a family court judge or referee ordered your child(ren) to be placed in foster care.

The Children's Protective Services (CPS) worker of the Department of Human Services (DHS) went to court after investigating a complaint of abuse or neglect and recommended removal of your child(ren) from your care. A judge or referee decided it was necessary to place your child(ren) in foster care because he/she was concerned about your child(ren)'s safety.

If it was an emergency situation, your child(ren) may have been removed from your home by a police officer or by a CPS worker, with court approval.



Key People Involved

Children’s Protective Services (CPS) worker: the person who investigated a report of abuse and/or neglect. The worker determined that your child(ren) were not safe, and asked the court for an order to remove your child(ren) from your care.

Foster Care worker: the person from either the DHS or a private foster care agency who is assigned to your case. This person will work with you and your child(ren), and make recommendations to the court about the case plan and needed services. The foster care worker will:

- Partner with you to develop a Parent-Agency Treatment Plan to get your child(ren) returned to you.
- Help you get the services you need or additional services.
- Visit with you and your child(ren).
- Attend court hearings and report on your progress in achieving treatment plan goals.
- Make recommendations to the court about what should happen with your case.

Judge or Referee: the person who conducts court hearings related to your case. At each hearing, the judge or referee will listen to the information and evidence presented and make decisions about your child(ren). The judge will:

- Decide about the parenting time you will have with your child(ren).
- Order you to comply with your Parent-Agency Treatment Plan.
- Review the progress you are making.
- Decide if your child(ren) can return home.



Note: You may ask that a judge rather than a referee hear your case by filing a written demand with the court. Discuss this option with your attorney. If you cannot afford an attorney, the court will appoint one for you.

Attorney: the person who represents you at each court hearing. If you have legal questions about your case, call your attorney. Your attorney may:

- Review the agency reports in your case file.
- Make statements to the court on your behalf.
- Answer questions and give you advice.
- Attend all court hearings.

Prosecutor/Assistant Attorney General: an attorney who represents the state, DHS or a private foster care agency at court hearings.

Child(ren)'s Attorney: the person who represents your child(ren)'s "*best interests*." Your child(ren)'s attorney is called a lawyer-guardian ad litem who may:

- Tell the court what he or she thinks is best for your child(ren).
- Talk to your child(ren) and others about your child(ren)'s needs.
- Explain what is happening in a way your child(ren) can understand.
- Attend all court hearings.
- Make sure your child(ren) are getting the services listed in the case service plan and/or ordered by the court.

Foster Parents: people licensed by the state of Michigan to take care of your child(ren) while they are in foster care. Foster parents may talk to your foster care worker and the court about your child(ren).

Court Appointed Special Advocate (CASA): a trained volunteer who makes recommendations to the court about your child(ren)'s best interests. He/she may spend time with your child(ren) and tell the court how your child(ren) are doing and what they need. Not all communities have this program, so there might not be a special advocate for your child(ren).

Parenting Time

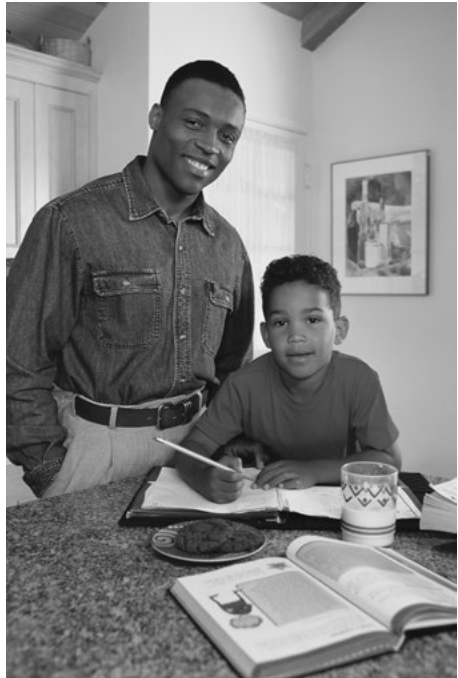
The time you spend with your child(ren) is called parenting time. (It used to be called “visitation.”) Your child(ren) need to keep in close contact with you to know that you care about them. You have a right to see your child(ren) at least once every seven days. The place and time will be arranged by you and your foster care worker.

The Parent-Agency Treatment Plan and Service Agreement will outline when and where parenting time will occur. It is important to tell your foster care worker ahead of time if you need help with transportation so you can get to parenting time.

The court may require that parenting time be *supervised*. This means someone who is approved by your foster care worker will be present when you see your child(ren).

If the plan is for your child(ren) to be returned home soon, your parenting time may increase and be unsupervised. This will help your foster care worker decide if you can safely care for your child(ren).

Don't make other plans when parenting time is scheduled. Your child(ren) look forward to seeing you and will be disappointed if you are late or do not show up. Call your foster care worker if you are unable to attend or will be late.



Your First Parenting Time Visit . . .

Parenting time is very important for you and your child(ren). This time can be emotional and may be difficult for you and your child(ren). Your child(ren) may be angry with you or cry and ask to go home with you. Your foster care worker can help you understand your child(ren)'s behavior and the loss they are feeling.

What to do with your child(ren) during parenting time . . .

For younger child(ren) . . .

- Read books.
- Play with toys.
- Play games.
- Do puzzles.

For older child(ren) . . .

- Ask them how they are doing.
- Talk about school.
- Play a game.



Note: You should schedule time before or after parenting time to talk to your foster care worker if you have questions or concerns about your case. You may also use the time before and after parenting time to talk to your child(ren)'s foster parents about any concerns you or they may have about your child(ren).

The Case Service Plan

The Case Service Plan includes all the reports written by the foster care agency about your case. It includes the Initial Service Plan, the Updated Service Plan and the Parent-Agency Treatment Plan and Service Agreement.

- **The Initial Service Plan** is a report written by the foster care worker that includes information about you, your family and your child(ren). It identifies the services needed to bring your family back together again.
- **The Parent-Agency Treatment Plan and Service Agreement** is developed together by you and your foster care worker. If the plan is for your child(ren) to return home, it will outline what you and your foster care worker must do to resolve the problems that caused your child(ren) to be removed and placed in foster care.
- **The Updated Service Plans** are reports written by your foster care worker every 90 days and include information about progress toward achieving the “Permanency Plan.” These reports include recommendations about services and ongoing planning for your child(ren).

The Permanency Planning Goal

The Permanency Planning Goal is developed by you and the foster care worker and is documented in your service plans. It says whether the plan is to return your child(ren) home, place them permanently with a relative, terminate your parental rights so that your child(ren) may be adopted, or another plan.

Note: Unless your parental rights have been terminated, you have the right to ask for and receive a copy of all the reports and plans written by the agency about your case.

The Parent-Agency Treatment Plan and Service Agreement

The Parent-Agency Treatment Plan and Service Agreement contains all the actions and responsibilities of everyone involved in your case, including you, the foster parents, your child(ren), your support system and the foster care worker. You and your foster care worker will develop this plan together. If the plan is for your child(ren) to return home, the plan will include:

- Actions you must take before your child(ren) can return home.
- Actions your partner must take before your child(ren) can return home.
- Actions your foster care worker must take.
- Parenting time arrangement.

The court will review the plan and may add, change or delete certain items from it. Here are some examples of things that may be part of your plan:

- Housing.
- Employment.
- Mental health counseling.
- Substance abuse treatment.
- Parenting classes.

There may be other things, as well, depending on your situation.



Note: Family members are encouraged to remain involved with you and your child(ren) during this time. They may be able to provide a place for your child to stay or offer support to you if your child(ren) come home.



Court Hearings

Preliminary Hearing: This hearing is held within 24 hours after your child(ren) are placed in foster care.

The judge or referee will tell you why this happened and why a petition was filed by CPS. If you deny the allegations, your case will proceed to a trial. You will also be advised of your right to have an attorney. An attorney will be appointed if you cannot afford to hire one yourself.

Pre-Trial Hearing: The court may choose to have a pre-trial hearing before the actual trial. At this hearing, the attorneys will give the court their list of people who may testify for or against you at the trial. There may be other discussions, too. A date for the trial is usually set at this time.

Adjudication Hearing or Trial: An adjudication hearing must occur no later than 63 days after your child(ren) are placed in foster care. At this hearing you will be represented by an attorney, evidence will be presented to the court and witnesses will testify and be cross-examined. Sometimes parents admit to the allegations or plead “no contest,” in which case a full hearing will not be necessary. Other times, parents tell the court they have done nothing wrong.

At the conclusion of the trial, the court will decide whether your child(ren) should stay in foster care or should be returned to your care.

Dispositional Hearing: This hearing must occur within 35 days after the adjudication hearing. At his hearing, the court will order what you must do so your child(ren) can return home safely. Your foster care worker will be given instructions as well. These actions are outlined in a Parent-Agency Treatment Plan and Service Agreement.

In certain cases, the DHS may seek termination of parental rights at the beginning of your case. If so, termination of your parental rights may occur at this hearing. “Termination” means your rights to parent your child(ren) will be ended permanently.

Review Hearing: Review hearings take place at least every 92 days after the dispositional hearing for as long as your child(ren) remain in care.

At each hearing, the court will review your progress. The court will then decide whether your child(ren) should return home or stay in foster care.

Permanency Planning Hearing: This hearing must occur no later than one year after your child(ren) were placed in foster care. The purpose is to decide whether to:

- Return your child(ren) home.
- Continue your child(ren) in foster care.
- Begin the process to terminate your parental rights.

Termination Hearing: If a legal petition has been filed to end your parental rights, the court will hold a termination hearing or trial. Evidence will be presented to the court and the judge will decide whether there is enough evidence to terminate your parental rights. The court will consider your child(ren)'s best interest when deciding whether or not to terminate your rights.

Voluntary Release: You may decide to give up your parental rights at any time during the case. If you do so, a full termination trial will not be held. You should consider all options with your attorney and foster care worker before making a decision.



Note: It is a good idea to call the court the day before each scheduled hearing to make sure the hearing is still scheduled.

Tips for Going to Court

- Wear clean and suitable clothing.
- Leave food and drinks outside.
- Take off your hat inside the courtroom.
- If you have questions, ask your attorney.
- Address the judge as “Your Honor.”
- Turn off cell phones and pagers.
- Use respectful language.
- Do not chew gum.
- Consider keeping notes.



Court Schedule

| Type/Purpose of Hearing | Date | Time | Place | Notes |
|--|-------------|-------------|--------------|--------------|
| Preliminary Hearing | | | | |
| Pre-Trial | | | | |
| Trial/ Adjudication | | | | |
| Disposition | | | | |
| 91 Day Review | | | | |
| 91 Day Review | | | | |
| 91 Day Review | | | | |
| Permanency Planning Hearing | | | | |

Parents' Rights

You have the right to . . .

- Have parenting time with your child(ren), unless the court orders otherwise. You can see your child(ren) at least once every seven days at a place and time arranged by you and your foster care worker.
- Have an attorney. If you cannot pay for an attorney, the court will arrange for one to be provided for you.
- Admit or deny the allegations against you. Your attorney will help you understand your choices.
- Be notified about and attend all court hearings.
- Have an interpreter if you cannot speak or understand English, or if you are deaf.
- Have reasonable accommodations made for you to attend hearings if you have a disability.
- Understand what you must do before your child(ren) can return home. (In some serious cases, there may not be a plan for your child(ren) to return home.)
- Request and receive copies of all CPS and foster care reports.
- Receive services to help you correct the problems that caused your child(ren) to be placed in foster care.
- Be included in important decisions regarding your child(ren)'s care, such as your child(ren)'s medical treatment, education, religious training, etc.
- Be involved in the regular medical and dental care of your child(ren) and approve any surgery that your child(ren) need.
- Send and receive mail from your child(ren).
- Have your concerns or complaints listened to and responded to by the DHS representatives (such as CPS worker, foster care worker, supervisors).

Parents' Responsibilities

It is your responsibility to . . .

- Correct the problems that caused your child(ren) to be placed in foster care.
- Keep your scheduled parenting time so you do not disappoint your child(ren).
- Provide information that will help care for your child(ren), such as your child(ren)'s medical history, including any illnesses, accidents and immunizations, sleeping and eating habits, favorite toys.
- Keep all scheduled appointments with your foster care worker and other people involved in your case.
- Report any changes in your address and phone number to your foster care worker and your attorney.
- Participate in school conferences and other meetings that concern your child(ren), whenever possible.
- Share your concerns. Let your foster care worker or attorney know if you do not understand what is happening or if you have a complaint.

Frequently Asked Questions

How often can I see my child(ren)?

You, your foster care worker and the court will decide the parenting time schedule. Normally, you will have parenting time at least once every seven days. The court may decide that your parenting time should be supervised. This means that someone will be in the room with you while you spend time with your child(ren). In some cases the court may decide that parenting time would be harmful for your child(ren). In this case, you will not be allowed to see your child(ren).

How do I keep in touch with my attorney?

When you meet your attorney, get his or her name and phone number and write it down in this book. You can contact your attorney about problems or concerns with your case at any time. However, your attorney may not always be available when you call and you may have to leave a message.

What should I do if my attorney does not return my calls?

- Send a letter to your attorney explaining that you have been trying to reach him or her and list the times you tried to call. Indicate the reason for your calls in the letter.
- If your attorney still does not call back, you may call the court. Ask for the person who assigns court-appointed attorneys and explain your problem.

I do not like my court-appointed attorney. Can I get a different one?

- If you have a problem with a court-appointed attorney, talk to the person at the court who assigns attorneys. In general, courts don't like to change court-appointed attorneys unless the problem is serious.

What should I do if my foster care worker does not return my calls?

Foster care workers are busy because they work with many families. If your worker is not available, leave your name, a message explaining why you are calling, a phone number and a time when you can be reached. If the worker still does not return your calls within a couple of days, you can ask to speak to your worker's supervisor and explain your concern.

I do not like my foster care worker. Can I get a different one?

The foster care agency works with many families, which makes it difficult to assign your case to another worker. It is up to the agency whether it agrees to your request for a different worker. Rather than asking for a different worker, try to work out your differences.

- Talk to your foster care worker when you do not agree about something in your case.
- If you cannot work out your concerns together, you may ask your worker's supervisor for help.
- If you are unable to work out your differences, request a copy of the foster care agency's "grievance procedure" and follow the instructions to file a complaint with the agency.

What should I do if I cannot get to an appointment?

If you are unable to keep an appointment due to an emergency, call your foster care worker and explain the problem. You should also contact the person you were supposed to meet and set another time to meet.

Other Sources of Help

Mediation

Mediation is a process that brings together the people involved in your case to settle differences over important issues, such as the services you need, parenting time, the permanency plan, or placement for your child(ren). The mediator is trained to make sure everyone is treated with respect and that all opinions are heard. The court reviews any agreement that is reached. Ask your attorney if mediation is available in your county.

Legal Aid

Legal aid programs are available to help low-income people with legal problems such as landlord-tenant disputes, public benefits programs you or your family may be entitled to, family law matters for domestic violence victims including help with personal protection orders and child custody issues, and other non-criminal legal matters.

Call the Michigan State Bar Association at (517) 346-6300 or look in the local Yellow Pages for the Legal Services Office in your area.

Office of the Family Advocate (OFA)

The OFA reports directly to the director of the Department of Human Services. The OFA reviews complaints regarding the DHS and private agencies to determine if they are acting in accordance with policy and law. If you have a concern with the way in which the DHS and/or a private agency has handled your case and you have been unable to resolve it by working with your foster care worker, supervisor or attorney, you can contact the OFA at (517) 373-2101.

Office of Children's Ombudsman (OCO)

This office investigates complaints about the handling of cases by the DHS. If you have a concern about your child(ren)'s case and you have not been able to resolve it by working with your foster care worker, supervisor or attorney, call the Office of Children's Ombudsman (OCO). When you call you will be asked some questions about your case and told if they will investigate your complaint. Contact the OCO at (800) 642-4326 or email childombud@michigan.gov or visit its website for more information at www.michigan.gov/oco.

A Child's Journey Through the Child Welfare System



Department of Human Services (DHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.