

Dependency, Neglect and Abuse Cases

Know Your Rights
and Responsibilities



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Dependency, Neglect or Abuse

In the Kentucky legal system, most cases involving child abuse are called “DNA” actions, which stands for “Dependency, Neglect or Abuse.” These cases begin with an allegation that the child is either dependent or neglected/abused. A dependent child is any child, other than a neglected/abused child, who is under improper care through no intentional act of the parent or caregiver. There are many definitions for a neglected or abused child. Those definitions are found in Kentucky Revised Statutes (KRS) 600.020. Generally, a child is considered neglected when the parent/caregiver does not take adequate care of the child. A child is considered abused when the parent/caregiver physically or emotionally injures the child or allows someone else to physically or emotionally injure the child. It is best to discuss the allegations with your attorney, who will explain the allegations and whether or not the allegations fit any of the definitions.

Under Kentucky Law, a child can either be "dependent" or "abused or neglected," so the definition of "abused or neglected" includes circumstances that involve either abuse, neglect, or both.

Being involved in a DNA case can be very stressful. Not knowing what to expect can make it even harder. This guide is designed to help you navigate and better understand the court process and what you can expect during this time. The guide begins with an overview of how the Department for Community Based Services (DCBS) responds to a report of dependency, neglect or abuse and a basic outline of steps DCBS takes to work with families. The next section is an overview of the DNA court process. It will outline the roles and responsibilities of parents and foster parents and the rights of the child. Additionally, there is a list of definitions at the end of this guide that includes terms that you might hear during your case.

The main purpose of DNA court is to protect the best interest of the child and ensure a safe home for the child, either through return to home of removal or placement in another permanent home. In DNA court, the judge has jurisdiction, or legal authority, to decide on family

issues regarding DNA, custody, and parenting time. These cases may be heard by a Family Court Judge or a District Court Judge.

The Cabinet and Court

The Cabinet for Health and Family Services (the Cabinet) is Kentucky's child welfare agency. Local social services' offices are part of the Cabinet's Department for Community Based Services (DCBS). The Cabinet has policies and procedures that cover every step of the administrative child welfare process from accepting reports to developing plans for the family. In some situations, court action is not needed for the Cabinet to assist families. In other situations, the Cabinet will seek court intervention and a DNA case will begin. If the Cabinet initiates a court case, then the Cabinet is a party and is represented by the local county attorney's office.

The following subsections describe what the Cabinet does in a very brief way. For more information on the Cabinet's practices, see their Standard Operating Procedure (SOP) Manual at:

<http://manuals.sp.chfs.ky.gov/Pages/index.aspx>

Report of Child Dependency, Neglect or Abuse

Most cases begin with a report of suspected child dependency, neglect or abuse to the Cabinet through its Child Abuse Hotline. The centralized intake office screens each report. If there are enough facts to raise concern, then the report will be sent to the local Cabinet office so that a social services worker can begin an investigation.

Investigation

The first step of the investigation is to determine whether the child is safe to remain in the home or should be removed and placed in someone else's custody. The social services worker also investigates the allegations against the parent and/or caregiver to determine whether to "substantiate" or "unsubstantiate" the allegation(s) against the parent and/or caregiver. The worker will substantiate dependency or neglect/abuse if the worker finds it is more likely than not that the child is dependent or neglected/abused. The Cabinet's case is unsubstantiated if there is not enough evidence to substantiate dependency or neglect/abuse.

If the Cabinet substantiates the allegations of neglect or abuse, you have 30 days to ask them to reconsider using CHFS's DPP-155 form.

Ongoing Case Work

If an allegation is substantiated, the Cabinet's case will move from an investigatory worker to an ongoing worker. With limited exceptions, the ongoing worker must make all reasonable efforts to reunite the parent/caregiver and child, or to keep them together. The ongoing worker will work with the family to develop a plan to help the parent/caregiver reach his or her goals.

Permanency Plan/Placement Information

The Cabinet establishes a permanency plan and goal for children who are removed from their home. The plan is filed with the court and includes steps to address the reason(s) the child is in out-of-home custody. The plan focuses on achieving objectives and completing tasks to ensure the child is returned or obtains a permanent home as quickly as possible. It is often called the “case plan.”

Permanency Goals

A permanency goal is selected based upon the particular needs and best interests of the child during a case planning conference with the social services worker. There are five possible permanency goals in out-of-home cases. In order of least restriction, the goals are:

- Return to Parent*
- Permanent Relative Placement*
- Adoption*
- Planned Permanent Living Arrangement*
- Guardianship.*

Active participation by the parent(s)/caregiver(s) is desired, valued, and necessary in all aspects of the case. It is important that all parties demonstrate sensitivity and empathy to the crisis that you and your family members may be experiencing, especially if you are separated from your child(ren). All parents have a right and responsibility to be involved in their child’s life as long as safety is considered a priority. Child safety includes physical safety as well as emotional and mental wellbeing.

Keeping siblings together is a priority. When a child is placed in the care and custody of the Cabinet, efforts must be made to place the sibling group together, unless it is determined not to be in a child’s best interest. If siblings are separated, all parties should facilitate and support visitation and contact between siblings whenever possible, appropriate, and safe.

The Court Process

The process in a DNA case can seem very complicated. The length of time a case will take depends on how the process unfolds and the specific details of the case. Since this guide cannot address every situation, it is essential that you discuss your individual case with your attorney.

The stages of a typical DNA case are as follows:

1. Petition and/or Emergency Custody Order
2. Temporary Removal Hearing
3. Adjudication Hearing
4. Dispositional Hearing
5. Reunification/Custody/Termination

Each stage is described in the following subsections. Keep in mind that there might be other court dates scheduled at various times throughout the case for the parties to update the judge. These updates are sometimes called pre-hearing conferences, pre-trial conferences, or case conferences. A flowchart can be found on page 29 that maps various stages and reviews that may occur in your DNA case.

As a party in the DNA case, you have the right to receive notice of **EVERY** hearing and to receive a copy of any orders or other court papers. In many counties, court papers are sent to your attorney. Contact your attorney if you are not receiving them. The court file is also available at the circuit clerk's office for parties to the case.

Petition and/or Emergency Custody Order

Like many other family law actions, a DNA case begins when someone, typically the Cabinet, files a petition at the local court clerk's office. The petition must include facts alleging dependency, neglect or abuse. The clerk then sets a date for the first hearing, called the "Temporary Removal Hearing."

After a petition has been filed in a DNA case, the circuit clerk issues a

summons to the parent or other person exercising custodial control or supervision of the child. The summons includes an explanation of the parent/caregiver's rights, including how to get a lawyer. It also contains a notice that the case may be reviewed by a local citizen foster care review board and its report will be included in the court record.

The court will grant an Emergency Custody Order (ECO) if the child is in immediate danger or has suffered serious injury based on allegations in an affidavit. An ECO grants emergency custody to another person or agency until the Temporary Removal Hearing is held. If the judge enters an ECO, the Temporary Removal Hearing must be held within 72 hours.

Temporary Removal Hearing

At the Temporary Removal Hearing, the court determines whether there are reasonable grounds to believe the child would be dependent, neglected or abused if returned to or left in the custody of the parent and/or caregiver. This initial hearing must occur within 72 hours from the date of an ECO or, if no ECO was entered, within 10 days from the filing of the petition. The Temporary Removal Hearing occurs before the judge and includes the parties and attorneys. The child will be appointed an attorney, called a "guardian ad litem." The parent/caregiver may request an attorney.

During the first part of the hearing, the judge will determine whether the case should proceed and whether the child should temporarily be placed in someone else's custody. Any person accused of dependency, neglect or abuse has the right to call witnesses and present evidence to dispute the accusation(s). They also have the option to waive that right and proceed to the next stage of the hearing. Waiving the right to challenge the temporary removal does not prevent that person from disputing the allegations at an Adjudication Hearing (discussed later). If you have an attorney at this hearing, it is important to discuss your options.

Removing a child from home, even when there is an imminent safety concern, is a life-altering and traumatic experience for all parties.

If the judge finds reason to remove the child, the judge will proceed to the next stage of the hearing, which involves entering temporary custody orders. The court might also enter orders covering visitation, services, assessments, testing, etc. Parties will be responsible for following the orders. If anything is unclear, they should ask their attorney or, if unrepresented, ask the judge.

Your attorney is one of your best resources. Make sure they have your current contact information and that you have their contact information.

Relative and Fictive Kin Care

In some situations, it is necessary for children to temporarily live with someone else other than their parent/caregiver while the family receives services that will enable them to live together safely. Relative placements are typically less traumatic and encourage healthy development. Under the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351), the Cabinet is required to make diligent searches for relatives to serve as a placement. To the extent possible, the social services worker should, as early as possible, seek any available family members and determine whether they could be an appropriate placement for the child.

In addition to relatives, the Cabinet will also consider fictive kin as a placement option. “Fictive kin” is someone who is not related to the child by birth, adoption or marriage, but who has an emotionally significant relationship with the child. This can include neighbors, family friends, teachers, etc. It is critical to share information about potential relative and fictive kin placements with the social services worker.

Relative and fictive kin custodians have rights as a party in the case.

Those include the right to:

- Be treated with respect;
- Be heard and to help make decisions for the child;
- Be informed about the child's physical and mental health;
- Know about the child's school progress and participate in decisions concerning their educational needs; and
- File a service appeal if you are not satisfied with your case plan or the visitation agreement.

Relative and fictive kin placements also have the responsibility to:

- Be supportive of the child placed in your care;
- Actively participate in the child's treatment;
- Communicate with your social service worker and the child's family of origin in order for them to maintain a sense of involvement; and
- Assist with visitation arrangements.

Foster Care

If no relative or fictive kin is available and appropriate as a placement, the child may be placed in foster care.

Adjudication Hearing

The Adjudication Hearing is when the court will determine whether allegations of dependency or neglect/abuse concerning a child are true or not. The county attorney has the burden to prove the allegations against the accused parent/caregiver. To do this, the county attorney will present witnesses and evidence on behalf of the Cabinet. Typically, one or more social services work-

Early adjudication provides an opportunity for the child welfare agency and parents to begin working together to provide services to address abuse or neglect. A speedy adjudication can reduce the length of time a child spends in placement.

ers will testify. The accused parent/caregiver has the right to defend the allegations by presenting witnesses and evidence. Alternatively, the parent/caregiver may admit to the allegations in the petition. This admission is often called a “stipulation.” If the judge finds that the allegations are true and that they fit the definition of dependency or neglect/abuse, then the case proceeds to the Dispositional Hearing.

Dispositional Hearing

At the Dispositional Hearing (or Disposition Hearing), the court will determine who shall have custody and control over the child and how the case will proceed to achieve reunification or some other permanency plan for the child. The judge essentially has several options: 1. Return the child to the parent(s)/caregiver(s); 2. Grant custody to another person; 3. Grant custody to the Cabinet.

The court must also decide whether the child and family needs further help and, if so, what services should be ordered. The order should contain information regarding the services and supports that the family will receive. The services are designed to help families resolve the issues that brought the family to the attention of the child welfare agency. These services and supports are often identified through a family assessment and are included in the case plan developed by the social services worker with the family.

Review Hearings

There are several types of review hearings that can occur during a DNA case. Most review hearings occur after the disposition but may occur pre-disposition depending on how long it takes for the disposition to be held. At a review hearing, the court will examine the progress made by the parties. This may lead to a change in the case plan. These hearings are important to ensure that cases progress and children spend the least amount of time possible in temporary placements.

Review hearings must examine:

1. The ongoing safety of the child
2. The continuing necessity for out of home placement
3. The appropriateness of the out of home placement
4. The extent of the child welfare agency's and parents' compliance with the case plan
5. The extent of progress that has been made toward alleviating the reason the child was placed in foster care
6. The likely date by which the child may be returned to home or achieve permanency

Some types of statutory review hearings are as follows:

Annual Permanency Review

The court must review every child in foster care at least every twelve months to determine whether the child's permanency goal is appropriate. This review is often called an, "Annual Permanency Review" (APR). Permanency is the creation or preservation of a family relationship that lasts well beyond a child reaching the age of 18. The court will consider everyone's status and progress. The judge will then determine whether the child's permanency goal should be returned to the parent(s)/caregiver(s), placed for adoption, placed with a permanent custodian, or provided with another type of permanent living arrangement.

Permanency can be reached in the following ways:

- Preserving the family unit*
- Reunification with birth family*
- Legal guardianship or adoption by kin, fictive kin, or other caring and committed adults.*

Six-Month Permanency Progress Review

A Permanency Progress Review, often called the "Six-Month Review," must be held at least 6 months after a child who is age 16 or younger is placed in foster care, in the home of a non-custodial parent, or other person or agency. This review gives the court an opportunity to examine everyone's progress. The hope is that the parent/caregiver is showing significant progress on their case plan to justify. This review is required in addition to the Annual Permanency Review.

Independent Living Review Hearing

Courts review children in Cabinet custody over the age of 17 to ensure that the Cabinet is providing proper resources, education, and training necessary for the child to transition into adulthood and independent life.

Termination of Parental Rights Hearing

If the parent/custodian does not make enough progress on the case plan within a reasonable amount of time, the Cabinet may move for termination of parental rights (TPR). This action is brought by petition and heard by either a Family Court Judge or a Circuit Court Judge. Much like an adjudication, each party may present witnesses and evidence in their favor. The judge cannot terminate a parent's rights unless the judge finds clear and convincing evidence that there are grounds for termination and that termination is in the best interest of the child. If the court makes that finding, then TPR occurs. TPR severs all legal familial rights that a parent has to a child. After termination, parents are no longer entitled to notice of future court proceedings concerning the child and termination ends the duty to provide continuing child support and a parent's right to visit with the child. TPR may be voluntary or involuntary. Parents who wish to place their children for adoption may voluntarily relinquish their rights. Termination is a very serious and often heartbreaking proceeding, but it is sometimes necessary to ensure that children are able to be adopted.

Citizen Foster Care Review Boards

Throughout the court process, the judge will receive recommendations from the Kentucky Citizen Foster Care Review Board (CFCRB). CFCRB is a statewide program of court-appointed volunteers who review the cases of children who are in the Cabinet's care due to dependency, neglect or abuse. The CFCRB was created in response to federal requirements for administrative reviews occurring at least every 6 months for children in out-of-home care.

CFCRB volunteers provide recommendations to judges who make decisions about placing children in safe, permanent homes.

Volunteers help ensure that permanency for at-risk children remains the central objective of the courts and the Cabinet. The Kentucky General Assembly created the CFCRB in 1982 as a way to decrease the time children spend in foster care. The CFCRB operates within the Department of Family and Juvenile Services of the Administrative Office of the Courts (AOC). The AOC provides administrative support to the Judicial Branch. CFCRB has an interactive interviewing process, referred to as an Interested Party Review (IPR). It is important to note that all parties are invited to participate in the IPR process and that sometimes the terms CFCRB and IPR are used interchangeably.

If the court is in a county where the local CFCRB conducts IPRs, the parent(s)/ caregiver(s) and the child(ren) have the right to attend and participate. Again, it is important to make sure the court and DCBS have your current contact information

The Adoption Assistance and Child Welfare Act of 1980 requires that the status of each child in care be reviewed at least once every six months by the court or an administrative body.

to ensure you will have the opportunity to participate in the review of any future case planning for your child and your family. If you are not receiving notice of the CFCRB IPRs, please contact the AOC, Family Services Department at 1-800-928-2350.

Court-Appointed Special Advocates (CASA)

Kentucky's CASA program, designed to ensure that the best interests of dependent, neglected or abused children are served, operates under permissive legislation. CASA projects may be established by the chief judge in each judicial district. CASA volunteers are assigned one or two cases at a time and spend an average of 4 hours on their cases every week. CASA volunteers play a vital role in providing more one-on-one assistance to children placed in alternative care. It is important to remember CASA volunteers compliment social services workers; they do not replace them.

**Please note that not all jurisdictions in Kentucky have CASA Programs.*

Parents' Rights and Responsibilities

There may be instances when a child's health or well-being may be endangered and the child welfare agency or the court would have to assume parental responsibility. When a child is taken from your care, you have rights to protect you. Below are the rights and responsibilities of parents/caregivers whose children are not in their custody due to dependency, neglect or abuse.

Parents/Caregivers have the right and/or responsibility to:

1. Have a lawyer – the judge will give you one if you cannot afford to hire your own.
2. Attend and participate in all court hearings about your children, unless your parental rights were terminated.
3. Understand what is happening in court. There will be many things that you do not understand. You should ask your lawyer to explain them to you. This is *really* important. Keep asking until you understand.
4. Have an interpreter if you do not speak and understand English. Ask your attorney or the judge for an interpreter.
5. Know what to do to have your child returned to you and get help if you need it.
6. Provide for and consent to your child's medical care.
7. Maintain contact with your child.
8. Be informed in advance of changes to your child's placement whenever possible.
9. Be informed of actions initiated by the Cabinet in the courts, which could result in a change in your child's legal status.
10. Determine religious affiliation.
11. Be advised of, and to participate in, all case planning conferences and periodic or court reviews.
12. File a formal complaint using the DCBS service or civil rights complaint procedures if you feel your rights have been violated.
13. Confidentiality as provided by KRS 61.878.
14. Receive a copy of court documents, case plans, and reviews.
15. Financially support your child if you have the ability to do so.
16. Inform DCBS of where you are living and how to contact you.
17. Be notified of, attend, and participate in any IPRs conducted by the local CFCRB concerning your case.

Other Statutory Rights

Children's Fundamental Rights (KRS 620.010)

Children have certain fundamental rights which must be protected and preserved. These include but are not limited to, the rights to adequate food, clothing and shelter; the right to be free from physical, sexual or emotional injury or exploitation; the right to develop physically, mentally, and emotionally to their potential; the right to educational instruction; and the right to a secure, stable family.

Rights of Foster Child (KRS 620.363)

A child who is placed in foster care shall be considered a primary partner and member of a professional team. A foster child, as the most integral part of the professional team, shall have the following rights to:

1. Adequate food, clothing, and shelter;
2. Freedom from physical, sexual, or emotional injury or exploitation;
3. Develop physically, mentally, and emotionally to his or her potential;
4. A safe, secure, and stable family;
5. Individual educational needs being met;
6. Remain in the same educational setting prior to removal, whenever possible;
7. Placement in the least restrictive setting in close proximity to his or her home that meets his or her needs and serves his or her best interests to the extent that such placement is available;
8. Information about the circumstances requiring his or her initial and continued placement;
9. Receive notice of, attend, and be consulted in the development of case plans during periodic reviews;
10. Receive notice of and participate in court hearings;
11. Receive notice of and explanation for changes in placement or visitation agreements;
12. Visit the family in the family home, receive visits from family and friends, and have telephone conversations with family members, when not contraindicated by the case plan or court order;

13. Participate in extracurricular, social, cultural, and enrichment activities, including but not limited to sports, field trips, and overnights;
14. Express opinions on issues concerning his or her care or treatment;
15. Three (3) additional rights if he or she is age fourteen (14) years or older. These additional three (3) rights are the right to:
 - (a) Designate two (2) additional individuals to participate in case planning conferences or periodic reviews, who are not the foster parent or his or her worker, and who may advocate on his or her behalf. The Cabinet, child-caring facility, or child-placing agency may reject an individual with reasonable belief that the individual will not act appropriately on the child's behalf;
 - (b) Receive a written description of the programs and services that will help prepare him or her for the transition from foster care to successful adulthood; and
 - (c) Receive a consumer report yearly until discharged from care and to receive assistance in interpreting and resolving any inaccuracies in the report, pursuant to 42 U.S.C. sec. 675(5)(I); and
16. Receive, free of charge when he or she is eighteen (18) years or older and preparing to exit foster care by reason of attaining the age of eighteen (18) years old, the following:
 - (a) Official birth certificate;
 - (b) Social Security card;
 - (c) Health insurance information;
 - (d) Copy of the child's medical records; and
 - (e) State-issued identification.

Rights and Responsibilities of Foster Parents

(KRS 620.360)

1. Persons who provide foster care services to children who have been committed to the custody of the state shall be considered a primary partner and member of a professional team caring for foster children. Foster parents shall have the following rights:

- (a) To be treated with respect, consideration, and dignity;
- (b) To fully understand the role of the Cabinet and the role of other members of the child's professional team;
- (c) To receive information and training about foster parents' rights, responsibilities, and access to local and statewide support groups, including but not limited to the Kentucky Foster/Adoptive Care Association, the Kentucky Foster and Adoptive Parent Network, and Adoption Support of Kentucky;
- (d) To receive information and training to improve skills in the daily care and in meeting the special needs of foster children;
- (e) To receive timely and adequate financial reimbursement for knowledgeable and quality care of a child in foster care within budgetary limitations;
- (f) To maintain the foster family's own routines and values while respecting the rights and confidentiality of each foster child placed in their home;
- (g) To receive a period of respite from providing foster care, pursuant to Cabinet policies;
- (h) To receive, upon an open records request, a copy of all information contained in the Cabinet's records about the family's foster home and the foster care services provided by the family consistent with KRS 605.160;
- (i) To access Cabinet support and assistance as necessary twenty-four (24) hours per day, seven (7) days per week;
- (j) To receive, prior to a child being placed in the foster home pursuant to KRS 605.090, information relating to the child's behavior, family background, or health history that may jeopardize the health or safety of any member of the foster family's household, including other foster children, and similar information that may affect the manner in which foster care services are provided, consistent with KRS 605.160. In an emergency situation, the Cabinet

shall provide information as soon as it is available;

(k) To refuse placement of a child within the foster home and to request, with reasonable notice to the Cabinet, the removal of a child from the foster home without fear of reprisal;

(l) To communicate, with an appropriate release of information consistent with KRS 605.160, with other professionals who work directly with the foster child, including but not limited to teachers, therapists, and health care practitioners and to notify the Cabinet within twenty-four (24) hours of the communication;

(m) To assist the Cabinet in the development of the child's plan of care;

(n) To receive an explanatory notice from the Cabinet, consistent with KRS 620.130 and when it is in the best interest of the child, when a foster child's case plan has changed and, except in an immediate response to a child protective services investigation involving the foster home, an explanatory notice of termination or change in placement affecting the foster home within fourteen (14) days of the change or termination in placement;

(o) To have priority consideration for placement if a child who has previously been placed in the foster home reenters foster care, consistent with KRS 605.130 and 620.130 and to the extent it is in the best interest of the child;

(p) To have priority consideration for adoption if a foster child who has been placed in the foster home for a period of at least twelve (12) consecutive months becomes eligible for adoption consistent with KRS 605.130 and 620.130 and to the extent it is in the best interest of the child;

(q) To maintain contact with the foster child after the child leaves the foster home, unless the child, a biological parent, the Cabinet when the Cabinet retains custody of the child, or other foster or adoptive parent refuses such contact; and

(r) To receive notice of, have a right to attend, and have a right to be heard in, either verbally or in writing, any Cabinet or court proceeding held with respect to the child. This paragraph shall not be construed to require that a foster parent caring for the child be made a party to a proceeding solely on the basis of the notice and rights to attend and be heard.

2. The responsibilities of foster parents shall include but not be limited to the following:

- (a) To maintain an orderly and clean home;
- (b) To ensure that the child has adequate resources for personal hygiene and clothing;
- (c) To provide recreational and spiritual opportunities for the child, in accordance with Cabinet policies;
- (d) To attend all school and case planning meetings involving a foster child placed in their home whenever possible, subject to KRS 620.130 and the confidentiality requirements of 42 U.S.C. sec. 671;
- (e) To abide by Cabinet policies relating to discipline of a foster child; and
- (f) To support the involvement of a foster child's biological family whenever possible and in accordance with Cabinet policies.

3. The Cabinet shall provide specific training on investigations of alleged child abuse or neglect in a foster home to a person appointed by the Kentucky Foster/Adoptive Care Association. The training shall include the rights of a foster parent during an investigation. Training shall be consistent with 42 U.S.C. sec. 5106(a).

4. The Cabinet shall promulgate administrative regulations to establish that foster parent approval shall be effective for a minimum of three (3) years before re-evaluation is required.

5. Nothing in this section shall be construed to establish monetary liability of or cause of action against the Cabinet.

Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 are federal laws that protect parents and prospective parents with disabilities from unlawful discrimination in the administration of child welfare programs, activities, and services; including child welfare court hearings. A “disability” is defined as a physical or mental impairment that substantially limits a major life activity, such as caring for oneself, performing manual tasks, breathing, standing, lifting, bending, speaking, walking, reading, thinking, learning, concentrating, seeing, hearing, eating, sleeping, or working. “Major life activities” also include the operation of major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, or bladder, neurological, brain, and respiratory, circulatory, endocrine, and reproductive functions. Persons with disabilities are entitled to individualized treatment tailored to their needs and full and equal opportunity to participate and benefit from services. For instance, if you are ordered to complete a parenting class that is difficult because you have an impairment that affects your ability to quickly process information, you are entitled to a class that is modified to your needs.

- For information about the ADA and Section 504, you may call the Department of Justice’s (DOJ) toll-free ADA information line at 800-514-0301 or 800-514-0383 (TDD), or access the ADA website at www.ada.gov.
- For information about filing an ADA or Section 504 complaint, access the DOJ’s website at www.ada.gov/filing_complaint.htm. Individuals who believe their rights under the ADA or Section 504 should file complaints at the earliest opportunity.
- You can also file a Section 504 or ADA complaint with the Office for Civil Rights at <http://www.hhs.gov/ocr/civilrights/complaints/index.html>.

Courtroom Basics

Arrive on time. Plan to arrive at the courthouse at least 30 minutes before each scheduled hearing. If you are late or do not appear, the judge may decide the case without you being present.

Dress appropriately. Arrive clean and well groomed. Your clothing should be appropriate. Use good judgement and common sense.

Turn off electronic devices before you enter the courtroom. Your cell phone can be taken and held if not turned off or silenced.

Do not bring food or drink inside the courtroom.

Take it seriously. Be respectful to the judge, court security officers (bailiffs), and other court personnel. Address the judge as “judge” or “your honor.” Do not use curse words. It is okay to have strong feelings during these hearings, however it is not appropriate to express them negatively. Your attorney is a valuable resource who can speak on your behalf.

Listen carefully. Do not interrupt others when they are speaking. Do not guess at an answer or provide false or inaccurate information. If you do not understand a question, ask your attorney to explain it. Do not answer any questions that you do not understand. Listen very closely for any instruction the judge gives you. Make sure that you understand what the judge has ordered.

Write down important details and dates for next court appearances.

Tips to help you reunify with your child(ren)

1. Get treatment or other help as required by the court. Do not delay.
2. Enroll in any classes or services that have been required of you. Again, do not delay.
3. Visit with your child as often as the court allows. If you have to miss a visit, notify your social services worker, and anyone supervising visits, in advance or as soon as possible.

4. Go to every court hearing and follow the Courtroom Basics listed above.
5. Call your attorney weekly or as often as you and your attorney agree. If your attorney is unavailable when you call, leave a detailed message about how your visits and court ordered services are going.
6. Call your social services worker weekly. If your worker is unavailable when you call, leave a detailed message about how your visits and court ordered services are going.
7. Make sure your attorney and social services worker always know how to reach you. If you change phone numbers or addresses, provide the updated information to them immediately.
8. Follow all court orders and cooperate with the individuals working on your case.
9. Follow your case plan and carry out the tasks/goals that have been identified. These items are in place to help you. If you are unable to complete a task on your case plan for any reason, including financial restraints, talk to your social services worker about this. Additionally, you should also talk to your social services worker if anything is unclear to you.
10. Keep a journal of ALL important dates and notes that help you track your progress.

Duty to Report Dependency, Neglect or Abuse (KRS 620.030)

A child has a fundamental right to be safe and to be nurtured. Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately make a report to the local law enforcement agency or the Department of Kentucky State Police. The following persons are required to submit a more detailed report, including but not limited to: teacher, school personnel, child caring personnel, etc. Any supervisor who receives information from an employee report shall promptly make a report to the proper authorities for investigation. Reports will be assessed and investigated. Social services will be provided to children experiencing maltreatment.

KRS 620.990 (1): Penalty

Anyone that does not report child abuse or neglect may be charged

with a Class B misdemeanor, which could result in a \$250.00 fine and/or up to three months in jail.

To report child abuse and neglect call toll-free any of the numbers listed below.

(877) 597-2331/(877) KYSAFE1
(800) 752-6200

Report Online - <https://prdweb.chfs.ky.gov/ReportAbuse/> *non-emergency only

Monitored from 8 a.m. to 4:30 p.m. Eastern time, Monday through Friday. Reports will not be reviewed during evenings, weekends, or state holidays.

Call 911 in case of an emergency.

Definitions

Abused/Neglected Child – A child whose health or welfare is harmed or threatened with harm, by other than accidental means, when his/her parent, guardian, or other person exercising custodial control or supervision of the child commits/inflicts/creates the situations defined by Kentucky Revised Statute 600.020, by other than accidental means.

Adoption and Safe Families Act (ASFA) – Establishes goals of safety, permanency, child well-being and outcomes in the areas of safety and stability while in placement. Permanency is to be achieved in a limited amount of time while engaging appropriate physical, mental and educational services for children served.

Cabinet for Health and Family Services (CHFS) – The mission of CHFS is to deliver quality services that enhance the health, safety, and well-being of all people in the Commonwealth of Kentucky.

Case Plan – A comprehensive plan with tasks developed by the social service worker, family and other individuals who assist the family to resolve the issues that precipitated the child being removed from the home. The initial case plan will be put together within five working days of the temporary removal court hearing. The case plan will be reviewed in 90 days and every six months thereafter.

Community Partners – People from other agencies in the community who might be asked to provide services or other assistance to the family or the child. These individuals may include community mental health providers, school staff, medical staff, attorneys, etc.

Concurrent Planning – Involves a permanency goal of return to parent and at the same time, evaluating and exploring other permanency options.

Department for Community Based Services (DCBS) – The mission of DCBS is to provide leadership in building high quality, community based human service systems that enhance safety, permanency, well-being and self-sufficiency for Kentucky's families, children and vulnerable adults.

Dependent Child – Any child, other than an abused or neglected child, who is under improper care, custody, control or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child.

Emergency Custody Order (ECO) – The court may issue an ECO when it appears that removal is in the child’s best interest and there is reason to believe that the parents or others exercising custodial control or supervision are unable or unwilling to protect the child, and the child is in imminent danger of death or serious physical injury or is being sexually abused, the parent has repeatedly inflicted or allowed to be inflicted by other than accidental means, physical or emotional injury, or the parent has failed or refused to provide for the safety or needs of the child.

Family Services Office Supervisor (FSOS) – Title of the social service worker’s supervisor. The FSOS supervises a team of social service workers in the county or counties they cover.

Guardian Ad Litem (GAL) – Attorney appointed by the court to represent the child’s best interest.

Home Visits – Social service workers are required by DCBS policy to make face to face visits with the adults and children in the child protection case at least one time per month in the family’s home. If the child is placed outside of the home, the social service worker is required to visit the child’s placement according to the policy based on the type of placement. During home visits, the social service worker will assess the family’s progress or lack thereof and provide or refer to appropriate services as necessary.

Initial Case Planning Conference – Meeting held ten days after the temporary removal hearing. The case plan goals, objectives and tasks are discussed at this meeting and all parties are assigned tasks to help reduce the risk to the child.

Neglect – This is failure of a parent, custodian, or caregiver of a child to provide adequate care and protection for the child. Neglect may involve failure to provide sufficient food, shelter, medical care, clothing, or

supervision to a child. Educational neglect may fall under this category.

Office of the Ombudsman – Answers questions about CHFS programs, investigates customer complaints and works with CHFS management to resolve them, advises CHFS management about patterns of complaints and recommends corrective action when appropriate.

Physical abuse – This is infliction of injury, other than by accidental means, on a child by another person. Forms of physical abuse may be: hitting, biting, kicking, beating, shoving, burning, pulling of hair, or other non-accidental methods of causing bodily harm to a child would be covered under this definition.

Psychological or emotional abuse – This occurs when an adult conveys to a child that the child is endangered, unsafe, worthless, unwanted, or damaged. It may include verbal threats, terrorization, isolation, or frequent berating of a child by the adult.

Protection and Permanency (P&P) – The Division of Protection and Permanency is part of DCBS that develops policies and procedures in accordance with state and federal mandates. P&P also provides assistance to county offices related to child and adult protective services.

Service Appeal/DPP-154 – Form you can submit to the Office of the Ombudsman to request an administrative hearing for appeal of a DCBS action that you dispute. A request for an administrative hearing must be mailed 30 days from the date of the Cabinet action to be appealed.

Sexual abuse – Refers to sexual assault or exploitation of a minor by an adult, or between two children when one of the children is significantly older or there is a significant power differential between the children, or when coercion is used. Often included in this definition is touching of the breast, genitals, or buttocks of a child, penetration of the anus or vagina with an object, fellatio (oral sex on a male), cunnilingus (oral sex on a female), prostitution, exploitation or involvement of child in pornography.

Social Services Worker – An employee of the Cabinet who has been trained and approved to provide social services and assistance to families and children to improve their situation.

Temporary Removal Hearing/72 Hour Hearing – Held within 72 hours of the ECO being granted, not including weekends and holidays. The court determines whether to keep the child in the custody of DCBS, someone else, or to release the child to the parents.

Visitation Agreement – A signed form developed between the family and the social service worker which details the visitation set between the child and parents. A visitation agreement is usually developed at each case planning conference and can be modified at other times as needed.

Resource Options for Relatives to Explore

Relative Placement Support Benefit

Relatives may be eligible to receive a one-time monetary benefit that is based on each child's immediate needs such as furniture, a deposit for a larger apartment, clothing, school supplies, etc. The social services worker who placed the child(ren) in your home will be discussing this option with you.

Child Care Assistance

Relatives caring for kin children are not required to pay a co-pay for childcare, regardless of their income. Child care assistance can be renewed every 12 months as long as the family needs child care within the age limits that apply to all children and families.

For more information regarding the above programs and/or to apply for the above benefits, please contact your social services worker or the kinship support hotline at **(877) 565-5608** or via e-mail **DCBSCChildProtection@ky.gov**.

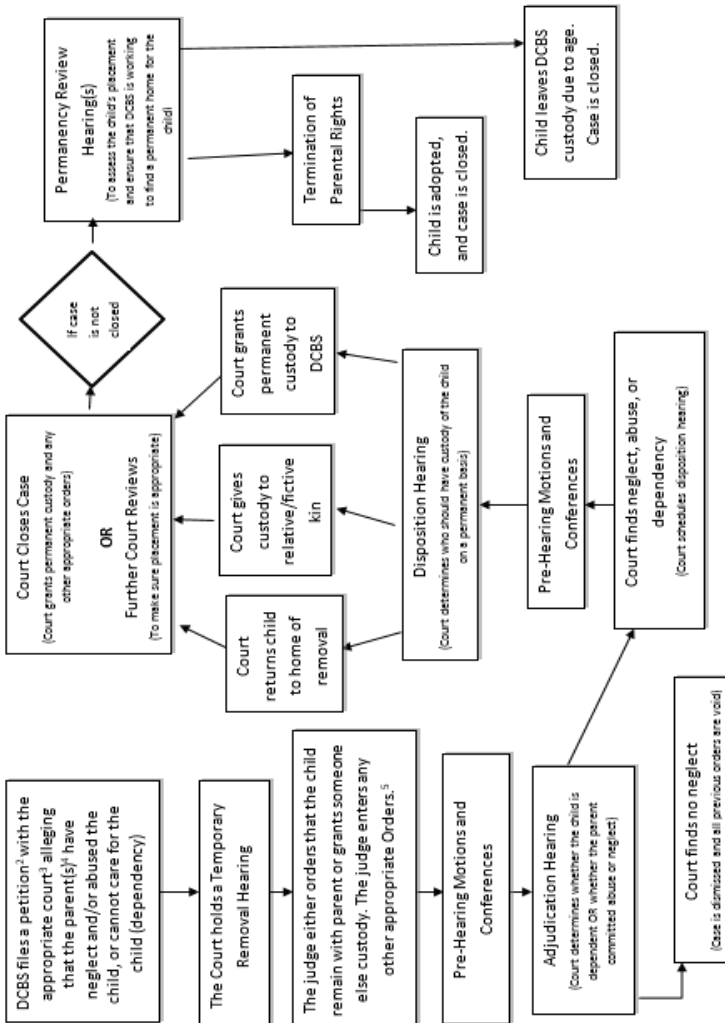
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- Kentucky Cabinet for Health and Family Services (n.d.). *When a Child is Removed from Their Home: A Guide for Relative and Fictive Kin Caregivers*. [Pamphlet]. Frankfort, KY: Author
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Child Protection Court Process for DNA Cases

The flowchart below shows the steps of a child welfare court case. It is provided as a guide. Your case may vary.

CHILD PROTECTION COURT PROCESS FOR DEPENDENCY, NEGLECT, AND ABUSE CASES



¹ DCBS may also ask the court for an Emergency Custody Order (ECO), which, if granted, could allow DCBS to take emergency custody of the child. KRS 620.060. ECO's are appropriate when the child should be removed immediately because there is a high risk of harm if the child remains.

² The petition could be against parent(s) or any other person who was exercising custodial control when the educational neglect occurred. KRS 620.070.

³ The judge may make orders to ensure the protection of the child. KRS 620.130. The court may also dismiss the action if legally appropriate at any time.

Concerns and Complaints

Social Services Concerns or Complaints

Office of the Ombudsman
275 East Main Street, Suite 1E-B
Frankfort, Kentucky, 40621
(800) 372-2973
<http://cfs.ky.gov/os/omb>
email CHFS.Listens@ky.gov

Judicial Concerns or Complaints

Judicial Conduct Commission
PO Box 4266
Frankfort, Kentucky 40604
(502) 564-1231

Attorney Concerns or Complaints

Kentucky Bar Association
Office of Bar Counsel
514 West Main Street
Frankfort, Kentucky 40601
(502) 564-3795 ext.723
<https://www.kybar.org/page/attdis>

Interpreter Services

You have the right to an interpreter at no cost to you. Please point to your language. An interpreter will be called. Please wait.

Albanian

Shqip

Keni të drejtën për përkthyes falas gjatë vizitës mjekësore. Ju lutem tregoni me gjuhë gjatë ditë flisni. Ju lutem prisni, do t'ju gjejnë një përkthyes për vizitën mjekësore.

Amharic

አማርኛ

የሌሎች ማዕዘን አስተርጓሚ የማግኘት ሙቀት አለዎት ። የሚተርጉሙትን የሚያውቁትን ጽንፍ ተመልከቱ ። አስተርጓሚን እስኪጠይቁ ድረስ እየዘጋጁ ይታገቡ ።

Arabic

عربي

يحق لك الحصول على خدمات ترجمة فورية دون أي مقابل. يرجى منك أن تشير بإصبعك إلى لغتك التي نستخدمها لترجمتها المعني. يرجى منك الانتظار لعين استدعاء المترجم.

Armenian

Հայերեն

Ձեր անդամք արժանացնում եմ անմատչելի իրավունք անսակ ռիտ կվարի: Ինքնուրու եմ աստիճանիցը ձեր կարող է արժանացնիլիք կմտածես: Ինքնուրու եմ սպասեք:

Bengali

বাংলা

আপনার অধিকার রয়েছে বিনামূল্যে একজন মোতাভি পাওয়ার। অনুগ্রহ করে আপনার ভাষা বোঝানি তা দেখিয়ে দিন। একজন মোতাভিকে ডাকা হবে। অনুগ্রহ করে অপেক্ষা করুন।

Cape Verdean Creole

Criolu di Cabu Verdi

Nhós tem direito a um intérprete gratuito di nhós lingua. Mostra qual qui nhós lingua pa nó podi tichorna intérprete. Nhós aguarda um momento, por favor.

Chinese

中文

Cantonese | Mandarin | Toisanese | Taiwanese/Fukienese | Min
广东话 | 国语 | 台山话 | 台湾话/福建话 | 闽语

你有权要求一位免费的传译员。
请指出你的语言。传译员将为你服务，请稍候。

French

Français

Vous avez droit gratuitement aux services d'un interprète. Veuillez indiquer votre langue. Nous allons contacter un interprète. Veuillez patienter si'il vous plaît!

German

Deutsch

Sie haben kostenlosen Anspruch auf eine/n Dolmetscher/in. Bitte deuten Sie auf Ihre Sprache. Ein/e Dolmetscher/in wird gerufen. Bitte warten Sie.

Greek

Ελληνικά

Είστε δικαιωμένα σας να χρησιμοποιήσετε δωρεάν ένα χερικό κομία χρηματική επιβαρυνση. Σας παρακαλούμε, υποδείξετε τη γλώσσα που μιλάτε. Θα ειδοποιήσουμε ένα δωρεάν. Παρακαλώ περιμένετε.

Haitian Creole

Kreyòl Ayisyen

Ou gen dwa a yon entèprèt gratis. Tanpri montre nou lang pa w la. N ap rèle yon entèprèt pou ou. Tanpri ret tan.

Hebrew

עברית

יש לך כוחות השמנת בשרתיו של מותרגום ללא תשלום. אנה הצבע על השפה שלך. מיד ניצור קשר עם מותרגום. אנה המתן.

Hindi

हिन्दी

आपको नि:शुल्क दुभाषिया (अनुवादक) प्राप्त करने का अधिकार है। कृपया अपनी भाषा की ओर इशारा करें। एक दुभाषिया (अनुवादक) को बुलाया जाएगा। कृपया प्रतीक्षा करें।

Hmong

Hmoob

Koj muaj cai txais kev pab txhais lus dawb tsis them nyiaj. Thov law tes rau koj hom lus nov. Mam hu lus txhais lus. Thov nyob tos.

Italian

Italiano

Avete diritto ad un interprete. Il servizio è gratuito. Indicate la vostra lingua e attendete; un interprete sarà chiamato al più presto.

Japanese

日本語

通訳を無料でご利用になれます。該当する言語を指示して下さい。通訳を手配いたしますのでお待ち下さい。

Khmer

ខ្មែរ

លោក-អ្នកមានសិទ្ធិស្នើសុំអ្នកបកប្រែម្នាក់ដោយឥតគិតថ្លៃ។ សូមប្រាប់ឲ្យយើង ថា តើ យើង ត្រូវ ប្រាប់ លោក-អ្នក ពី ភាសា ណា ដែល យើង ត្រូវ ប្រើ ប្រាស់ ក្នុង ការ សួរ ប្រកាស ឲ្យ លោក-អ្នក បាន ឬ ទេ?

Korean

언어

여러분은 무료로 전문 통역자의 도움을 받을 권리가 있습니다. 왼쪽의 "한국어"를 손가락으로 가르키 주십시오. 전문 통역자에게 연결 될 것입니다. 잠시만 기다려 주십시오.

Laotian

ລາວ

ທ່ານມີສິດສុំຂໍບ່ອນປ່ຽນພາສາໂດຍບໍ່ເສັຽຄ່າ. ກະລຸນາສົ່ງໂທລະສາຂອງທ່ານ. ນາຍພາສາຈະຖືກເອົາມາ. ກະລຸນາລໍຖ້າ.

Polish

Język polski

Masz prawo do korzystania z usług polskiego tłumacza. Usługa ta jest na nasz koszt. Proszę wskazać swój język. Proszę czekać. Łączymy z tłumaczem.

Portuguese

Português

Você tem o direito a um intérprete de graça. Por favor aponte para a língua que você fala. Um intérprete será chamado. Por favor espere.

Russian

Русский

Вы имеете право на услуги бесплатного переводчика. Назовите, пожалуйста, свой язык. Медицинский переводчик будет вызван. Пожалуйста, подождите.

Serbo-Croatian

Srpsko-Hrvatski jezik

Vi imate pravo na besplatnog prevodilaca. Molimo vas da pokazete na vas govorni jezik. Laglan prevodilac ce biti pozvan. Hvala I molimo vas da sacekate.

Somali

Soomaali

Waxaad xaq u leedahay in lafarjamaan lacag la'aan ah laguugu yeero. Fadlan farta ku fiiq luqaddaada. Tarjumaan ayaa laguugu wacayaa. Ee fadlan sug!

Spanish

Español

Usted tiene derecho a un intérprete gratis. Por favor, señale su idioma y llamaremos a un intérprete. Por favor, espere.

Swahili

Swahili

Ni hakiki kuwa na mtafsiri bila malipo yoyote. Tafadhali chagua lugha yako kati ya hizi. Mtafsiri ataitwa. Tafadhali ngoja.

Tagalog

Tagalog

Ikaw ay may karapatan na magkaroon ng tagapagsalin na walang bayad. Iluro ang iyong wikla. Ang tagapagsalin ay tatawagin. Maghintay.

Thai

ไทย

ท่านมีสิทธิขอความช่วยเหลือโดยไม่เสียค่าใช้จ่ายโดย กรุณาชี้ที่ภาษาที่ท่านต้องการที่จะพูดกับเจ้าหน้าที่

Ukrainian

Українська

У Вас є право на безплатного перекладача. Будь ласка, вкажіть на Вашу мову, і Вам поклинуть перекладача. Почекайте, будь ласка.

Urdu

اردو

آپ مفت ترجمانی کی خدمات کے مستحق ہیں براہ کرم اپنی زبان کی طرف اشارہ کیجئے آپ کے لئے ایک ترجمان کا انتظام کیا جائیگا براہ کرم انتظار کیجئے

Vietnamese

Tiếng Việt

Quý vị có quyền được một thông dịch viên miễn phí. Xin chỉ vào ngôn ngữ của quý vị. Chúng tôi sẽ gọi một thông dịch viên. Vui lòng chờ trong giây lát.

NOTES



Administrative Office of the Courts
1001 Vandalay Drive
Frankfort, KY 40601
(502) 573-2350 or (800) 928-2350
www.kycourts.gov

Developed by the Court Improvement Program State Team, in collaboration with former foster youth and current foster parents.