

D.C. Resource Parents and the Family Court

Produced in partnership between Foster & Adoptive parent Advocacy Center (FAPAC) and Children's Law Center (CLC)

Going to Court

Why should I go to court:

Every child in D.C. foster care has a case called an "abuse and neglect case" in Family Court in D.C. Superior Court. Kinship and foster parents have very important information about the children in their care and make important day-to-day decisions about them. Court hearings are an opportunity to share information and find out what is going on in the child's legal case. Foster and kinship parents are not required to go to court hearings but it is a good idea to attend. If you are interested in being the child's long-term caregiver, you should always go to court hearings.

Where do I go to court:

D.C. Superior Court is located at 500 Indiana Avenue, NW. All abuse and neglect case courtrooms are on the first floor or the JM level of the court house.

The judges have assigned courtrooms. There is an information desk near the main entrance of the court house – ask there for the judge's court room number.

When do I go to court:

Hearings usually happen every three or four months for a child in foster care. Sometimes they happen more often and sometimes less. Hearings must happen at least once every six months.

Federal law requires that Child and Family Service Agency (CFSA) provide you with written notice of hearings and give you an "**opportunity to be heard**" in those court proceedings. You do not, however, have the automatic right to stay for the whole hearing. Unless you have been granted "**party status**," you may not have the right to hear all information given in court and may be asked to leave when confidential information concerning the child's parents is being shared. Should you not receive written notice, the social worker and guardian ad litem (GAL) for the child can also tell you when the next hearing is.

Sometimes the security lines at court can take a long time. Be sure to build in extra time – at least 15 minutes - to get through security so you are not late for the hearing.

Who is at the court hearings:

- the judge (usually always the same judge for the entire case)
- the child's attorney called the Guardian ad litem (GAL)
- the social worker from the Child and Family Services Agency (CFSA) or another agency
- the attorney for the government called the Assistant Attorney General (AAG)
- birth parents and their attorneys

What is "being made a party"?

If you are made a "**party**," you have greater rights of participation in the court process. You may receive more information both in court and through copies of court orders and court reports and other documents you may otherwise not have access to, may be given more of an opportunity to provide an opinion on issues involving the child's permanent placement, and will most likely be able to stay in the courtroom for the entire hearing. Depending upon income, you may be eligible for a court-appointed attorney. If a child has been living with you for 12 months or more, and **you request** becoming a "party," the judge hearing the case must grant it. *If a child has been living with you for less than twelve months, you can request party status, but the decision is at the judge's discretion.* If you are granted **party status**, unless you make a special request, your address will be added to the court file so that the court can mail you all appropriate documents and will no longer be kept confidential from other parties in the case.

Can I have an attorney represent me in court?

Yes, but unlike the child, birth parent and the agency, you are not automatically provided with one. Usually foster and kinship parents do not need a lawyer for the first six months after a child comes to live with them. Usually foster and kinship parents get a lawyer when they want to adopt or have guardianship of the child. You do not have to wait for the court or social worker or anyone else to say that you can or should get a lawyer.

Court Advocacy Tips for Resource Parents

1. **Keep a file with all information about the child you are caring for**
 - a. Get copies of important documents related to the child and keep them in a file (for example: social worker reports, court orders, school and medical documents, evaluations of the child)
 - b. Get promises or refusals to do things in writing
 - c. Use a notebook and calendar to write down concerns or problems

- d. Take good notes about conversations you have
2. **Plan ahead for court hearings and meetings**
 - a. Ask for the social worker's report two weeks before the hearing. Ask again if the social worker doesn't give it to you the first time you asked!
 - b. Make a checklist of what you want to talk about and things you need to bring
 3. **Provide specific, factual information when speaking at court or in meetings**
 - a. Describe behaviors you have observed
 - b. Describe conversations you have had
 - c. Make sure your points focus on the best interests of the child
 4. **When in court or at meetings, be respectful and stay calm**
 - a. Refer to the judge as "Your honor"
 - b. Ask permission to speak: "May I say something please" or raise your hand
 - c. Listen carefully to understand what people are saying
 - d. Focus on the facts, not on opinions or people
 - e. Be aware of your body language
 5. **Read everything and when in doubt, ask questions**
 - a. Even if people are rushing you, read the whole document before you sign something
 - b. Ask people to repeat what they said or write a summary using "regular language"
 6. **Don't sign something if you don't agree with it or don't understand it**
 - a. You may lose important rights if you sign something

And don't forget...know when to ask for outside help!

If you have legal questions or want a lawyer you can call Children's Law Center (CLC) at 202-467-4900 extension 3 to speak with an attorney for legal advice or information or to begin an intake. Children's Law Center does not charge any fees for advice and representation. You can also call FAPAC at 202-269-9441 for assistance or referral.