

# JUVENILE DEPENDENCY

## *Children Removed From Their Parents Because of Abuse or Neglect*

### **What is "dependency"?**

Most people call the juvenile dependency court "the system". Dependency court looks after children who have been removed from their parents because of abuse or neglect. If a child is "in the system" (has been removed from an abusive or neglectful home), the parents are usually given some time to work on programs and classes to help them provide a safer home for their children. During this time, children are considered "dependents" of the court and it is the dependency court judge's responsibility to make sure each child's needs are being met.

### **What kind of situations lead to a child's removal?**

Drug use, domestic violence, medical neglect, physical abuse, mental illness, or sexual abuse can lead to someone losing their children. A child does not have to be physically harmed in order for there to be abuse. Exposure to situations which are seriously emotionally damaging to children can lead to a removal of the child from his or her parent.

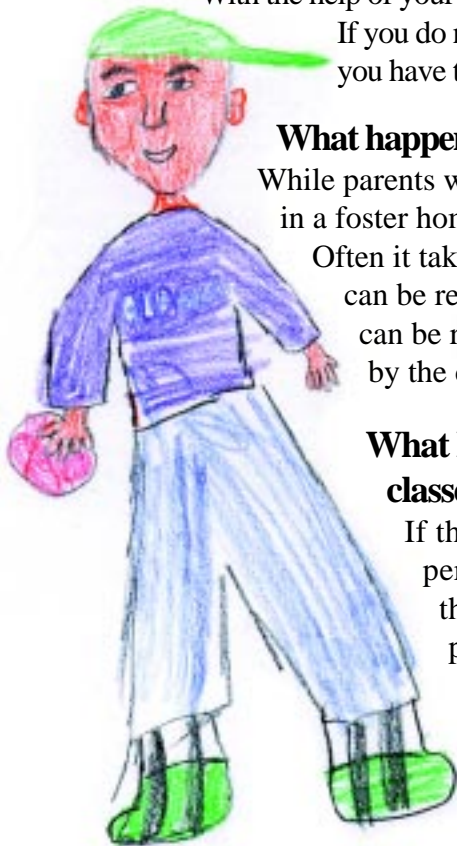
### **Where do I get help if my child is made a dependent?**

If your child is removed from your care, a social worker from the Department of Social Services is required to inform you of the first court hearing regarding your child. When you go to the court house, you will be interviewed to see if you qualify for a lawyer. Almost all teen-aged/young parents qualify for a lawyer because most young parents don't have any money to pay for a private lawyer. Assuming you qualify, an attorney will be appointed to represent you. Your attorney will help you understand what is happening in court and will advocate for you in front of the judge.

### **What if I am falsely accused of abuse or neglect?**

With the help of your lawyer, you will have an opportunity to be heard in the court proceedings.

If you do not agree with what is happening or feel that things are misrepresented, you have the right to give your explanation to the judge (through your lawyer).



### **What happens to children after they are removed from their parents?**

While parents work on programs to help the parent create a safer home, children live in a foster home, with a relative, or even with a parent, under court supervision.

Often it takes some time for parents to work on their problems before a child can be returned. Once the parent completes the court's requirements, a child can be returned to the home. Usually, the family continues to be supervised by the court for about a year to make sure the home remains safe.

### **What happens when a parent does not complete programs and classes ordered by the court?**

If the parent fails to complete court-ordered programs, another permanent home (outside of the parent's home) will be found for that child. The law requires the court to find the most stable, permanent home possible for a child who is not returning to his or her parent. That means that adoption is preferred. If adoption is not possible, then the court will try to establish a legal guardian for the child. If neither of those plans work, then the child remains a foster child and the court will review their case every six months until the child is 18.

## **How does a child become a part of "the system"?**

Often, an anonymous tip is made to the police or to a government agency (Child Protective Services) that a child is in an unsafe situation. A social worker goes to the home with a police officer and checks things out. If the child appears in danger, the child may immediately be taken to the children's shelter. Then legal papers are filed with the court and a court hearing is scheduled to figure out what should happen next with the child.

## **Does the court always get involved when there's a report of abuse or neglect?**

Sometimes, a report of child abuse or neglect is checked out, but it's not serious enough to get the court involved. In those cases, a social worker may ask parents to voluntarily participate in programs and classes to help create a safer home. If a parent does not cooperate and the situation does not improve or gets worse, legal papers can then be filed to get the court involved.

## **What could happen if the court gets involved and a child is made a dependent of the court?**

What happens when the court gets involved will depend mostly on individual parents. If parents cooperate and try to remove the unsafe conditions in their lives, they will get their children back. After an additional period of court supervision, to assure home safety, the case is then dismissed. If a parent does not complete the court's requirements, the parent could lose their children. A permanent plan of foster care, guardianship or adoption would then be established. If the child is adopted, the parent's rights to that child are terminated forever.

## **How long does it take to get your child returned to you?**

The amount of time it takes to get a child returned to a parent depends on the individual parent and the seriousness of the abuse or neglect. If a removed child is under the age of three, the law only gives a parent six months to get their child back. If a child is over three or special circumstances extend this period, a parent may get 12 to 18 months to reunite with their child. In no case, can a parent get more than 18 months to reunite with a removed child. Of course, it does not have to take that long if a parent gets involved in programs right away.

### **Common Myths:**

**Myth:** *Since the mom and I were split up when the baby was taken from her, the court has to give the baby to me. I wasn't the one neglecting the baby.*

**Reality:** Once a child is removed from one parent, the social worker and the court will only release the child to the other parent if it is clear that the child would be safe in that home. If the dad in this case knew that the mom was neglecting the baby, but did not do anything to protect the baby, he may have to take some classes too, in order to get the baby back. Or, if the social worker's investigation shows that the dad has a history of drug arrests, including a recent arrest, he may be asked to do a drug program -- even if the original child neglect had nothing to do with drugs!

**Myth:** *My boyfriend hits me sometimes and yells at me a lot, but he has never hit the kids. Since the kids have never been hit, they won't be removed from me.*

**Reality:** A child does not have to be hit to be removed. If the adults in the home are violent and/or verbally abusive to each other, a child may be removed. Living in a violent and abusive environment is very damaging for children.

**Myth:** *In order for my children to be adopted by someone else, I have to give my permission.*

**Reality:** If your child has been removed because of abuse or neglect and you fail to complete court-ordered programs, your parental rights can be terminated. If your parental rights are terminated, a court can make an order for your child to be adopted by someone else, even without your consent.

*Fact Sheets for Teen Parents can be found on-line at: <http://www.teenparents.org>*